

SOUTH PACIFIC REGIONAL ENVIRONMENT PROGRAMME

**FIRST MEETING OF THE CONTRACTING PARTIES TO THE CONVENTION
FOR THE PROTECTION OF THE NATURAL RESOURCES AND
ENVIRONMENT OF THE SOUTH PACIFIC REGION AND
RELATED PROTOCOLS
(SPREP CONVENTION)**

(Noumea, New Caledonia, 10-11 July 1991)

REPORT

**South Pacific Regional Environment Programme
Noumea, New Caledonia
July 1991**

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AGENDA ITEM 1 - OPENING OF THE MEETING

1. Following a prayer of dedication, the meeting was officially opened by Mr Atanraoi Baiteke, the Secretary-General of the South Pacific Commission, who welcomed the delegates. Mr Baiteke referred to the long history of a close association between the South Pacific Commission and the South Pacific Regional Environment Programme (SPREP) and the recent decisions relating to the new institutional framework for SPREP. He noted that despite the importance of those decisions, there was a need to ensure that the SPREP Work Programme was not overlooked. In this respect, he urged that vital activities such as the decision of the First Meeting of the Parties to the SPREP Convention be vigorously followed up. The Secretary-General's speech is included in Annex I and the list of participants is provided in Annex II.

AGENDA ITEM 2 - ORGANISATION OF THE MEETING

2. The meeting agreed to abide by the rules and procedures of the South Pacific Conference as an interim measure until the rules and procedures of the meeting were adopted.

a) Election of Officers

The representative of Western Samoa was unanimously elected to chair the meeting on the nomination of the representative of Fiji, seconded by the representatives of the Cook Islands, Republic of the Marshall Islands and the United States of America.

The representative of the United States of America was unanimously elected Vice Chairman and Chairman of the Drafting Committee which comprised the representatives of France, Australia, Fiji, Solomon Islands and the United States of America.

b) Organisation of Work

The hours of work were established as 8.30 - 5.00.

c) Status of Observers

It was agreed that observers could attend the meeting, and on the suggestion of the representative of the United States of America, it was agreed that observers could join the drafting and working groups.

The representative of France sought clarification of the definition of the term 'observer'. It was agreed that all the non-signatory countries and territories, and the non-governmental and other organisations present, could attend this inaugural meeting.

AGENDA ITEM 3 - ADOPTION OF THE AGENDA

3. A reordered agenda was adopted (Annex III).

AGENDA ITEM 4 - CONSIDERATION AND ADOPTION OF THE RULES OF PROCEDURE FOR MEETINGS AND CONFERENCES - ARTICLE 22(4) SPREP CONVENTION (WP.1)

4. At the suggestion of the representative of the United States of America, supported by the representative of France, the matter was referred to a Working Group comprising Australia, Papua New Guinea, France and the United States of America, for a final vetting of the Rules of Procedure. The Legal Adviser to SPREP acted as Secretary to this Group.

5. The Rules and Procedures were considered by the Contracting Parties and adopted. (Annex IV).

AGENDA ITEM 5 - CONSIDERATION AND ADOPTION OF FINANCIAL RULES AND BUDGET TO DETERMINE THE FINANCIAL PARTICIPATION OF CONTRACTING PARTIES - ARTICLE 22(H) SPREP CONVENTION (WP.2)

6. The Director of SPREP introduced the working paper and emphasised that there would be additional costs to be met by the Secretariat associated with the administration and implementation of the Convention. The extent of these had been subject to discussion under the review of the SPREP Budget at the SPREP Intergovernmental Meeting (IGM) and he hoped the Contracting Parties would consider the means to meet these.

7. The representative of Fiji noted that the working paper covered only the administration aspect of the costs associated with the Convention and suggested that the SPREP Financial Manager and Legal Officer could prepare complete financial rules and regulations for the Convention for consideration and adoption at an extraordinary meeting of the Contracting Parties to be held back to back with the 1992 SPREP IGM.

8. The representative of Australia suggested another option would be to identify these costs within the SPREP Budget as a component of the Work Programme and expressed the view that costs should be kept to a minimum. This view was supported by the representative of Western Samoa who sought a clear accounting of the Convention servicing costs in the SPREP Budget but noted that it would be difficult to separate the Convention implementation activities from the overall Work Programmes. The representative of New Zealand also supported the view of Australia and Western Samoa that meeting costs met by Contracting Parties should be kept to a minimum and other costs regarded as part of the general programme and administrative services of the SPREP Work Programme.

9. The representative of Papua New Guinea also supported the suggestion of Fiji and suggested that further clarification was needed to determine which body should act as the Convention Secretariat. This query was supported by the representative of France who stressed that it was necessary to know who would be the recipient of funding under the Convention. It would be necessary to amend the Convention once the treaty establishing SPREP came into force in order to give the Secretariat functions for the Convention to SPREP instead of the SPC, which is delegating this function to SPREP (see Paragraph 10).

10. Following brief discussion, it was clear that the Contracting Parties were comfortable with the delegation of Secretariat functions by the South Pacific Commission to SPREP and it was unanimously agreed that the status quo would remain in respect of the Secretariat arrangements, but that this matter would need to be again addressed at a later meeting.

