

**CONSOLIDATION OF AGREED PROVISIONS AND PRACTICES RELATING
TO THE ESTABLISHMENT AND OPERATION OF THE SOUTH PACIFIC
COMMISSION, INCLUDING THE CANBERRA AGREEMENT OF 1947 AS
AMENDED**

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[Incorporating all Amendments made up to and including the modifications agreed to at the Thirty-Fifth Session of the South Pacific Commission, October 1972 and the Amendment which Entered into Force on 4 June, 1980]

[Note: Important related documents are the Memoranda of understanding signed by representatives of participating Governments at Rarotonga, Cook Islands, on 2 October, 1974 and at Noumea, New Caledonia on 20 October, 1976, which, subject to any provision therein to the contrary, will be construed as one with the Canberra Agreement. The texts of the two Memoranda are appended to this document as Appendices A and B respectively .]

[Note also the implementation of local provisions of the Agreement by the 1953 "[Angammarre Agreement](#)" covering French Territories, and other legislation covering SPC's [status](#) in other territories]

The Governments of Australia, the French Republic, 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 authorized 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:

(a) all those territories in the Pacific Ocean which are administered by the participating Government and which are wholly or in part south of the Equator and east of and including the Australian Territory of Papua and the Trust Territory of New Guinea; and Guam and the Trust Territory of the Pacific Islands; and

(b) all the territory of any State, the Government of which accedes to this Agreement pursuant to the provisions of Article XXI, paragraph 66.

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

ARTICLE III

Composition of the Commission

4. 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 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 organizations 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.

[Individual territories and the South Pacific Commission may enter into arrangements for technical assistance from the Commission on the basis of the territory making counterpart contributions.] (Endnote 1)

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 recognized 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 for one calendar year 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 one regular session in each year, and such further sessions as two-thirds of all the Senior Commissioners may decide to be necessary. [The annual regular Session of the Commission shall be held immediately following the Session of the South Pacific Conference.] (Endnote 2)

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

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

(a) each of the participating Governments shall have the number of votes set out below. Each participating Government shall transfer one of its votes to the Government of each territory which shall cease to be administered by it and shall be admitted to the Commission as a participating Government. (Endnote 3)

Australia 2 votes*

(in respect of itself and its territories)

*with the proviso that Australia will not exercise the second vote until such time as Norfolk Island participates in the Conference.

Fiji 1 vote

The French Republic 4 votes

(in respect of itself and its territories)

Nauru 1 vote

New Zealand 4 votes

(in respect of itself and its territories)

Papua New Guinea 1 vote

Solomon Islands 1 vote

Tuvalu 1 vote

The United Kingdom 1 vote
(in respect of itself and its territories)

The United States 4 votes
(in respect of itself and its territories)

Western Samoa 1 vote

The number of votes assigned to each of the participating Governments and the total number of votes may be altered by the unanimous agreement of the participating Governments;

(b) only Senior Commissioners shall be entitled to cast the votes referred to in subparagraph (a) of this paragraph;

(c) procedural matters shall be decided by a majority of votes cast;

(d) 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;

(e) decisions on all other matters (including a decision to adopt the annual administrative budget of the Commission) shall be taken by two-thirds of all the votes referred to in subparagraph (a) of this paragraph.

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 of 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 connexion 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 Commission 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. [There will be a Session of the Conference each year and it will be held immediately before and at the same venue as the regular Session of the Commission.] (Endnote 4)

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 Conference is empowered to elect the Chairman and Deputy Chairman of each Session of the Conference. Commissioners and the representatives of all member Territories and Governments of the South Pacific Conference, including the representatives of those Territories and Governments that are not in a position to be the venue of the Conference, may accede to the Chairmanship of the Conference] (Endnote 5)

When the Conference is held in a State or Territory other than New Caledonia, the Chairman shall be a representative of the host State or Territory. When the Conference is held at headquarters the Chairman shall be a representative of a territory not in a position to be the venue of the Conference.

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

32. [The Conference shall adopt its own Rules of Procedure. The Agenda shall be formally approved by the Conference within the competence of the Commission as defined in paragraph 6 of Article IV of the Canberra Agreement.] (Endnote 6)

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 delegations for each designated territory may include alternate delegates and as many advisers as the appointing authority considers necessary. [Those territories which have attained self governing status, or countries within the Commission region that are independent shall have the right to participate fully in all meetings and activities of the South Pacific Conference] (Endnote 7)

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 reappointment.

