

**STATUTES**  
*of the*  
**SOUTH WEST PACIFIC HYDROGRAPHIC COMMISSION (SWPHC)**  
(revised at the 15<sup>th</sup> Meeting of SWPHC, Nadi, Fiji, 21-22 February 2018)


**1. INTRODUCTION**




- a. The South West Pacific Hydrographic Commission (hereinafter referred to as “The Commission”) is hereby established in conformity with Resolution 2/1997 as amended of the International Hydrographic Organization (IHO).
- b. The geographic area covered by the Commission (hereinafter referred to as “The Region”) shall be that defined by the IHO INT Charting Scheme Region L together with the waters of those Pacific Island States that are members of the Pacific Community (SPC).

**2. MEMBERSHIP**






- a. Full Members of the Commission shall be IHO Member States in the Region who are signatories to these statutes.
- b. States lying within the Region who are not Members of the IHO but who are signatories of these statutes may become Associate Members of the Commission. Other Member States of the IHO who contribute to the safety of navigation through their activities in the fields of hydrography, nautical charting or nautical information in the region and are signatories to these statutes may also become Associate Members. They are represented by their national authorities responsible for hydrography and/or navigation.
- c. Associate Members shall have the same rights and obligations as the Full Members of the Commission, except the right to vote and the right to be elected as Chair or Vice-Chair.
- d. Observers. Observers may take part in the discussions but shall not have voting rights.
  - i. Adjacent Hydrographic Commissions and/or co-ordinating countries for Areas of IHO INT Charting Scheme bordering Region L (i.e. Regions A, C2, H, J and K) may be invited to send representatives to attend the Commission’s conferences as Observers.
  - ii. Other Member States of the IHO who are not signatories to these statutes but who contribute to the safety of navigation by their activities in the fields of hydrography, nautical charting or nautical information in the region may also participate as Observers.
  - iii. Other States within the region who are not members of IHO may also attend the Commission’s conferences as Observers.
  - iv. Organizations active in the region in the fields of hydrography, maritime safety, or related fields may also participate as Observers.
  - v. Commercial Industry participation will be classed as Expert Contributors. The Chair may invite Expert Contributors to attend the Commission as Observers.

### 3. OBJECTIVES

The objectives of the Commission, which is an integral  part of the IHO, shall be:

- a. To promote technical co-operation and training and to conduct joint research where appropriate in the domain of hydrographic surveying, marine cartography, and nautical information.
- b. To examine the implications, in its area of interest, of  matters of general interest with which the IHO is concerned, **avoiding any interference**  with the prerogatives of the IHO Secretariat and of any other bodies set up by the IHO.
- c. To stimulate its Members to widen hydrographic activity in its area of interest, and to encourage them to seek technical advice and assistance from the IHO Secretariat in establishing and strengthening their hydrographic capabilities.
- d. To facilitate the exchange of information concerning surveys, research or scientific and technical developments, to aid in the planning and organisation of hydrographic activities in the widest sense of the term, but without interference in the national responsibilities of each Hydrographic Office.
- e. To encourage development of  INT Chart Programme and liaise with the relevant Regional International Chart Committees.
- f. To encourage implementation of the Global Maritime Distress and Safety Systems (GMDSS).
- g. To carry out certain studies as an IHO Working Group when considered appropriate.

### 4. CONFERENCES

- a. The Commission shall meet in plenary Conference  **within the Region**,  at least twice between two successive IHO Assemblies. The Conference shall normally be for three days. Time shall be allowed for bilateral  discussions.
- b. An invitation to **attend the Conference**  shall invariably be addressed to the Directing Committee of the International Hydrographic Secretariat.
- c. Members shall be represented at Conferences by heads of **Hydrographic Services** or their representatives, or, where such services do not exist, by heads of national authorities responsible for hydrography and navigation. They may also be accompanied by members of their staff, but it is most desirable that their number be kept to a minimum.
- d. The presence of two-thirds (2/3) of the Full Members of the Commission shall constitute a quorum.
- e. The Commission may **set up small committees** of Members interested in particular  projects with the object of examining and executing such projects
- f. At the end of each Conference the Full Members desirous of hosting the following Conference shall put forward their candidatures. Proposals for holding the Conference in an Associate Member or Observer State may also be considered. Where no other compelling circumstances exist, priority shall be given to a Full Member state which has not yet hosted a Conference, or to the one which did so the longest time ago.
- g. Requests for extraordinary meetings of the Commission may be raised by Full Members and forwarded to the Chair. Upon receipt the Chair will canvass other Full Members to confirm the requirement for an extraordinary meeting and ascertain the most convenient venue and timing.