11. It was agreed that the Secretariat would prepare financial rules and regulations for the operation of the Convention for consideration for adoption at an extraordinary meeting of the Contracting Parties to be held back to back with the SPREP IGM in Apia, Western Samoa, in 1992.

12. Under the provisions of Article 22(3) of the Convention, there was unanimous agreement by the Contracting Parties to convene the extraordinary meeting of Contracting Parties as outlined in paragraph 11 above.

13. It was agreed that for the period until the adoption of financial rules and regulations for the Convention, the SPC financial rules and regulations will apply as appropriate, recognising the move to Apia and the different membership of the Convention and the SPC.

14. It was noted that budgetary provision had been made for the Convention in the overall SPREP 1991 budget which had been approved by the 1991 IGM. It was further noted that the anticipated SPREP budget for 1992 would include provision for servicing the SPREP Convention and meetings of the Parties, and would be adopted at the extraordinary IGM to be held in Tonga, October 1991. This meeting will include the Contracting Parties.

15. It was agreed that the Secretariat should seek cost effective measures to administer the Conventions and in particular incorporate the following:

- Costs directly associated with preparation for, and convening of meetings of the Parties, should be met fully by the Parties. To keep these costs to a minimum, such meetings should always be held in conjunction with IGMs.
- Other servicing costs, and all programme costs associated with the Convention should be regarded as part of SPREP's overall administrative and programme function and not separate items for funding by Contracting Parties only.
- Draft financial regulations should be consistent with those being drawn up for the SPREP programme as a whole to enable them to be implemented as part of the same budgetary system.
- In order to finance the Meeting of the Parties, the Parties should work towards adopting a schedule of contributions which would lead to guidelines of equal contributions from developing Pacific Island Parties to cover 20% of the budget and equal contributions from other Parties to meet the remainder.

AGENDA ITEM 6 - ASSESS PERIODICALLY THE STATE OF THE ENVIRONMENT IN THE CONVENTION AREA - ARTICLE 22(A) SPREP CONVENTION

16. Following the introduction of this paper by the Director of SPREP, the representative of Fiji suggested the meeting give consideration to the establishment of a Standing Working Group to undertake the task of assessment and monitoring of the state of the regional environment on an on-going basis. The representative of New Zealand agreed that this general task was a fundamental and evolving part of the SPREP Work Programme for which the Secretariat was continually gathering and updating regional environmental assessment information. He strongly endorsed the Secretariat's proposal to utilise the expertise available in the region for this task, and existing sources of information such as the regional State of the Environment Report being prepared for UNCED.

17. These views were endorsed by the representative of Australia who suggested that the Secretariat should be encouraged to develop a monitoring and assessment system or network within the overall framework of the SPREP Work Programme. The meeting endorsed this view.

18. The representative of the United States of America suggested that the Standing Working Group could comprise the SPREP national focal points. The representative of Western Samoa endorsed this view and suggested the addition of the SPREP institutional focal points to the Standing Working Group.

19. There was further consensus that the Standing Working Group would utilise appropriate national expertise to assist with the development of the regional assessment and monitoring network.

AGENDA ITEM 7 - CONSIDERATION OF CO-OPERATIVE ACTIVITIES AND OTHER ACTION UNDER ARTICLE 22(F) OF THE CONVENTION

20. Following introduction by the Director of SPREP, the representative of Western Samoa noted that the SPREP Work Programme has a strong marine focus and is concerned, amongst other things, with minimising ocean pollution. He also noted the potential danger of oil spills to the region and the ability of metropolitan countries to assist in such emergencies with the supply and transportation of clean-up equipment. He encouraged on-going dialogue to develop emergency responses in the region with these countries within the framework of the Convention.

21. The representative of Fiji expressed concern that the Secretariat be cautious in taking on additional responsibility given both the move to Apia and the escalating preparations for UNCED.

22. The Secretariat reviewed progress in this area and referred to the development of a regional oil spill contingency plan which was under way and would be further developed in conjunction with the International Maritime Organisation and the Australian Maritime Safety Authority. The meeting noted that Australia would be assisting with this programme and that the plan would be part of a wider regional strategy for the protection of the marine environment which the IMO would assist SPREP in developing. France is currently looking at the possibility of strengthening its means of combatting oil spills in the region and developing in the future a regional co-operation in this field. France stated that it wished to collaborate in the establishment of such a regional plan. The United States of America advised that they have taken steps that will provide increased Oil Pollution Response capability to the South Pacific Region. This information will be provided to SPREP for inclusion in the Marine Pollution Emergency Contingency Plan.

23. The meeting was informed of the updated draft of SPREP's regional contingency draft which would be circulated for final comment.

