

Eleventh Meeting of The Noumea Convention

Eleventh ordinary 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 (Noumea Convention)

Noumea, New Caledonia
30 August 2012

Agenda Item 1: Opening of the Meeting

1. The Noumea Convention was negotiated under the framework of UNEP's Regional Seas Programme and adopted in 1986. The Convention and its two related Protocols (Protocol for the Prevention of Pollution of the South Pacific Region by Dumping; Protocol concerning Co-operation in Combating Pollution Emergencies in the South Pacific Region) entered into force on 22 August 1990.

2. Contracting Parties to the Noumea Convention met for their 11th Ordinary Meeting on 30 August, 2012 in Noumea, New Caledonia. The 12 Parties to the Convention are Australia, Cook Islands, Federated States of Micronesia (FSM), Fiji, France, Republic of the Marshall Islands (RMI), Nauru, New Zealand, Papua New Guinea (PNG), Samoa, Solomon Islands and United States of America (USA).

3. Australia, Cook Islands, Fiji, France, RMI, New Zealand, Samoa and USA attended. A list of participants is contained in Annex I.

4. The meeting commenced with a prayer by Jope Davetanivalu of Fiji.

5. His Excellency, Jacques Wadrawane, the Deputy Secretary General of the French High Commission, New Caledonia opened the meeting. His Excellency acknowledged the strong links of Pacific peoples to the marine environment and the importance of balancing financial gains from extractive activities such as sea bed mining with protecting the Pacific Ocean from harm. He noted that the Noumea convention and the Oceanscape initiative, as well as partnerships with IMO and through PACPLAN were ideal mechanisms to help ensure this long term environmental sustainability and protection of our ocean environments.

6. The Deputy Director General of SPREP, Mr Kosi Latu, greeted representatives noting that Noumea was the birthplace of SPREP and of the Noumea Convention. He reflected on the vastness of the Pacific ocean and the new frontiers for exploration in this area and made reference to deep sea mineral mining which has the potential to generate wealth for the region. However, he added that this activity needs to be managed appropriately and that the Noumea

Convention will help ensure that this takes place in a sustainable manner. The Deputy Director General noted the commitment of Parties to sustainable management of our marine resources and discussed the Oceanscape as an example. He further noted the valuable partnership with the International Maritime Organization, which helps provide resources to help manage the marine environment, including through better managed regional ports and marine pollution.

Agenda Item 2: Organisation of the Meeting

7. The Rules of Procedures of the Noumea Convention requires that two-thirds of the Parties need to be present at an official meeting of the Convention. The quorum required is eight and only seven members were present at commencement of the meeting. Representatives agreed to meet informally and reconvene the next day in order to approve decisions once the quorum was achieved.

8. In accordance with the Rules of Procedure of the Noumea Convention, a Chair and Vice-Chair were elected from the representatives by a simple majority vote. Mr Jacques Wadrawane from France was elected Chairperson and Mr Warwick Harris of RMI was elected Vice-Chairperson.

9. The Deputy Director General then invited France to take the Chair. Mr Wadrawane thanked the meeting for their trust in electing him as Chair.

Agenda Item 3: Adoption of the agenda

10. The proposed agenda and working hours were adopted and are contained in Annex 2.

Agenda Item 4: Report of the Secretariat

11. In accordance with Rule 12(vi) of the Rules of Procedure of the Noumea Convention, the Secretariat presented its report on work performed in relation to the Noumea Convention and Protocols during the period July 2010 to June 2012.

12. The Report addressed Articles 6 (Pollution from Vessels), 13 (Mining and Coastal Erosion), 14 (Specially Protected Areas and Protection of Wild Fauna and Flora), 16 (Environmental Impact Assessment), 17 (Scientific and Technical Cooperation) and 18 (Technical Cooperation and Assistance). The Report is contained in Working Paper 4.1.

13. New Zealand thanked the Secretariat for its work on the precautionary principle relating to deep sea mineral mining in the Pacific region, noting that currently there weren't many guidelines for legislation in this area. The representative also commented on the challenges of balancing economic benefits and environmental protection and added that any work on deep sea mineral mining would need to be carried out in an environmentally responsible way.

14. USA noted it had not had sufficient time to fully consider the paper on the Precautionary Principle and was therefore unable to provide comprehensive and authoritative feedback. The representative noted that deep sea mineral mining was an issue of increasing importance to the region in both economic and environmental terms. Not all Parties utilised the term “precautionary principle”. . . USA requested further information on how the paper was developed. Given quite divergent views on the precautionary principle, the representative hoped that a consensus approach to the paper could be found.

15. The Secretariat advised that funds for developing the paper had come from the Convention funds provided by the USA. The Secretariat had responded to a request from SOPAC/SPC to assist with determining how to apply the precautionary principle in the context of deep sea mineral mining. It was noted that progressing with deep sea mineral mining requires that it is done in line with the precautionary principle, however there is currently no clarity on what that means. The paper is open for comments and will be finalised as a SPREP technical report. The paper is intended to be a synthesis and summary and provides different statements on interpretation of the precautionary principle and makes a distinction between this and the precautionary approach. The Secretariat welcomed further discussion and feedback on this issue.