## 5. CHAIR

- a. At the conclusion of the Conference the Chair for the next Conference shall be elected and shall take up his/her duties within three months following the Conference. The Chair shall remain in office until the end of the next Conference but may stand for re-election.
- b. A Vice-Chair shall be elected at the same time, in case the Chair requires a deputy to attend to the affairs of the Commission, including chairing of the Conference in the absence of the Chair.
- c. In the interval between Conferences the outgoing Chair shall conclude the business of the last Conference within three months. Thereafter the incoming Chair shall provide the secretariat for the Commission and shall attend to all matters of interest by correspondence.
- d. If the Chair, or the Vice-Chair, is unable to officiate, he/she shall be replaced by his/her successor or deputy in his/her office.
- e. In the absence of both the Chair and Vice-Chair at a Conference, the quorum attending shall appoint a Conference Chair to facilitate proceedings.

## 6. RESOLUTIONS AND DECISIONS

- a. The resolutions and decisions of the Conference should normally be reached by consensus of the Members. If consensus cannot be reached, resolutions and decisions, except those relating to the Statutes, shall be by a simple majority of Full Members in attendance.
- b. Should a vote be required, in the absence of consensus of Members, Full Members only will be entitled to vote, each having the right to one vote. The voting shall be by a show of hands.
- c. At the end of the Conference, the Chair shall read the text of the decisions taken during the Conference. All decisions become operative within three months after the Conference.
- d. The Chair will dispatch within one month of the close of the Conference a copy of the Summary Report containing the discussions, decisions and recommendations of the Conference for verification or comment to each Member, Associate Member and Observer. Comments are to reach the Chair within one month of the receipt of the Summary Report.

## 7. SECRETARIAT FUNCTIONS

- a. Proposals to be included in the Agenda of a Conference must be sent to the Chair with a copy to the Vice-Chair at least three months before the date fixed for the opening of the Conference.
- b. The Chair shall prepare the Provisional Agenda and List of Participants in consultation with the Vice-Chair and forward them to the participants at least one month before the opening of the Conference. One of the items of the Agenda shall be the Chair's report on the activities of the Commission since the last Conference.
- c. The Chair will report the activities and future plans of the Commission to the relevant sessions of the International Hydrographic Conference. Between sessions, reports of studies or other activities which may be considered of general interest to all Member States should be reported by the Chair to the IHO Secretariat for general dissemination.

The Chair will also submit a report on the activities of the Commission for inclusion in the relevant IHO reports.

## **8. EXPENSES**

- a. The host State shall normally be responsible for the organisation of the Conference for which this host State shall pay the expenses, except expenses described in 8(b) below. Where the Commission resolves that a Conference should be held in a regional State who has not agreed in advance to host the Conference then a method of arranging and funding the Conference must be determined by the Commission with the mutual agreement of the State.
- b. Travelling, hotel and per diem expenses of delegates and other attendees shall be defrayed by their respective organization.

## **9. SELECTION OF COMMISSION REPRESENTATIVE(S) TO THE IHO COUNCIL**

The State (s) selected to occupy the seat(s) on the IHO Council allocated to the Commission will be elected once the number of seats allocated to the Commission and the names of States eligible for selection have been advised by the Secretary-General in accordance with Article 16 (b) of the IHO General Regulations. The election will be conducted according to the procedure agreed by the Commission, as outlined in the attached 'Rules For The Designation of SWPHC Members To The IHO Council' (**Annex A**).

## **10. COMMUNICATIONS**

Members are required to ensure that their contact details in the IHO Yearbook (P-5) are correct. All official communications of the Commission will be dispatched to members in accordance with the IHO Yearbook details.

## **11. LANGUAGE**

The working language of the Commission shall be English.

## **12. CHANGES TO THE STATUTES**

Members of the Commission may propose amendments to the present Statutes. These amendments shall be discussed at the Conference and the outcome included in the report of the Conference. An amendment must be approved by a two-thirds (2/3) majority of the Full Members of the Commission. If, because of absence of Full Members, a decision cannot be reached at the Conference or due to the timing of necessary changes must be resolved before the next Conference, it may be dealt with by correspondence.

## **13. CUSTODIANSHIP OF THE STATUTES**

The IHO Secretariat will be the Custodian of the Statutes of the Commission.

Dated: 21 February 2018

**RULES FOR THE DESIGNATION OF SOUTH WEST PACIFIC HYDROGRAPHIC COMMISSION  
(SWPHC) REPRESENTATIVES TO THE IHO COUNCIL**

The State(s) selected to occupy the Seat(s) on the IHO Council allocated to the SWPHC (i.e. SWPHC Selected MS) shall be determined in compliance with IHO General Regulations Articles 2 and 16.