AGENDA ITEM 8 - CONSIDERATION OF OTHER ADDITIONAL ACTION UNDER ARTICLE 22(G) - SPREP CONVENTION

24. In his introduction of this item, the Director of SPREP noted that a number of relevant points had already been discussed under preceding items. The representative of Fiji commented on the importance that the Parties to the Convention ensure that their efforts to implement the Convention are co-ordinated with other similar global and regional initiatives such as the Beijing and Tokyo Declarations. In this regard, the Director of SPREP informed the meeting of Secretariat initiatives to obtain observer status at other international convention meetings, particularly the London Dumping Convention, at which the Secretariat will be represented at future meetings.

25. The representative of Western Samoa suggested that in the interests of promoting regional solidarity on environmental issues, the meeting provide an opportunity for a resolution urging other eligible SPREP member countries to join the Convention as quickly as possible. The following resolution was adopted:

THE PARTIES of the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, having met at the First Meeting of the Contracting Parties in Noumea, New Caledonia, 10-11 July 1991;

FULLY AWARE of the economic and social value of the natural resources of the environment of the South Pacific Region;

TAKING INTO ACCOUNT the traditions and cultures of the Pacific people as expressed in accepted customs and practices;

CONSCIOUS of their responsibility to preserve their natural heritage for the benefit and enjoyment of present and future generations;

STRESSING the need for co-operation to ensure a co-ordinated and comprehensive development of the natural resources of the region;

RECOGNISING the importance of demonstrating a strong regional commitment to the principle of the Convention, particularly as governments prepare for UNCED;

STRONGLY urge governments of the Convention area, which have signed but not yet ratified or who have not yet acceded to the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region and its related protocols, to do so without further delay.

26. The representative of Australia noted the value of the SPREP and Apia Conventions as legal frameworks for achieving regional agreement on environmental issues and referred to the provisions of Article 5 relating to the general obligations of the Contracting Parties under the Convention. He suggested that in order to take full advantage of the opportunities offered by the Convention to promote regional co-ordination, parties could use the two-year period before the next full meeting of the Contracting Parties to make suggestions or provide ideas to the Secretariat on how to promote such co-operation.

27. He further suggested that the Parties could review Articles 6 - 20 with a view to preliminary identification of possible activities and ideas on the appropriate measures to take to give effect to these provisions. The meeting welcomed this initiative and agreed to annex to the Meeting report a note on these issues to facilitate such review (Annex V).

AGENDA ITEM 9 - PRESENTATION BY SECRETARY-GENERAL OF THE SOUTH PACIFIC COMMISSION ON THE RELATIONSHIP BETWEEN THE SPC AND SPREP

28. The Secretary-General noted that although the SPC was formally identified as the 'Organisation' under Article 2(g) of the Convention, he believed SPREP was the appropriate body to carry out the secretarial functions related to the administration of the Convention. Accordingly, SPC is delegating these duties to the Director of SPREP and would give every assistance and support to SPREP in its endeavours in this regard and in its efforts to define itself as an organisation in its own right.

29. The Chairman noted with appreciation the Secretary-General's statement of support and suggested that there may be a need to formalise the delegation of powers and functions in an appropriate letter of delegation. He emphasised this was in no way a reflection on the ability of either organisation to implement the terms of the delegation, but merely an administrative formality. The Secretary-General indicated that this matter was already in hand.

30. The representatives of Fiji and France paid tribute to the way the SPC had discharged its functions and obligations under the Convention to date and welcomed the expression of continued support for SPREP in its implementation of the delegated functions.

31. In reply to a query from the representative of France, it was agreed that under Article 21 (1) (g), the Secretary-General was not required to seek the approval of the South Pacific Conference to this delegation of functions, and that the South Pacific Conference would be informed of this action under the provisions of Article 21 (1) (i). It was also noted that a delegation had been agreed at the 1990 IGM and Thirtieth South Pacific Conference.

32. The Director of SPREP, reflecting on the nature of the relationship between the SPC and SPREP, said SPREP would be leaving the SPC and Noumea on the same friendly note as when the Programme arrived. He further expressed his confidence that these friendly relations would continue in the future.

AGENDA ITEM 10 - OTHER BUSINESS

33. It was agreed that a press release would be prepared by the SPREP Secretariat and released.

AGENDA ITEM 11 - ADOPTION OF THE REPORT

34. The meeting agreed to adopt the report.

AGENDA ITEM 12 - CLOSURE OF THE MEETING

35. The representative of the United States of America and chairperson of the Drafting Committee expressed her appreciation for the excellent support received from the staff of SPC and the SPREP Secretariat. The representative of Fiji endorsed the remarks of the representative of the United States of America and moved a vote of thanks to the Chairman for his excellent stewardship of the meeting.

36. The Chairman expressed his grateful thanks to all the delegates for the constructive and efficient manner in which they had contributed to the business of the meeting and to the Secretary-General of the South Pacific Commission and the Director of SPREP and their staff for their highly competent and efficient support and assistance.

37. Following a closing prayer offered by the representative of France, the Chairman formally closed the meeting.

**ADDRESS BY THE SECRETARY-GENERAL,
SOUTH PACIFIC COMMISSION**

I am delighted to make you welcome at the South Pacific Commission for this, the First Meeting of the Contracting Parties to the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region and Related Protocols.

