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## THE SOUTH PACIFIC COMMISSION

NOTE.—The agreement concerning the establishment of the South Pacific Commission was drawn up at the South Seas Conference held at Canberra, 28 January—6 February 1947. It is modeled in a general way upon the Agreement of 30 October 1946, relating to the Caribbean Commission. The South Seas Conference further drew up a series of immediate projects to which it recommended that early consideration be given by the South Pacific Commission.

BIBLIOGRAPHY: Emil J. Sady, Report on the South Seas Conference, 16 Department of State Bulletin 459.

### (15) Agreement Establishing the South Pacific Commission, Canberra, 6 February 1947\*

(Text supplied by the Department of State)

The Governments of Australia, the French Republic, the Kingdom of the Netherlands, New Zealand, the United Kingdom of Great Britain and Northern Ireland, and the United States of America (hereinafter referred to as “the participating Governments”),

Desiring to encourage and strengthen international co-operation in promoting the economic and social welfare and advancement of the peoples of the non-self-governing territories in the South Pacific region administered by them,

Have through their duly authorised representatives met together in Canberra made an Agreement in the following terms:

ARTICLE I. *Establishment of the Commission*.—1. There is hereby established the South Pacific Commission (hereinafter referred to as “the Commission”).

ARTICLE II. *Territorial Scope*.—2. The territorial scope of the Commission shall comprise all those non-self-governing territories in the Pacific Ocean which are administered by the participating Governments

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\*Not in force 1 October 1947.

and which lie wholly or in part south of the Equator and east from and including Netherlands New Guinea.

3. The territorial scope of the Commission may be altered by agreement of all the participating Governments.

ARTICLE III. *Composition of the Commission.*—The Commission shall consist of not more than twelve Commissioners. Each participating Government may appoint two Commissioners and shall designate one of them as its senior Commissioner.

5. Each participating Government may appoint such alternates and advisers to its Commissioners as it considers desirable.

ARTICLE IV. *Powers and Functions.*—6. The Commission shall be a consultative and advisory body to the participating Governments in matters affecting the economic and social development of the non-self-governing territories within the scope of the Commission and the welfare and advancement of their peoples. To this end, the Commission shall have the following powers and functions:

(a) to study, formulate and recommend measures for the development of, and where necessary the co-ordination of services affecting, the economic and social rights and welfare of the inhabitants of the territories within the scope of the Commission, particularly in respect of agriculture (including animal husbandry), communications, transport, fisheries, forestry, industry, labour, marketing, production, trade and finance, public works, education, health, housing and social welfare;

(b) to provide for and facilitate research in technical, scientific, economic and social fields in the territories within the scope of the Commission and

to ensure the maximum co-operation and co-ordination of the activities of research bodies;

(c) to make recommendations for the co-ordination of local projects in any of the fields mentioned in the previous sub-paragraphs which have regional significance and for the provision of technological assistance from a wider field not otherwise available to a territorial administration;

(d) to provide technical assistance, advice and information (including statistical and other material) for the participating Governments;

(e) to promote co-operation with non-participating Governments and with non-governmental organisations of a public or quasi-public character having common interests in the area, in matters within the competence of the Commission;

(f) to address inquiries to the participating Governments on matters within its competence;

(g) to make recommendations with regard to the establishment and activities of auxiliary and subsidiary bodies;

7. The Commission may discharge such other functions as may be agreed upon by the participating Governments.

8. The Commission may make such administrative arrangements as may be necessary for the exercise of its powers and the discharge of its functions.

9. With a view to facilitating the inauguration of the work of the Commission in matters immediately affecting the economic and social welfare of the local inhabitants of the territories within the scope of the Commission, the Commission shall give early consideration to the projects set forth in the resolution (appended to this Agreement) relating to important immediate projects adopted by the South Seas Conference at Canberra, Australia, on February 6, 1947.

10. The participating Governments undertake to

secure such legislative and administrative provision as may be required to ensure that the Commission will be recognised in their territories as possessing such legal capacity and as being entitled to such privileges and immunities (including the inviolability of its premises and archives) as are necessary for the independent exercise of its powers and discharge of its functions.

ARTICLE V. *Procedure of the Commission.*—11. Irrespective of the place of meeting, each senior Commissioner shall preside over sessions of the Commission in rotation, according to the English alphabetical order of the participating Governments.

12. The Commission may meet at such times and in such places as it may determine. It shall hold two regular sessions in each year, and such further sessions as it may decide.