**Role and authority of the SWPHC Selected MS on the IHO Council**

1. The SWPHC Selected MS shall occupy their seat on the IHO Council throughout the inter-sessional period between Assemblies.
2. In carrying out their role as the SWPHC Selected MS, Representatives should take into account any relevant decisions, policies or directives established by the SWPHC and ensure that these are considered appropriately by the IHO Council.

**Responsibilities of the SWPHC selected MS on the IHO Council**

3. The SWPHC Selected MS on the IHO Council should represent the interests of the South-West Pacific region as a primary consideration.
4. If the potential SWPHC Selected MS do not have the necessary delegation or authority they must secure the appropriate approval from their Minister or the Head of the relevant government department prior to nomination for selection for the IHO Council.
5. All expenses associated with participation of SWPHC Representatives on the IHO Council must be met by their respective States in accordance with IHO General Regulations Article 3.
6. The SWPHC Selected MS must be able to allocate appropriate resources to effectively execute their role. The ability to adequately resource representation for a three-year appointment must be a primary consideration for Member States when determining whether they should nominate for selection.

**Selection Procedure (see also flowchart Appendix 1)**

7. Three months before an ordinary session of the Assembly, the IHO Secretary-General shall inform the Chair of the SWPHC of:
  - a. the number of IHO Council seats allocated to the SWPHC; and
  - b. IHO Member States that are eligible for selection by the SWPHC (Eligible MS).
8. If the number of Eligible MS is equal to the number of seats allocated to the SWPHC by the Secretary-General under the terms of Clause 7 above, then the Eligible MS will be automatically designated as the SWPHC representatives on the IHO Council.
9. If the number of Eligible MS is greater than the number of seats allocated to the SWPHC by the IHO Secretary-General under the terms of Clause 7 above, then:
  - a. the Chair of the SWPHC will invite Eligible MS to indicate if they wish to be

considered as Candidates for selection.

- b. if the number of Candidates is greater than the number of seats assigned to the SWPHC, a vote will take place at a Conference of the SWPHC, or by correspondence to the Chair and Vice-Chair of SWPHC if no SWPHC Conference is scheduled in the three months prior to an Assembly.
10. A valid voting process will be conducted in the following manner:
- a. at least two thirds of all SWPHC MS must participate in voting or have voted via correspondence in the allocated time;
  - b. voting will, as far as possible, be via a secret ballot;
  - c. each SWPHC MS must select one Candidate from the list of Candidates; and
  - d. the votes will be counted by the Chair and the Vice-Chair of the SWPHC and the SWPHC MS with the greatest number of votes will be designated as the SWPHC Selected MS on the IHO Council.
11. If an initial voting process conducted in accordance with Clause 10 results in a draw, all SWPHC MS will be required to cast a secondary vote. The process for secondary voting will be as follows:
- a. The only Candidates eligible for selection in the secondary vote will be those who drew in the primary vote.
  - b. The Candidate with the greatest number of votes in the secondary voting will be designated as the SWPHC Selected MS.
  - c. If the secondary vote results in a draw, the Chair of the SWPHC (or the Vice-Chair in circumstances where the Chair is one of the candidates in the secondary draw) will cast the deciding vote.
  - d. The Chair (or Vice-Chair) of the SWPHC, when casting a deciding vote is to give consideration to the following factors:
    - i. whether the candidate has previously been a Representative on the IHO Council, in any capacity;
    - ii. if the candidate has previously been a Representative on the IHO Council, how much time has elapsed since they occupied this position; and
    - iii. which candidate will provide the most effective representation for the interests of the SWPHC Commission;
12. If more than one seat is allocated to the SWPHC, the voting process detailed at Clauses 10 and 11 will be conducted for each subsequent seat. Selected MS in the preceding votes will be removed from the list of candidates.
13. If the voting process is in contravention of Clause 10, it will be deemed to be invalid.
- a. In the case of an invalid voting process, the SWPHC Selected MS on the IHO Council will be designated by the SWPHC Chair (or Vice-Chair if appropriate) giving consideration to the factors in 11(d).