SPREP has been very much in the centre of our attention over these last few weeks. The Commission and the SPREP Secretariat have planned, co-ordinated and participated in extraordinary meetings at which historic and momentous decisions have been taken. SPREP is growing, SPREP is outreaching and SPREP is moving.

With all the attention focused on SPREP's new institutional and financial arrangements, it would be easy to overlook the matters before us today and tomorrow. But I venture to suggest that these very tangible activities - the First Meeting of Parties - are vital, important and salutary in their own right. We must be careful to remember it is the SPREP Programme that is paramount - not the method of its delivery.

The South Pacific Commission is honoured to meet its obligation under the SPREP Convention and in doing so to welcome, many of you for the second time, to the South Pacific Commission for this Meeting. We have as examples before us the industrious and expeditious conduct of the SPREP Officials and Ministerial Meetings. As always the South Pacific Commission translation, interpretation and support services are at your disposal and I look forward to a profitable and effective meeting.

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AGENDA

1. Opening of the Meeting
2. Organisation of the Meeting
 - (a) Election of Officers
 - (b) Organisation of work
 - (c) Status of Observers
3. Adoption of Agenda
4. Consideration and adoption of the Rules of Procedure for Meetings and Conferences - Article 22(4) SPREP Convention (WP.1)
5. Consideration and adoption of Financial Rules and Budget to determine the financial participation of Contracting Parties - Article 22(h) SPREP Convention (WP.2)
6. Assess periodically the state of the environment in the Convention area - Article 22 (a) SPREP Convention
 - Brief Working Paper prepared by SPREP (WP.3)
7. Consider co-operative activities to be undertaken within the framework of the SPREP Convention and its related Protocols, including their financial and institutional implications and adopt decisions relating thereto - Article 22(f) SPREP Convention
 - Emergency Contingency Plan - SPREP Information Paper (WP.4)
8. Consider and undertake any other additional action required to achieve the purposes of the SPREP Convention and related Protocols - Article 22(g) SPREP Convention
9. Verbal presentation by the Secretary-General, South Pacific Commission on the future relationship of the South Pacific Commission and the South Pacific Regional Environment Programme with regards to the SPREP Convention Secretariat
10. Other Business
11. Adoption of the Report
12. Closure of the Meeting

**RULES OF PROCEDURE FOR MEETINGS AND CONFERENCES OF
THE CONTRACTING PARTIES TO THE CONVENTION FOR
THE PROTECTION OF THE NATURAL RESOURCES AND
ENVIRONMENT OF THE SOUTH PACIFIC REGION
AND RELATED PROTOCOLS**

**(Adopted at the First Meeting of
Contracting Parties, Noumea, New Caledonia,
11 July 1991)**

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RULES OF PROCEDURE

for meetings and conferences of the Contracting Parties to the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region and its related Protocols.

PURPOSES

Rule 1

These rules of procedure shall apply to any meeting and conference of the Contracting Parties convened in accordance with Articles 22, 23 and 24 of the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region and its related Protocols.

DEFINITIONS

Rule 2

For the purposes of these rules:

1. "Convention" means the 1986 Convention for the Protection of the Natural Resources and Environment of the South Pacific Region and its Protocols;
2. "Organisation" means the South Pacific Commission;
3. "Secretary-General" means the Secretary-General of the South Pacific Commission or his/her designated representative;
4. "South Pacific Regional Environment Programme Action Plan" means the Action Plan for Managing the Natural Resources and Environment of the South Pacific Region adopted by the Conference on the Human Environment in the South Pacific, held in Rarotonga, Cook Islands, 8-11 March 1982, as modified by subsequent Intergovernmental Meetings that reviewed this Action Plan;
5. "Meeting" means any ordinary or extraordinary meeting of the Contracting Parties to the Convention;
6. "Conference" means any conference of plenipotentiaries of the Contracting Parties to the Convention.

PLACE OF MEETINGS

Rule 3

The Contracting Parties shall decide at each meeting the venue and timing of the next meeting. In unforeseen circumstances, the Organisation may in consultation with the Chairperson and the Contracting Parties, change the venue and timing of the next meeting.

DATES OF MEETINGS AND CONFERENCES

Rule 4

1. As provided in Article 22 of the Convention, ordinary meetings of the Contracting Parties shall be convened once every two years and extraordinary meetings shall be convened in accordance with the conditions set forth in that Article.
2. A conference of plenipotentiaries of the Contracting Parties shall be convened in accordance with the conditions set forth in Articles 23 and 24 of the Convention.
3. In accordance with Articles 21, 22, 23 and 24 of the Convention, the Organisation shall convene any meetings and conferences of the Contracting Parties.
4. Any ordinary meeting shall fix the date and duration of the next ordinary meeting.
5. Any extraordinary meeting shall be convened not more than ninety days after the date on which the request mentioned in Article 22(3) of the Convention has been received from a Contracting Party, or formulated by the Organisation, and supported by the requisite number of Contracting Parties.
6. The venue, date and duration of any conference convened in accordance with Articles 23 and 24 of the Convention shall be fixed by joint agreement of the Contracting Parties which requested the convening of the conference.