13. At a meeting of the Commission two-thirds of all the senior Commissioners shall constitute a quorum.

14. The decisions of the Commission shall be taken in accordance with the following rules:—

(a) senior Commissioners only shall be entitled to vote;

(b) procedural matters shall be decided by a majority of the senior Commissioners present and voting;

(c) decisions on budgetary or financial matters which may involve a financial contribution by the participating Governments (other than a decision to adopt the annual administrative budget of the Commission), shall require the concurring votes of all the senior Commissioners;

(d) decisions on all other matters (including a decision to adopt the annual administrative budget of the Commission) shall require the concurring votes of two-thirds of all the senior Commissioners.

15. In the absence of a senior Commissioner, his functions shall be discharged for all purposes of this Article by the other Commissioner appointed by his Government or, in the absence of both, by an alternate designated by his Government or the senior Commissioner.

16. The Commission may appoint Committees and, subject to the provisions of this Agreement, may promulgate rules of procedure and other regulations governing the operations of the Commission, of its auxiliary and subsidiary bodies and such Committees as it shall establish, and of the Secretariat and generally for the purpose of carrying into effect the terms of this Agreement.

17. The official languages of the Commission and its auxiliary and subsidiary bodies, shall include English and French.

18. The Commission, shall make to each of the participating Governments, and publish, an annual report on its activities, including those of its auxiliary and subsidiary bodies.

ARTICLE VI. *Research Council*.—19. In view of the special importance of research for the carrying out of the purposes of the Commission, there shall be established a Research Council which shall serve as a standing advisory body auxiliary to the Commission.

ARTICLE VII. *Composition of the Research Council*.—20. Members of the Research Council shall be appointed by the Commission on such terms and conditions as the Commission may decide.

21. (a) The Commission shall appoint, as members of the Research Council, such persons distinguished in the fields of research within the competence of the Commission as it considers necessary for the discharge of the Council's functions.

(b) Among the members of the Council so appointed there shall be a small number of persons

highly qualified in the several fields of health, economic development and social development who shall devote their full time to the work of the Research Council.

22. The Research Council shall elect a Chairman from its members.

23. The Commission shall appoint a full-time official who shall direct research and be charged with the general responsibility for supervising the execution of the programme of the Research Council. He shall be, *ex officio*, a member and the Deputy Chairman of the Council and, subject to the directions of the Commission, shall be responsible for arranging and facilitating co-operative research, for arranging and carrying out research projects of a special nature, for collecting and disseminating information concerning research and for facilitating the exchange of experience among research workers of the area. He shall be responsible to the Secretary-General for all administrative matters connected with the work of the Research Council and of its Committees.

24. In all technical matters full-time members shall be under the direction of the Deputy Chairman of the Research Council. In all administrative matters they shall be responsible to the Secretary-General.

25. Recommendations of the Research Council in connection with research projects to be undertaken shall be first submitted to the Commission for approval.

ARTICLE VIII.—*Functions of the Research Council.*—26. The functions of the Research Council shall be:

(a) to maintain a continuous survey of research needs in the territories within the scope of the Com-

mission and to make recommendations to the Commission on research to be undertaken;

(b) to arrange, with the assistance of the Secretary-General, for the carrying out of the research studies approved by the Commission, using existing institutions where appropriate and feasible;

(c) to co-ordinate the research activities of other bodies working within the field of the Commission's activities and, where possible, to avail itself of the assistance of such bodies;

(d) to appoint technical standing research committees to consider problems in particular fields of research;

(e) to appoint, with the approval of the Commission, *ad hoc* research committees to deal with special problems;

(f) to make to each session of the Commission a report of its activities.

ARTICLE IX. *The South Pacific Conference.*—27. In order to associate with the work of the Commission representatives of the local inhabitants of, and of official and non-official institutions directly concerned with, the territories within the scope of the Commission, there shall be established a South Pacific Conference with advisory powers as a body auxiliary to the Commission.

ARTICLE X.—*Sessions of the Conference.*—28. A session of the South Pacific Conference shall be convoked within two years after this Agreement comes into force, and thereafter at intervals not exceeding three years.

29. Each session of the Conference shall be held in one of the territories within the scope of the Commission at a place designated by the Commission with due regard to the principle of rotation.

30. The Chairman of each session of the Confer-



ence shall be one of the Commissioners of the Government in whose territory the session is held.

31. The Secretary-General shall be responsible for the administrative arrangements of the Conference.

32. The Commission shall adopt rules of procedure for the Conference and approve the agenda for each session of the Conference. The Secretary-General shall prepare the necessary documents for consideration by the Commission.

33. The Conference may make recommendations to the Commission on procedural questions affecting its sessions. It may also recommend to the Commission the inclusion of specific items on the agenda for the Conference.