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.

[The Secretariat, in consultation with Territorial Administrations and Governments and participating Governments as necessary, shall prepare an annual Work Programme and Budget and a budget forecast for as many of the succeeding years as current Commission Policy may determine.

The draft Work Programme and Budget and budget forecast having been submitted in advance for study by members of the Conference and the participating Governments will be fully examined at the Session of the Conference with a view to making agreed recommendations to the Commission for final decision.

Budgetary decisions of the Conference and Commission extending beyond the forthcoming year shall be taken in principle only and shall be subject to revision by succeeding Sessions of the Conference and Commission unless specific and explicit provision to the contrary is made.] (Endnote 8)

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 related bodies shall be apportioned among the participating Governments in such manner as the participating Governments may unanimously determine. [Budgetary contributions by Territorial Administrations and Governments shall be on a voluntary basis and may be applied to specific projects determined by the contributing territories.] (Endnote 9)

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 authorized 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 budget 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 connexion with the United Nations, shall co-operate as fully as possible with the United Nations and with appropriate specialized 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 specialized 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 specialized 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 nonself-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, 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 abovementioned Governments have become parties to it. (Endnote 10)

66. Any government, the territory of which is within the territorial scope of the Commission as defined in Article II and which is either fully independent or in free association with a fully independent Government, may accede to this Agreement, if it is invited to do so by all participating Governments, by depositing an Instrument of Accession with the Government of Australia (Endnote 11). This Agreement shall enter into force for each acceding Government upon the date of the deposit of its Instrument of Accession. Such Government shall thereupon be deemed a participating Government for the purposes of this Agreement other than those specified in Article XIX, paragraph 62. The Government of Australia shall notify the participating Governments of the date of deposit of each Instrument of Accession to this Agreement.

67. The Government of Australia shall notify the other abovementioned Governments of each acceptance of this Agreement, and also of the date on which the Agreement comes into force.

68. 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 and French 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 (Endnote 12)

IN WITNESS WHEREOF the duly authorized 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 Agreement has been amended by the following documents:

- Agreement Extending the Territorial Scope of the South Pacific Commission, Noumea, 7 November 1951 (Aust. T.S. 1951 No.18. The Agreement was signed for Australia, 7 November 1951, and entered into force on that date).
- Agreement Relating to the Frequency of Sessions of the South Pacific Commission, Canberra, 5 April 1954 (Aust. T.S. g54 No.18. The Agreement was signed for Australia on 5 April 1954 and entered into force 1 July 1954).
- Agreement Amending the Agreement Establishing the South Pacific Commission, London, 6 October 1964 (Aust. T.S. 1965 No 11. The Agreement was signed for Australia on 6 October 1964, and entered into force 15 July 1965).
- Annex to the Agreement Establishing the South Pacific Commission, published as Annex II to the Proceedings of the Thirty-Fifth Session of the South Pacific Commission, held at Apia, Western Samoa, 2 - 5 October 1972.
- Agreement Amending the Agreement Establishing the South Pacific Commission, Noumea, 12 October 1978 (The Agreement was signed for Australia on 5 October 1979 and entered into force 4 June 1980).

Note: Where a provision is not of treaty status, this has been indicated by enclosing the provision in brackets []; the source of the provision is shown in an endnote.

ENDNOTES

(1) See Annex to the Agreement Establishing the South Pacific Commission, published as Annex II to the Proceedings of the Thirty-Fifth Session of the South Pacific Commission, held at Apia, Western Samoa, 2 - 5 October 1972.

(2) See Annex to the Agreement Establishing the South Pacific Commission, published as Annex II to the Proceedings of the Thirty-Fifth Session of the South Pacific Commission, held at Apia, Western Samoa, 2 - 5 October 1972.

(3) See paragraph 33 of the Proceedings of the Thirty-Fifth Session of the South Pacific Commission, held at Apia, Western Samoa, 2 - 5 October 1972. The number of votes assigned to each participating Government has been amended in the light of current practice, brought about by the Accession to the Canberra Agreement of the independent Pacific countries of Fiji, Nauru, Papua New Guinea, Solomon Islands, Tuvalu and Western Samoa.