INVITATIONS

Rule 5

1. The Organisation shall invite all Contracting Parties to the Convention to send representatives to participate in the meetings or conferences.
2. The invitations, provisional agenda and supporting documents for each ordinary meeting shall be communicated by the Organisation to the Contracting Parties, and to entities referred to in Rules 6, 7 and 8, at least six weeks before the opening of the meeting or conference.

Rule 6

1. The Organisation shall invite, as an observer, any State or government invited to participate at the 1986 Conference of Plenipotentiaries on the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, which is not a Contracting Party, to meetings and conferences.
2. Such observers, upon invitation of the Chairperson and with the consent of the meeting or conference, may participate without vote in the deliberations of the meeting or the conference.

Rule 7

1. The Organisation shall invite, as an observer, any other government or administration which is a member of SPREP to any meeting or conference.
2. Such observers, upon invitation of the Chairperson and with the consent of the meeting or the conference, may participate without vote in the deliberations of the meeting or conference.

Rule 8

1. The Organisation shall invite, as an observer to any meeting or conference, any State Member of the United Nations, any United Nations specialised agency, any intergovernmental organisation or any national, regional or international organisation or non-governmental organisation which has direct concern in the protection of the natural resources and environment of the South Pacific Region.
2. Such observers, upon the invitation of the Chairperson and with the consent of the meeting or the conference, may participate without vote in the deliberations of the meeting or conference.

Rule 9

1. The States, governments, administrations or other entities invited to meetings or conferences as observers pursuant to Rules 6, 7 and 8 shall be permitted to speak on any matter only after the Contracting Parties wishing to do so have spoken.
2. The consent to participate referred to in Rules 6, 7 and 8 shall be deemed to have been granted if a majority of the Contracting Parties do not object.

SESSIONS OF MEETINGS AND CONFERENCES**Rule 10**

Plenary sessions of the meetings and conferences shall be open to those invited to attend, unless the Contracting Parties at the meeting or the conference decide on closed sessions by consensus. Sessions of ad hoc meetings and working groups of the meetings and conferences shall be held in private, unless a majority of the Contracting Parties decides otherwise.

AGENDA

Rule 11

In co-operation with the Chairperson, the Organisation shall prepare the provisional agenda of each meeting and conference.

Rule 12

1. The provisional agenda of each ordinary meeting shall include:
 - (i) items mentioned in Article 22, paragraph 1, of the Convention;
 - (ii) items mentioned in Article 16 of the Protocol for the Prevention of Pollution of the South Pacific Region by Dumping;
 - (iii) items mentioned in Article 10 of the Protocol Concerning Co-operation in Combating Pollution Emergencies in the South Pacific Region;
 - (iv) any other item in relation to the Convention and its related Protocols considered appropriate by the Contracting Parties;
 - (v) all items the inclusion of which was requested at a previous meeting or conference;
 - (vi) a report by the Organisation on the work undertaken or achieved as part of the SPREP Action Plan relating to the Convention and its Protocols since the last ordinary meeting and containing proposals for Action Plan and other activities to be undertaken in the forthcoming biennium, as well as a provisional budget and financial arrangements for those activities;
 - (vii) any item proposed by a Contracting Party;
 - (viii) the provisional budget as well as all questions pertaining to the Convention accounts and financial arrangements.
2. Any item of the agenda of an ordinary meeting, consideration of which has not been completed at the meeting, shall be included automatically in the agenda of the next ordinary meeting, unless otherwise decided by the Contracting Parties.
3. The provisional agenda for an extraordinary meeting provided for in Article 22 of the Convention, or for any conference provided for in Articles 23 and 24 of the Convention, shall consist only of those items proposed for consideration in the request for the holding of the extraordinary meeting or the conference. The agenda shall be transmitted to the Contracting Parties at the same time as the invitation to the extraordinary meeting or the conference.

Rule 13

The Organisation shall, on the basis of the requests of Contracting Parties or in consultation with the Chairperson, include any question suitable for the agenda which may arise between the dispatch of the provisional agenda and the opening of the meeting or conference in a supplementary provisional agenda. The meeting or conference shall examine the supplementary provisional agenda together with the provisional agenda.

ADOPTION OF AGENDA

Rule 14

At the opening of any meeting or conference, the Contracting Parties, when adopting the agenda for the meeting, may add, delete, defer or amend items.

Rule 15

The Organisation shall report to the meeting or conference on the administrative and financial implications of all substantive agenda items before they are considered by the meeting or conference.

REPRESENTATION AND CREDENTIALS

Rule 16

At any meeting or conference, the names of Contracting Party representatives and alternate representatives shall be submitted to the Organisation before the opening session. Any later change in the composition of delegations shall also be submitted to the Organisation.

Rule 17

The names of observers invited to participate at any meeting or conference in accordance with Rules 6, 7 and 8 shall be submitted to the Organisation before the opening session. Any later change in the composition of delegations shall also be submitted to the Organisation.