ARTICLE XI. *Composition of the Conference.*—34. Delegates to the Conference shall be appointed for each territory which is within the scope of the Commission and which is designated for this purpose by the Commission. The maximum number of delegates for each territory shall be determined by the Commission. In general, the representation shall be at least two delegates for each designated territory.

35. Delegates shall be selected in such a manner as to ensure the greatest possible measure of representation of the local inhabitants of the territory.

36. Delegates shall be appointed for each designated territory in accordance with its constitutional procedure.

37. The delegation for each designated territory may include alternate delegates and as many advisers as the appointing authority considers necessary.

ARTICLE XII. *Functions of the Conference.*—38. The Conference may discuss such matters of common interest as fall within the competence of the

Commission, and may make recommendations to the Commission on any such matters.

ARTICLE XIII. *The Secretariat.*—39. The Commission shall establish a Secretariat to serve the Commission and its auxiliary and subsidiary bodies.

40. The Commission shall, subject to such terms and conditions as it may prescribe, appoint a Secretary-General and a Deputy Secretary-General. They shall hold office for five years unless their appointments are earlier terminated by the Commission. They shall be eligible for re-appointment.

41. The Secretary-General shall be the chief administrative officer of the Commission and shall carry out all directions of the Commission. He shall be responsible for the functioning of the Secretariat, and shall be empowered, subject to such directions as he may receive from the Commission, to appoint and dismiss, as necessary, members of the staff of the Secretariat.

42. In the appointment of the Secretary-General, the Deputy Secretary-General and the staff of the Secretariat, primary consideration shall be given to the technical qualifications and personal integrity of candidates. To the fullest extent consistent with this consideration, the staff of the Secretariat shall be appointed from the local inhabitants of the territories within the scope of the Commission and with a view to obtaining equitable national and local representation.

43. Each participating Government undertakes so far as possible under its constitutional procedure to accord to the Secretary-General, to the Deputy Secretary-General, to the full time members of the Research Council and to appropriate members of the staff of the Secretariat such privileges and immunities as may be required for the independent discharge of their functions. The Commission may make

recommendations with a view to determining the details of the application of this paragraph or may propose conventions to the participating Governments for this purpose.

44. In the performance of their duties, the Secretary-General, the Deputy Secretary-General, the full time members of the Research Council and the staff of the Secretariat shall not seek or receive instructions from any Government or from any other authority external to the Commission. They shall refrain from any action which might reflect on their position as international officials responsible only to the Commission.

45. Each participating Government undertakes to respect the exclusively international character of the responsibilities of the Secretary-General, the Deputy Secretary-General, the full time members of the Research Council, and the staff of the Secretariat, and not to seek to influence them in the discharge of their responsibilities.

ARTICLE XIV. *Finance*.—46. The Commission shall adopt an annual budget for the administrative expenses of the Commission and its auxiliary and subsidiary bodies, and such supplementary budgets as it may determine. The Secretary-General shall be responsible for preparing and submitting to the Commission for its consideration the annual administrative budget and such supplementary budgets as the Commission may require.

47. Except for the salaries, allowances and miscellaneous expenditures of the Commissioners and their immediate staffs, which shall be determined and paid by the respective Governments appointing them, the expenses of the Commission and its auxiliary and subsidiary bodies (including the expenses of delegates to the South Pacific Conference

on a scale approved by the Commission) shall be a charge on the funds of the Commission.

48. There shall be established, to meet the expenses of the Commission, a fund to which each participating Government undertakes, subject to the requirements of its constitutional procedure, to contribute promptly its proportion of the estimated expenditure of the Commission, as determined in the annual administrative budget and in any supplementary budgets adopted by the Commission.

49. The expenses of the Commission and its auxiliary and subsidiary bodies shall be apportioned among the participating Governments in the following proportions:—

	<i>Percent</i>
Australia.....	30
France.....	12½
The Netherlands.....	15
New Zealand.....	15
United Kingdom of Great Britain and Northern Ireland.....	15
United States of America.....	12½

Before the close of its second fiscal year, the Commission shall review the apportionment of expenses and recommend to the participating Governments such adjustments as it considers desirable. Adjustments may at any time be made by agreement of all the participating Governments.

50. The fiscal year of the Commission shall be the calendar year.

51. Subject to the directions of the Commission, the Secretary-General shall be responsible for the control of the funds of the Commission and of its auxiliary and subsidiary bodies and for all accounting and expenditure. Audited statements of accounts for each fiscal year shall be forwarded to each participating Government as soon as possible after the close of the fiscal year.