(4) See Annex to the Agreement Establishing the South Pacific Commission, published as Annex II to the Proceedings of the Thirty-Fifth Session of the South Pacific Commission, held at Apia, Western Samoa, 2 - 5 October 1972.

(5) See Annex to the Agreement Establishing the South Pacific Commission, published as Annex II to the Proceedings of the Thirty-Fifth Session of the South Pacific Commission, held at Apia, Western Samoa, 2 - 5 October 1972.

(6) See Annex to the Agreement Establishing the South Pacific Commission, published as Annex II to the Proceedings of the Thirty-Fifth Session of the South Pacific Commission, held at Apia, Western Samoa, 2 - 5 October 1972.

(7) See Annex to the Agreement Establishing the South Pacific Commission, published as Annex II to the Proceedings of the Thirty-Fifth Session of the South Pacific Commission, held at Apia, Western Samoa, 2 - 5 October 1972.

(8) See Annex to the Agreement Establishing the South Pacific Commission, published as Annex II to the Proceedings of the Thirty-Fifth Session of the South Pacific Commission, held at Apia, Western Samoa, 2 - 5 October 1972.

(9) See Annex to the Agreement establishing the South Pacific Commission, published as Annex II to the Proceedings of the Thirty--Fifth Session of the South Pacific Commission, held at Apia, Western Samoa, 2 - 5 October 1972.

(10) The Governments of Australia, New Zealand, the United Kingdom and the United States signed the Agreement without reservation. The Government of the French Republic deposited an Instrument of Acceptance on 15 July 1965.

(11) Instruments of Accession to the 1947 Agreement Establishing the South Pacific Commission as amended were deposited by the Independent State of Western Samoa on 17 July 1965; by the Republic of Nauru on 24 July 1969; by the Dominion of Fiji on 5 May 1971; by the Government of Papua New Guinea on 25 September 1975; by the Government of Tuvalu on 17 November 1978; by the Government of Solomon Islands on 21 November 1978.

(12) Done at London this 6th day of October, 1964, in the English and French languages, each equally authentic, the original of which shall be deposited in the archives of the Government of Australia . The Government of Australia shall transmit certified copies thereof to all other signatory Governments and to the Government of Western Samoa.

Appendix A

MEMORANDUM OF UNDERSTANDING

Done at Wellington and signed at Rarotonga, Cook Islands, this 2nd day of October 1974

The Governments of Australia, Fiji, Republic of France, Republic of Nauru, New Zealand, United Kingdom of Great Britain and Northern Ireland, United States of America and Western Samoa HEREBY record their understanding regarding the modified procedure to be adopted pending revision of the Agreement establishing the South Pacific Commission signed at Canberra on 6 February 1947, as amended (hereinafter referred to as the "Canberra Agreement").

1. Subject to any provision herein to the contrary, this Memorandum will be construed as one with the Canberra Agreement.
2. Subject to the provisions of paragraphs 5 and 16 of this Memorandum, the South Pacific Commission and the South Pacific Conference will meet once a year in a joint session to be known as the South Pacific Conference (hereinafter referred to as "the Conference").
3. Each Government and Territorial Administration will have the right to send to the Conference a representative and alternates, each of whom will have the right to speak.
4. Each Representative, or in his absence and alternate, will have the right to cast one vote on behalf of the Government or Territorial Administration which he represents.
5. The Conference may discuss any matter within the competence of the South Pacific Commission.
6. The Conference will meet for not more than two weeks.
7. The official languages of the Conference and its committees and sub-committees, will include English and French.
8. Rules of procedure consistent with the provisions of this Memorandum will be adopted by the Conference.
9. (1) Procedural matters will be decided by a simple majority of votes cast. An abstention will not count as a vote.

(2) Substantive matters and the classification of matters as procedural or substantive will be decided by a simple majority of votes cast, provided that the number of affirmative

votes equals at least half the total number of Governments and Territorial Administrations represented by the Conference. An abstention will not count as a vote.

10. (1) The Conference will elect the Government or Territorial Administration which will provide the Chairman for the succeeding Conference when that Conference is to be held at the Headquarters of the South Pacific Commission.

(2) Such a Government or Territorial Administration will normally be one which will not in the foreseeable future be in a position to act as host to the Conference.

(3) When the Conference is held elsewhere than at Headquarters, the Chairman will be nominated by the host country.

(4) The Vice-Chairman of the Conference will be elected at each Conference.