Rule 18

The credentials of representatives and alternate representatives shall be submitted to the Organisation before the opening sitting of a conference which the representatives are to attend. The credentials shall be issued either by the Head of State or Government, or by the Minister of Foreign Affairs.

Rule 19

In the case of States sending observers, the credentials shall be issued either by the Head of State or by the Minister of Foreign Affairs. In the case of agencies or organisations identified in Rule 8, the credentials shall be issued by a senior official of that organisation.

CHAIRPERSON AND VICE-CHAIRPERSON

Rule 20

1. At the commencement of the first session of each ordinary meeting, a Chairperson and a Vice-Chairperson are to be elected from among the representatives of the Contracting Parties by a simple majority vote.
2. The Chairperson and Vice-Chairperson elected at an ordinary meeting shall remain in office until such successors are elected at the next ordinary meeting and shall serve in that capacity at any intervening extraordinary meeting or conference.
3. The Chairperson, or Vice-Chairperson, may also exercise the rights of a representative, including the right to vote, unless there is an alternate representative of the same Contracting Party present.

Rule 21

If the Chairperson is temporarily absent from a session or any part thereof, the Vice-Chairperson shall assume the duties of the chair.

Rule 22

If the Chairperson or Vice-Chairperson resigns or otherwise becomes unable to complete the term of office, a representative shall be named by the same Contracting Party to fulfil the remainder of the term of office.

Rule 23

At the first session of each ordinary meeting, the Chairperson of the previous ordinary meeting, or in his/her absence, the Vice-Chairperson, shall preside until the meeting has elected a Chairperson for the meeting.

ORGANISATION OF THE MEETING

Rule 24

1. During the course of a meeting or of a conference, the Contracting Parties may establish such ad hoc meetings and other working groups as may be required for the transaction of its business.
2. Unless otherwise decided, the meeting or the conference shall elect a Convenor for each such ad hoc meeting or working group and shall determine the terms of reference of each such ad hoc meeting or working group.

SECRETARIAT

Rule 25

The Organisation shall act as the secretariat of any meeting or conference, and shall be responsible for the arrangements and administration of meetings and conferences including: the provision of secretarial services, interpretation and translation services, the receipt, and circulation of documents of the meeting or conference and its ad hoc meetings and working groups, publishing and circulating the resolutions, reports and relevant documentation of the meeting or the conference. It shall have custody of the documents in the archives of the meeting or conference and generally perform all other work that the meeting or the conference may require.

CONDUCT OF BUSINESS

Rule 26

Two-thirds of the Contracting Parties shall constitute a quorum for all meetings, conferences, or sessions thereof.

Rule 27

In addition to exercising the powers conferred upon him/her elsewhere by these rules, the Chairperson shall declare the opening and closing of the meeting or of the conference. He/she shall direct the discussion, ensure the observance of these rules, accord the right to speak, announce decisions, put questions to the vote and announce decisions resulting from that vote.

Rule 28

A Contracting Party may question the procedure being followed at a meeting or conference by raising a point of order which shall be decided immediately by the Chairperson. A Contracting Party may not, in raising a point of order, speak on the substance of the matter under discussion. A Contracting Party may appeal against the ruling of the Chairperson and the appeal shall be immediately put to the vote without discussion. The ruling shall stand unless overruled by the majority of the Contracting Parties present and voting.

Rule 29

Substantive motions and amendments to them shall normally be circulated to representatives in writing before the meeting or conference at which they are to be considered. Unless any representative calls for a postponement, the Chairperson may permit the discussion and consideration of such motions and amendments without previous circulation.

Rule 30

1. Subject to the provisions of Rule 28, the following motions shall have precedence, in the order indicated below, over all other proposals or motions before the meeting or conference:

- (a) to suspend a sitting;
- (b) to adjourn a sitting;
- (c) to adjourn the debate on the question under discussion; and
- (d) for the closure of the debate on the question under discussion.

2. Permission to speak on a motion falling within 1 (a) - (d) above shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

Rule 31

If two or more proposals relate to the same question, the meeting or conference, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted.

Rule 32

Any representative may request that parts of a proposal or of an amendment be voted on separately. If objection is made to the request for division, the Chairperson shall permit two representatives to speak, one in favour of, and the other against, the motion, after which it shall be put immediately to the vote.

Rule 33

If the request referred to in Rule 32 is adopted, those parts of a proposal or of an amendment shall then be put to the vote as a whole; if all the operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to be rejected as a whole.

Rule 34

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises part of, that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Rule 35

If two or more amendments are moved to a proposal, the meeting or conference shall first vote on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote. The Chairperson shall determine the order of voting on the amendments under this rule.

Rule 36

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended. A proposal or motion withdrawn may be reintroduced by any other Contracting Party.

Rule 37

When a proposal has been adopted or rejected, it may not be reconsidered at the same session, unless the meeting or the conference, by consensus, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter, after which it shall be put immediately to the vote.

