

**12th South West Pacific Hydrographic
Commission Meeting
12th – 14th November 2013
Port Vila, Vanuatu**

**Application of the Government of New Caledonia to become
Observer in the SWPHC**

Submitted by: FR (as IHO Member State and SWPHC Member, sponsoring the application of the Government of New Caledonia)

Executive Summary: This submission paper presents the application of New-Caledonia for becoming Observer in the SWPHC, in accordance with paragraph 2.d.iv of the SWPHC's Statutes.

Introduction / Background

1. According to the French Constitution [articles 74, 76 and 77], New-Caledonia has a statute taking into account its own interests in the French Republic.
2. This statute is a statute of self government ruled par modified Organic Law n° 99-209 of 19 March 1999.
3. This Organic Law stands the sharing of competences between the State and the autonomous Territory of New-Caledonia, in the French Republic.
4. According to the New-Caledonia's Statute, New-Caledonia's Government has a general competence in the field of maritime safety within the French Waters of this Territory, including hydrographic surveys.
5. This general competence is ruled by a Convention of 22 March 2012 between the State and the Government of New-Caledonia, dealing with the coordination and responsibilities in the field of hydrography and maritime cartography between the Parties. Another Convention of 22 March 2012 between the State, the Government of New-Caledonia and SHOM implements this coordination in the field of hydrography, from an operational point of view.

Analysis/Discussion

6. France strongly supports New-Caledonia's Government to become an Observer, in the SWPHC, in accordance with paragraph 2, d, (iv) of the SWPHC's Statutes.
7. According to paragraph 2, d, (iv) of the SWPHC's Statutes, can be Observers at SWPHC, without voting rights, "*Organizations active in the region in the fields of hydrography, maritime safety, or related fields...*".
8. Taking in account its general competence in the field of hydrography and maritime safety, New Caledonia can be considered as an "*Organizations active in the region in the fields of hydrography, maritime safety, or related fields*".
9. The intention of the representative of New Caledonia at the 12th SWPHC meeting is to provide the Chair with the SWPHC Statutes with the signature of the Government of New Caledonia, although it seems that it is not explicitly required for Observers.

Recommendations

10. France kindly requests the South West Pacific Hydrographic Commission Members, to accept the New-Caledonia's Government application so New Caledonia can participate as an Observer, without voting rights, in the SWPHC activities.

Action required of 12th South West Pacific Hydrographic Commission Meeting

11. SWPHC is invited to take note of this request, and to accept the application of New Caledonia.