11. The Secretary-General will be responsible for the administrative arrangements for the Conference.

12. To assist the Conference in its work, the following Committees will be set up:

(a) a Planning and Evaluation Committee with the functions specified in paragraph 13;

(b) a Committee of Representatives of Participating Governments with the functions specified in paragraph 14 (2);

(c) such other Committees as the Conference may determine.

13. (1) The Planning and Evaluation Committee will normally meet each year at Headquarters, preferably in April or May, in order to:

(a) evaluate the effectiveness of the preceding year's Work Programme;

(b) examine the draft Work Programme and Budget presented by the Secretary-General;

(c) agree on two themes, one economic and the other social, to be discussed by the Conference; and

(d) to make a report to the Conference.

(2) In order to assist the Secretary-General in preparing the draft work programme and budget, each participating Government will endeavour to indicate, if possible in January of each year, the level of its assessed financial contribution. Similarly, each Government and each Territorial Administration will endeavour to indicate the level of any voluntary contribution and any other assistance which it is willing to make available in the following year.

(3) Each Government and Territorial Administration may participate in the work of the Planning and Evaluation Committee and cast one vote.

(4) The Secretary-General and the Programme Directors may participate but without a vote.

14.(1) The Conference will, before considering any other matters on the Agenda for each meeting;

(a) examine in detail the draft Work Programme as revised by the Secretary-General in the light of comments made by the Planning and Evaluation Committee and in the light of the confirmation by Governments and Territorial Administrations of the level of their financial contributions;

(b) consider, as appropriate, any aspect of the administration of the South Pacific Commission; and

(c) adopt the Work Programme and Budget, taking into account the Administrative Budget as approved in accordance with the provision of sub-paragraph (2) below and confirm the nomination of principal officers.

(2) The Committee of Representatives of Participating Governments will, in accordance with Article V of the Canberra Agreement, consider and approve the Administrative Budget and, in the light of the views of the Conference on the matter, nominate the Principal Officers of the Commission, and report thereon to the Conference.

15. (1) The Conference will each year direct the Secretary-General as to the policy to be followed in the preparation of the Work Programme and Budget.

(2) Such policy directive will contain instructions on the preparation and the control of long-term projects.

16. Each participating Government has the right to invoke at any time the present provisions of Article XVII of the Canberra Agreement

17. The new procedure established by this Memorandum of Understanding will be effective as from the date on which it has been signed by all participating Governments and will remain in effect either:

(a) until there is a comprehensive revision of the Canberra Agreement; or

(b) until the Memorandum is amended or replaced by another Memorandum signed by all participating Governments.

DONE at WELLINGTON and SIGNED at RAROTONGA this 2nd day of October 1974 in the English and French languages, each being equally authentic.

(Signed) Australia, Fiji, France, Nauru, New Zealand, UK, USA, Western Samoa.
[SPC participating Governments as of 1974]

SOME HISTORICAL NOTES

Historical note 1:

The SPC Research Council lapsed through lack of a real role at an early stage, with the Secretariat and the Conference assuming greater project-finding roles in its place. The Deputy Chairman of the Research Council position has not been filled since 1956, and the Research Council itself has not met since 1963.

Historical note 2:

There were three amendments to the Canberra Agreement between July 1948, when it came into force following ratification by all six participating Governments, and 1966. The first, in 1951, admitted Guam and the Trust Territories of the Pacific Islands into the SPC territorial scope. The second, in 1954, reduced the number of Sessions (Commissioner's meetings) from two to one per year. The third, in 1966, amended the Agreement in such a way that a nation not responsible for a non-self-governing territory could join. This was prompted by Western Samoa's independence in 1962.

Historical note 3:

Dates of ratification of the Canberra Agreement are as follows:- New Zealand February 1947; Australia April 1947; Britain June 1947; USA January 1948; France May 1948; Netherlands July 1948. The Netherlands withdrew from the Commission in 1962.

Historical note 4:

SPC's non-political role - differing viewpoints?

1. The invitation from Australia and New Zealand to the USA, France, Netherlands and Britain, to participate in a South Seas Commission Conference in 1947 included the statement that "the [South Pacific] Commission to be set up should not be empowered to deal in any way with political matters or questions of defence or security". During this Conference discussion the French delegation said "The wisely restricted scope of our activities ... shall not include political or ideological problems".