VOTING**Rule 38**

1. Contracting Parties shall make every effort to reach agreement on matters by way of consensus and there shall be no voting on such matters until all efforts at consensus have been exhausted.
2. Each Contracting Party shall have one vote.
3. Decisions of a meeting or conference on all matters of substance shall be taken by a two-thirds majority vote of the Contracting Parties present and voting, unless otherwise provided by the Convention or the financial rules.
4. Procedural matters shall be decided by a simple majority vote of the Contracting Parties present and voting. If a vote is equally divided, a second vote shall be taken. If this vote is equally divided, the proposal shall be regarded as rejected.
5. Any question as to whether a matter is one of procedure or substance shall be decided by a simple majority vote of the Contracting Parties present and voting.
6. For the purpose of these rules, the phrase "Contracting Parties present and voting" means Contracting Parties present at the sitting at which voting takes place and casting an affirmative or negative vote. Contracting Parties which abstain from voting are considered as not voting.

Rule 39

If no consensus is reached, voting may be by show of hands, or may take place by secret ballot.

Rule 40

After the Chairperson has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting.

REPORTS**Rule 41**

The report adopted by the meetings and conferences shall be distributed by the Organisation as soon as possible after the meetings and conferences.

AD HOC MEETINGS AND WORKING GROUPS**Rule 42**

1. The Contracting Parties may convene ad hoc meetings and working groups during or between ordinary meetings, either of representatives of the Contracting Parties or of experts, in order to study problems which, because of their specialised nature, could not fruitfully be discussed during the normal sittings of a meeting or conference.
2. The terms of reference of these ad hoc meetings and working groups and the questions to be discussed shall be determined by the Contracting Parties.
3. Subject to Rule 24(2), each ad hoc meeting and working group shall elect its own officers.
4. The Organisation shall be responsible for the administrative arrangements of ad hoc meetings and working groups.

LANGUAGES**Rule 43**

English and French shall be the official languages of the meetings and conferences, ad hoc meetings and working groups of the Contracting Parties. A representative may speak in a language other than the official languages of the meeting or conference, if he or she provides for interpretation, and the costs thereof, into one of the languages and has provided prior notice to the Organisation.

**OVERRIDING AUTHORITY OF
THE CONVENTION**

Rule 44

In the event of any conflict between any provision of these rules and any provision of the Convention or its Protocols, the Convention and its Protocols shall prevail.

AMENDMENTS OF PROCEDURE

Rule 45

1. These Rules of Procedure may be amended by a two-third majority vote of the Contracting Parties.
2. These Rules of Procedure shall remain in force until amended by the Contracting Parties.

**NOTE ON ISSUES RELATING TO CONVENTION OBLIGATIONS
(by the Delegation of Australia)**

The Delegation of Australia has raised the issue of the Parties' general approach to giving effect to and further developing obligations of the Convention. Under Article 5, Parties have a general obligation to 'co-operate in the formulation and adoption of other Protocols prescribing agreed measures, procedures and standards' and 'taking into account existing internationally recognised rules, standards, practices and procedures, co-operate with competent global, regional and sub-regional organisations'. It was suggested that in further consideration of how best to meet the specific obligations in Articles 6 to 20 relating to particular areas of environment protection and the sustainable use of resources, Parties should, individually, and collectively (including through SPREP), take account of the provisions of other international legal instruments and of developments in relevant international forums. The SPREP Secretariat has an important role in establishing links with relevant organisations and communicating information to Parties.

The general approach suggested by Australia involves Parties undertaking to communicate ideas and proposals on ways to further develop and give effect to obligations through documents conveyed to all Parties and provided through the Secretariat during the period before the next meeting of Parties in 1993. The rationale for such an approach is the recognition of the fast pace of developments in international environmental law likely to be achieved by the international community over the next two years. Australia believes that the Parties to the SPREP Convention should ensure that they are prepared and have consulted on issues which could arise in other global forums, and that they have had time to consider and refine any proposals which could be considered at the 1993 meeting.

The following points on each relevant Article are provided as examples of the issues which will require consideration in the context of further development of the SPREP Convention and of other actions which might be taken pursuant to the Convention in order to give effect to these Articles:

Article 6 - Pollution from Vessels

Obligations in MARPOL 73/78 and its five annexes relate to operational discharges from ships. The IMO Marine Environment Protection Committee is a key international forum in which these and other relevant issues are considered and their deliberations will need to be addressed by Parties in terms of the need for and value of Protocols of other forms of regional support. The major requirement during the intersessional period is for Parties to be kept informed of these developments and their possible regional implications.

Article 7 - Pollution from Land-Based Sources

Several international forums are actively addressing the issue of appropriate legal regimes to deal with land-based pollutions of the sea and coastal areas. The UNCED Preparatory Committee has already identified this as one of the key marine and coastal issues which must be addressed at the UNCED Conference in June 1992. A meeting of experts on Land-Based Marine Pollution in Halifax, Canada, in May 1991 has started work on guiding principles and legal factors and has developed options for a regime of global protection of the marine environment from land-based sources of pollution. Other organisations are also considering this issue as part of their inputs to UNCED. One possible approach already being discussed is for a UNCED Resolution or a global framework Convention which would provide for the conclusion of regional agreements.