52. The Secretary-General, or an officer authorised by the Commission to act as Secretary-General pending the appointment of the Secretary-General, shall at the earliest practicable date after the coming into force of this Agreement submit to the Commission an administrative budget for the current fiscal year and any supplementary budgets which the Commission may require. The Commission shall thereupon adopt for the current fiscal year an administrative budget and such supplementary budget as it may determine.

53. Pending adoption of the first budget of the Commission, the administrative expenses of the Commission shall be met, on terms to be determined by the Commission, from an initial working fund of £40,000 sterling to which the participating Governments undertake to contribute in the proportions provided for in paragraph 49 of this Agreement.

54. The Commission may in its discretion accept for inclusion in its first budget any expenditure incurred by the Governments of Australia or New Zealand for the purpose of paragraph 64 of this Agreement. The Commission may credit any such expenditure against the contribution of the Government concerned. The aggregate of the amounts which may be so accepted and credited shall not exceed £5,000 sterling.

ARTICLE XV. *Relationship with Other International Bodies.*—55. The Commission and its auxiliary and subsidiary bodies, while having no organic connection with the United Nations, shall co-operate as fully as possible with the United Nations and with appropriate specialised agencies on matters of mutual concern within the competence of the Commission.

56. The participating Governments undertake to consult with the United Nations and the appropriate specialised agencies at such times and in such manner

as may be considered desirable, with a view to defining the relationship which may in future exist and to ensuring effective co-operation between the Commission, including its auxiliary and subsidiary bodies, and the appropriate organs of the United Nations and specialised agencies dealing with economic and social matters.

57. The Commission may make recommendations to the participating Governments as to the manner in which effect can best be given to the principles stated in this Article.

ARTICLE XVI.—*Headquarters*.—58. The permanent headquarters of the Commission and its auxiliary and subsidiary bodies shall be located within the territorial scope of the Commission at such place as the Commission may select. The Commission may establish branch offices and, except as otherwise provided in this Agreement, may make provision for the carrying on of any part of its work or the work of its auxiliary and subsidiary bodies at such place or places within or without the territorial scope of the Commission as it considers will most effectively achieve the objectives for which it is established. The Commission shall select the site of the permanent headquarters within six months after this Agreement comes into force. Pending the establishment of its permanent headquarters, it shall have temporary headquarters in or near Sydney, Australia.

ARTICLE XVII. *Saving Clause*.—59. Nothing in this Agreement shall be construed to conflict with the existing or future constitutional relations between any participating Government and its territories or in any way to affect the constitutional authority and responsibility of the territorial administrations.

ARTICLE XVIII. *Alteration of Agreement*.—60. The provisions of this Agreement may be amended by consent of all the participating Governments.

ARTICLE XIX. *Withdrawal*.—61. After the expiration of five years from the coming into force of this Agreement a participating Government may withdraw from the Agreement on giving one year's notice to the Commission.

62. If any participating Government ceases to administer non-self-governing territories within the scope of the Commission, that Government shall so notify the Commission and shall be deemed to have withdrawn from the Agreement as from the close of the then current calendar year.

63. Notwithstanding the withdrawal of a participating Government this Agreement shall continue in force as between the other participating Governments.

ARTICLE XX. *Interim Provisions*.—64. Preliminary arrangements for the establishment of the Commission shall be undertaken jointly by the Governments of Australia and New Zealand.

ARTICLE XXI. *Entry Into Force*.—65. The Governments of Australia, the French Republic, the Kingdom of the Netherlands, New Zealand, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall become parties to this Agreement by:

(a) signature without reservation, or

(b) signature *ad referendum* and subsequent acceptance. Acceptance shall be effected by notification to the Government of Australia. The Agreement shall enter into force when all the above-mentioned Governments have become parties to it.

66. The Government of Australia shall notify the other above-mentioned Governments of each acceptance of this Agreement, and also of the date on which the Agreement comes into force.

67. The Government of Australia shall on behalf

of all the participating Governments register this Agreement with the Secretariat of the United Nations in pursuance of Article 102 of the Charter of the United Nations.

This Agreement, of which the English, French and Netherlands texts are equally authentic, shall be deposited in the archives of the Government of Australia. Duly certified copies thereof shall be transmitted by the Government of Australia to the other participating Governments.

*In witness whereof* the duly authorised representatives of the respective participating Governments have signed this Agreement.

Opened in Canberra for signature on the sixth day of February, One thousand nine hundred and forty seven.

[The signatures on behalf of the participating Governments were *ad referendum*.]