2. The thirteenth South Pacific Conference (1973, Guam) passed a Cook Islands resolution condemning French nuclear testing in the Pacific by a majority of 10 votes to 5, despite a walk-out by the French and their territorial delegations, who stated that this was not an appropriate matter to discuss. The basis for this political discussion was a majority decision by delegates that the matter should be considered by the Conference.

Historical note 5:

Pacific Islands Monthly has not always been kind to SPC. In November 1946 it said that SPC would be "another instrument for the attack on private enterprise, and the deification of Fuzzy-

wuzzy". In the same issue it said that "Today a combination of Socialist politicians, scientific idealists and impractical missionaries is proceeding -- whether by deliberate plan or not is not clear -- to drive European enterprise out of the Pacific with a view to the establishment there of free nations of native Islanders". Ten years after the formation of the Commission, in 1957, there was a meeting in Canberra to review progress. Apparently this did not judge the SPC to be a complete success, but PIM went one step further and said that "At the end of the first ten years it could be seen that the Commission justified neither its existence nor its cost".
(note by Tim Adams)

RESOLUTION CONCERNING IMMEDIATE PROJECTS

RESOLVED

THAT the South Seas Conference recommends that the South Pacific Commission on its establishment should give early consideration to the projects set forth below. The Conference does not consider that these projects are all-inclusive but considers them to be of great importance to the economic and social welfare of the local inhabitants of the non-self-governing territories in the South Pacific. The Conference also considers that these projects, which are not stated in any order of priority, should be undertaken at an early date.

Agriculture

- (a) Biochemical investigations in connection with animal nutrition.
- (b) Systematic botanical investigations.
- (c) Research into plant pests and diseases research.
- (d) A biological survey.
- (e) A study of the relationship between plants and their environment including soils and climate.

Economics

- (a) An economic survey to include native industries, native fisheries, native trading systems and native cooperative movements and organisations.
- (b) A study of the mechanisation of production and of suitable schemes for the organisation of uniform grading, packing, pooling and marketing of primary products such as copra.
- (c) The development of schemes for the introduction to and distribution in the territories of potentially useful species, varieties, breeds or strains of plants and animals.

(d) The taking of all possible steps, within the scope of the functions of the Commission, to ensure adequate shipping services within the area.

Education and social development

(a) A study of the most efficient methods of teaching illiterate people to read and write in their own languages.

(b) A review of the research work already carried out in the field of social anthropology and consideration of future lines of research which would be of value to the territories in connection with education and social development.

(c) A study of special educational and related activities for handicapped persons - the blind, the mentally backward, lepers and sufferers from other diseases.

(d) Research in the most efficient methods of training local inhabitants for health, education and technical services and a survey of existing facilities therefor.

(e) A study of the use of visual aids in education and in other developmental and welfare activities.

(f) A study of the education and social development of women and girls in relation to the status of women in the respective communities and with a view to widening the cultural life and improving the domestic conditions of women.

Fisheries

Fisheries research, including surveys and the testing of methods of catching and of processing fish and other marine products with the special aim of improving the nutrition of the local inhabitants.

Forestry

Surveys of or research in:

(a) forest resources in regard to areas, commercial timbers and other forest products;

(b) forest management including utilisation of forests and forest products;

(c) technology of wood and other forest products;

(d) the relationship between forests and water conservation and soil conservation.

Health and medicine

(a) A survey of improved methods of nutrition and an investigation of the relationship between nutrition and dental defects.

(b) An investigation to improve methods of village hygiene including housing.

(c) General surveys of disease and disease-carriers, with particular research into:

(i) the respiratory diseases (including pulmonary and surgical tuberculosis);

(ii) leprosy;

(iii) malaria prevention, and the dysenteries and other bowel infections;

(iv) yaws and its relationship to syphilis;

(v) filiarisis;

(vi) hookworm and other intestinal parasites;

(vii) diseases of the skin;

(d) A study of infant and maternal welfare.

(e) A study of the human body's response to changes of climate and environment with a view to the improvement of diet and general living conditions.

(f) A study of quarantine procedures, including the existing international regulations, in order to meet the particular needs of the territories.

(g) The collection and dissemination of epidemiological information.

Labour

A study of labour conditions within the territories with a view to improvement in accordance with the Recommendations of the International Labour Organisation wherever applicable.

Library

The establishment of an up-to-date technical and scientific reference library.