16. Fiji reflected that this was a new subject for most countries and welcomed some of the proposals in the paper, including the regulatory framework and consultations with member states. The representative noted the importance of environmental and integrated impact assessments and, in this regard, expressed the Government of Fiji’s appreciation to the Secretariat in providing an expert to assist with impact assessment of copper mining.

17. Australia expressed support of the legitimate use of the Precautionary Principle and added that the key issue is in how it is applied. The representative also requested more time to consider the draft paper.

18. Cook Islands stressed the emerging issue of oil drilling/exploration, noting that several countries are already considering this. The representative requested that this be considered by the Secretariat. He noted that there is a draft legislative and regulatory framework for deep sea bed mining released by SPC-SOPAC in July 2012. This needs further consideration. The representative endorsed the precautionary principle in respect to deep sea bed mining.

19. The Chair concluded the session noting that the document is yet to be finalised and that parties still have time to provide comments and engage further with the Secretariat. The Secretariat was requested to circulate the draft paper titled “Understanding and Applying the Precautionary Principle to Deep Sea Minerals Mining in the Pacific Islands Region: A Socio-cultural and Legal Approach” to parties for comment.

Agenda Item 5: Country Reports on the implementation of obligations under the Convention

20. Country reports were requested from Members to highlight any related activities completed over the last two years. The following verbal reports were provided:

21. USA advised that a written report would be submitted covering support for the 2011 amendments to MARPOL Annex V (garbage discharge from ships); publication of standards for living organisms in ballast water discharges in US waters; work on developing response tools for the Oceania Regional Response Teams (ORRT); and response to a long-sunken oiler in Pago Pago to retrieve fuel and prevent a pollution event.

22. Written country reports were deferred by Samoa, New Zealand, Fiji and RMI.

23. RMI and Fiji acknowledged SPREP for Convention-related capacity building in-country.

24. RMI highlighted work with the Department of Defence in Guam on biosecurity issues as a component of the Micronesian Challenge.

25. Fiji is currently ratifying MARPOL and has been active in other areas of local marine protection.

26. Australia advised that their report had been submitted. Australia's priorities include addressing the threats to marine biodiversity from marine pollution and land-based impacts, and also protecting the Great Barrier Reef from land-based pollution. The Coastal Catchments Initiative to reduce pollution from key hotspots and the Reef Protection Plan to manage diffuse source pollution are both ongoing priorities.

27. Cook Islands stated that it will present a written report and advised verbally on two harbour-deepening and reclamation projects funded by NZAID in partnership with the Cook Island government, which had been carried out in line with the Cook Islands National Environment and Service Act 2003, including conducting an environmental impact assessment.

28. The Chair invited all countries to submit their written implementation reports as soon as possible to the Secretariat.

Agenda Item 6: Financial statements

29. The Secretariat tabled the independently audited Financial Statements for the 2010 to 2011 financial years.

30. The Meeting:

- **adopted** the audited Financial Statements for 2010 and 2011.

Agenda Item 7: Consideration and adoption of the Core Budget and Discussion of Operational Budget

7.1 Core Budget

31. The Secretariat advised that the budget had been prepared in accordance with the rules of the Convention and was funded by contributions from the members. The total expenditure for the next biennium is USD17,990. The budget is balanced but does not include the operational budget for activities.

32. USA advised that at this stage, it was unable to confirm funding for the next biennium (2013-2014), due to aligning of financial cycles.

33. In response to a query from New Zealand, the Secretariat advised that the next Meeting of the Convention would be held on the wings of the 2014 SPREP meeting.

34. Fiji noted that it supported the contribution amounts as reflected in 11NC/WP.7.1.

35. The Meeting:

- **adopted** the budget and the contributions for 2013-2014 taking into account the explanations provided by the Deputy Director General.

7.2 Status of Contributions

36. The Secretariat presented the Status of Contributions, noting that Cook Islands, Nauru and New Zealand had also paid their contributions since the preparation of the Working Paper.

37. The Secretariat advised that invoices are sent out at the beginning of each year and followed up quarterly with reminder letters and invoices. It further clarified that figures in brackets mean that the member has a credit in contributions to the Secretariat.

38. The Meeting:

- **adopted** the Status of Contributions.

Agenda Item 8: Other business

8.1 Noumea Protocols Expenditure Report 2010 & 2011

39. In order to make members more aware of all the activities being conducted by the Secretariat, the audited Financial Statements for the Noumea Protocols for the 2010 and 2011 financial years were presented. This was the first time this was being done as the Noumea Protocols funding from the International Maritime Organization and the Republic of China (Taiwan) did not require mandatory reporting to the COP.

40. USA noted that this provided a better idea of all the work that was being done and suggested that this excellent precedent be continued.

41. In response to a query from Fiji, the Secretariat clarified that these financials were audited by the same company as for the earlier audited financial statements.

42. The Meeting:

- **noted** and **adopted** the relevant parts of the audited Financial Statements for 2010 and 2011.