It is also possible for regional agreements to be concluded before or in parallel to global agreement. SPREP Convention Parties will need to be prepared for discussions in UNCED and for possible follow-up action, possibly in the form of discussions on Protocol, at the next meeting of Parties.

Article 8 - Pollution from Sea-Bed Activities

The major forum addressing pollution from sea-bed activities is the UN Convention on the Law of the Sea (UNCLOS).

Article 9 - Airborne Pollution

Appropriate measures to prevent, reduce and control some important sources of airborne pollution have already been put in place by instruments such as the Montreal Protocol. The most important current negotiations in this area are the processes of the International Negotiating Committee (INC) on the proposed Climate Change Convention. SPREP Parties will need to monitor developments to assess the need for regional action arising from the Convention and to be prepared for substantive discussions at the next meeting of Parties. Airborne contaminants contribute to pollution of the marine environment and their sources are also being discussed as a significant source of land-based pollution.

Article 10 - Disposal of Wastes

There is an existing SPREP Convention Protocol on dumping, which places the provisions of the London Dumping Convention in a regional context. The Secretariat's attendance at future LDC meetings as an observer is the principle mechanism for the establishment of information flow on dumping.

Article 11 - Storage of Toxic and Hazardous Wastes

The Basel Convention, UNEP and FAO have addressed most aspects of the transport, and storage of hazardous materials. Some Parties to the SPREP Convention have identified gaps in this framework which might be the subject of future Protocols under the SPREP Convention. The issue of regional approaches to such issues has been raised in the UNCED Preparatory Committee. Close monitoring of international forums and consideration of this issue by Parties may be required prior to the next meeting of Parties.

Article 12 - Testing of Nuclear Devices

The value of information exchange on measures to prevent, minimise and control pollution which may result from nuclear testing in the Pacific has been raised by Parties.

Article 13 - Mining and Coastal Erosion

This Article addresses issues of particular importance in this region which are not given as high priority in other regions and globally although the work of other UNEP Regional Seas programmes and in the UNCED Preparatory Committee is relevant. Given the high priority of these issues in regional terms, work towards the development of a Protocol giving more specificity to this obligation may be appropriate.

Article 14 - Specially Protected Areas and Protection of Wild Flora and Fauna

Negotiations towards a global Convention on the Protection of Biological Diversity are at an early stage. The proposed timeframe for the completion of these negotiations is, however, extremely short. Possible regional approaches may arise which could require the development of Protocols under either or both the SPREP and Apia Conventions.

Other Conventions, such as CITES, World Heritage and Bonn, are also relevant to Article 14.

Possible issues for consideration in the context of the SPREP Convention are Protocols on the protection of marine Biological Diversity and the development and designation of marine protected areas.

Article 15 - Co-operation in Combating Pollution in Cases of Emergency

Current activity and the existing Protocol would appear to well cover this area, however there is a need to maintain contact with agencies with continuing programmes in this field. It will be particularly important to follow progress in bringing into force the IMO International Convention on Oil Pollution Preparedness and Response (OPRC Convention). The environmental impacts of the Gulf War have also given added impetus to global efforts to develop comprehensive approaches to the development and co-ordination of response measures.

Article 16 - Environmental Impact Assessment

The RETA and NEMS Projects as well as the National Reports to UNCED will provide a good basis for the analysis of regional approaches to EIA processes. It would be desirable to use these projects to help Parties identify common approaches and short-comings in the region's approach to environmental assessment prior to consideration of possible strengthening of Article 16.

Article 17 - Scientific and Technical Co-operation

Parties have raised the issue of co-ordination of research and technical projects. All recognise the desirability of greater co-ordination and direct co-operation between the region's research and technical institutions. Article 17 provides a possible mechanisms to encourage greater co-operation and reduce the possibility of duplication.

Article 18 - Technical and Other Assistance

The co-operation and assistance of relevant international organisations is essential to all aspects of environmental management in the region. Article 18 provides a possible mechanism to help to ensure greater co-ordination between agencies, an issue raised by many Parties in the context of the SPREP Regional Statement to the third meeting of the UNCED Preparatory Committee.

Article 19 - Transmission of Information

Under the Convention and Protocols, there are a number of specific requirements for Parties to provide information (e.g. on environmental impact assessments made on major projects (Article 16.1)). Parties need to consider in what form and at what intervals this information is to be provided and circulated.

Article 20 - Liability and Compensation

This Article specifically requires parties to 'co-operate in the formulation and adoption of appropriate rules and procedures in conformity with international law in respect of liability and compensation for damage resulting from pollution of the Convention area'. Parties will need to give consideration to how they will meet this obligation including further codifying principles of international law as it relates to appropriate regimes for compensating for damage resulting from breaches of state's obligations under the Convention and Protocols and under general international law.

LIST OF MEETING DOCUMENTATIONWORKING PAPERS

- WP.1** Draft Rules of Procedure for Meetings and Conferences of the Contracting Parties to the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region and its Related Protocols
- WP.2** Financial rules - SPREP Convention
- WP.3** Assessment of the state of the environment in the Convention area
- WP.4** Co-operative activities within the framework of the Convention and Protocols