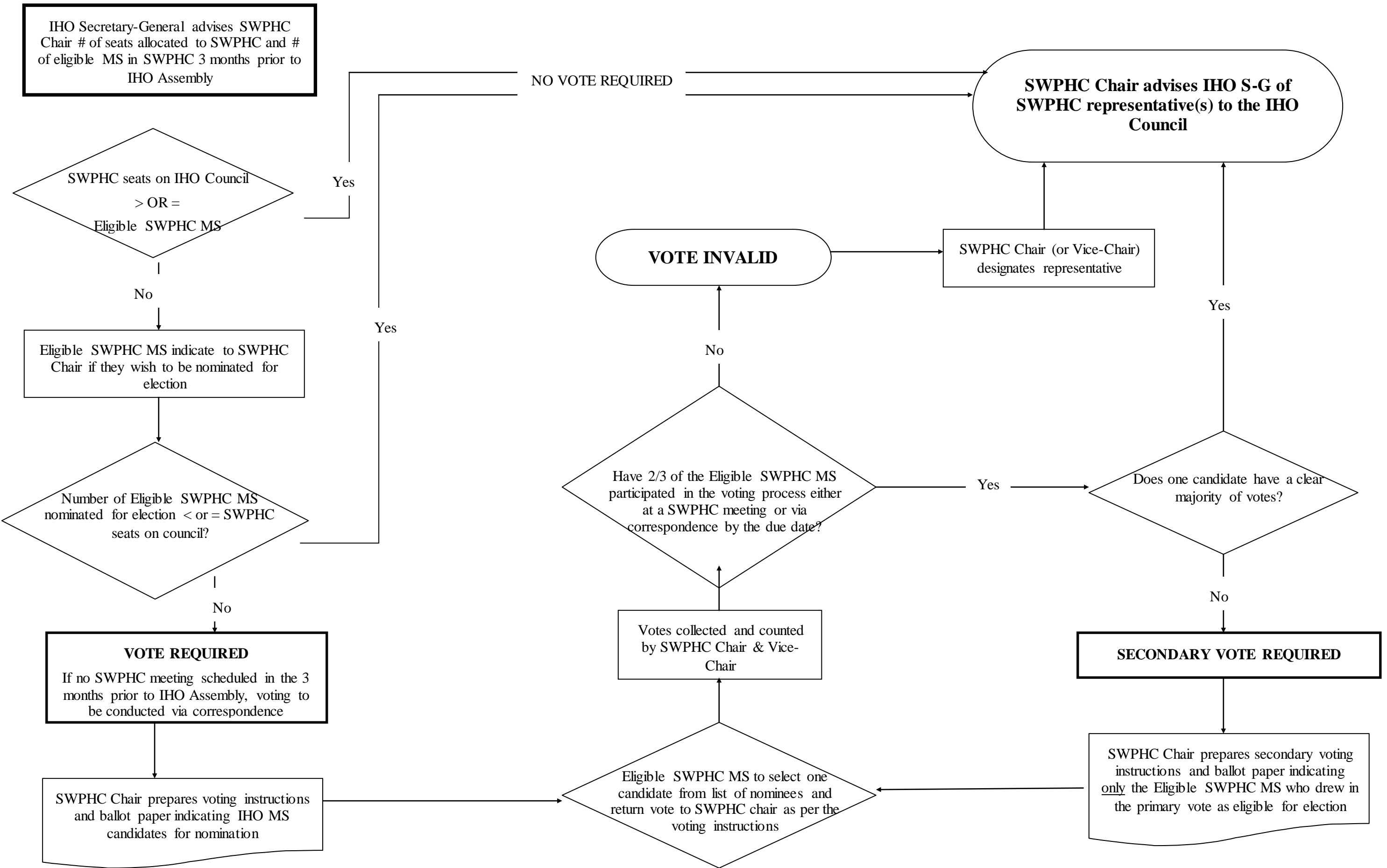
**Designation of SWPHC Representatives to the IHO Council**

14. IHO Member States selected as SWPHC Representatives on the IHO Council would normally be represented by the head of the IHO Member States' agency responsible for hydrography, typically the national hydrographer. Each IHO Member State shall inform the Chair of the SWPHC and the Secretary-General of the IHO of the name and contact details of its official representative. An alternative representative from the same IHO Member State may also be designated, either permanently or temporarily.

15. SWPHC Selected MS on the IHO Council must inform the SWPHC Chair of any changes in representation, whether permanent or temporary, as soon as practicable.

16. SWPHC Selected MS on the IHO Council must inform the SWPHC Chair if there is any impediment, whether permanent or temporary, to the execution of their responsibilities at any time during their tenure.

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**SOUTH WEST PACIFIC HYDROGRAPHIC COMMISSION (SWPHC)**

**Selection of State(s) that will occupy seat(s) on the IHO Council allocated to the SWPHC**

**Example of Voting Paper**

**Part A**

Number of Seats on Council allocated to the SWPHC:           (Chair inserts number in here)  
(This is the number of boxes that may be marked below)

**Part B**

To vote for a candidate State put an ‘X’ in the adjacent box. The number of boxes that may be marked is shown in Part A above.

|  |                                 |
|--|---------------------------------|
| Chair inserts candidate State A in here      | Vote indicated with an ‘X’ here |
| Chair inserts candidate State B in here      | Vote indicated with an ‘X’ here |
| Chair inserts candidate State C in here      | Vote indicated with an ‘X’ here |
| Insert other candidate States if appropriate | Vote indicated with an ‘X’ here |

Member State: ..... Date: .....

Authorised by: .....  
(Name)

Position: .....

.....  
(signature)