8.2 Regional Port Waste Reception Facilities

43. The Secretariat provided an overview of efforts to develop a Regional Port Waste Facilities Plan and explained that the IMO Marine Environment Protection Committee 49th session (MEPC 49) agreed that regional arrangements are an acceptable way to satisfy MARPOL obligations relating to adequate waste reception facilities for ships and that this approach could have the potential to resolve obstacles for many countries to become party to the MARPOL. However, in order to institutionalize and apply regional arrangements for providing reception facilities, appropriate amendments have been made to relevant MARPOL Annexes.

44. These amendments are outlined in 11NC/WP.8.2 that calls on regions to have a Regional Port Waste Reception Facilities plan. A guideline is outlined in 11NC/WP.8.2/Att.2

45. NZ, Australia, USA and Fiji indicated their support for the development of the regional port waste facility noting that this would address the challenges that small islands face in providing such facilities.

46. NZ noted it was considering hosting a regional port facility.

47. USA indicated its interest in providing necessary technical assistance, if possible, noting that USA is a party to MARPOL except to Annex 4, which imposes requirements that need to be carefully considered. The USA asked that the recommendation 4 be modified.

48. Fiji acknowledged the active consultation that the Secretariat has been engaging in with local authorities and advised their satisfaction with Secretariat input at this stage.

49. The Meeting:

- **Noted** the amendments to MARPOL and Annexes I, II, IV, V and VI on regional arrangements;
- **Directed** the Secretariat to develop a Regional Port Waste Facilities Plan for the SPREP region based on the IMO Guidelines;
- **Called** on members to provide assistance where possible; and
- **Encouraged** members to consider signing up to the MARPOL Convention and its Annexes within two years after IMO's adoption of a SPREP Regional Port Waste Facilities Plan.

8.3 PACPLAN review process

50. The Secretariat provided an overview on developments for the review of the Pacific Islands Regional Marine Spill Contingency Plan (PACPLAN), a framework that outlines mutual arrangements between countries in response to marine spills. It was also noted that the IMO has provided funding for the review of PACPLAN in 2012. A schedule for the review workshops was provided in 11NC/WP.8.3 and outlined here:

- New Caledonia 4 September
- Auckland 9-11 October
- Sydney 30 October-1 November
- Honolulu 3-5 December
- Apia 11-13 December

51. France, NZ, Australia, USA and Samoa supported the recommendations of the paper and looked forward to hosting the workshops.

52. Australia advised on its upcoming secondment to SPREP to work on PACPLAN related issues to commence in 2013.

53. Responding to a request from Fiji, the Secretariat clarified that assistance from members is their participation in the process in terms of providing comments and views.

54. The Meeting:

- **endorsed** the PACPLAN review process; and
- **called** on members to provide assistance.

8.4 Amended Protocols

55. The Secretariat presented an outline of the Noumea Convention new Oil and HNS Protocols and the amended Dumping Protocol. These were adopted in 2006 COP8 to bring the current Protocols in line with international conventions. Since their adoption no country has ratified or acceded to the amended protocols.

56. Fiji indicated its concern on the process to encourage members to sign up to the Noumea Convention amended and new protocols. Fiji offered to work with the Secretariat to host a consultative workshop if necessary. The representative gave the example of the Convention on Migratory Species which involved consultative workshops before countries were able to sign up to it.

57. The Meeting:

- **noted** the status of the Convention and Protocols;
- **encouraged** Members to consider ratifying or acceding to the Noumea Convention's amended Dumping Protocol and the new Oil and HNS Protocols by COP 14 in 2018; and
- **noted** with appreciation, the offer by Fiji to host a workshop in collaboration with the Secretariat.

8.5 Future Activities

58. The Secretariat advised that there are two sources of funds available which can be used for operational activities. These are carry over funds from the Apia Convention Account (USD20,531) and the balance of a voluntary contribution from USA (USD116,819).

59. The Secretariat provided an outline of suggested future activities which included the Pacific Oceanscape Framework and further engagement in the Deep Sea Mineral mining issue.

60. The Meeting:

- **Agreed** to the Secretariat and parties looking for opportunities to link activities of the Convention with the Pacific Oceanscape initiative;
- **Directed** the Secretariat to solicit party recommendations and comments on priority activities for use of the operational funds;
- **Agreed** that the Secretariat would distribute further details concerning an intersessional meeting on Deep Sea Mineral mining.

Agenda Item 9: Date and Venue of the next Meeting

61. The Parties agreed that the next meeting of the Convention would be held on the margins of the 25th SPREP Meeting.

Agenda Item 10: Adoption of the Meeting Record

62. The meeting record was adopted.

Agenda Item 11: Closure of the Meeting

63. The Chair thanked representatives for their participation and acknowledged the work of the Secretariat and the interpreters. The Deputy Director General thanked France for its leadership as Chair and presented a token of appreciation to the Chair.

64. The meeting was closed by the Chair.

ANNEX I: PARTICIPANTS LIST

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ANNEX II: AGENDA

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Agenda Item 9: Date and venue of the next Meeting

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Agenda Item 11: Closure of the Meeting
