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Report

of the Thirteenth 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)

17th September 2015 Apia, Samoa



Introduction

- The Noumea Convention was negotiated under the framework of the United Nations Environment Programme (UNEP) 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 and the Protocol Concerning Cooperation in Combating Pollution Emergencies in the South Pacific Region entered into force on 22 August, 1990.
- 2. The 12 Parties to the Convention are Australia, Cook Islands, Federated States of Micronesia, Fiji, France, Republic of the Marshall Islands, Nauru, New Zealand, Papua New Guinea, Samoa, Solomon Islands and United States.

Agenda Item 1: Opening of the Meeting

- 3. Contracting Parties to the Noumea Convention met for their Thirteenth Ordinary Meeting on 17 September, 2015 in Apia, Samoa.
- 4. Present at the Meeting were representatives from Australia, Cook Islands, Federated States of Micronesia, France, Republic of the Marshall Islands, Nauru, New Zealand, Samoa, Solomon Islands and United States. A full list of participants is contained in Annex I.
- 5. The Meeting commenced with a prayer by Dr Frank Griffin of the Secretariat of the Pacific Regional Environment Programme (SPREP).
- 6. The Director General of SPREP welcomed all delegates to the Meeting and thanked them for their attendance, noting that 10 of the 12 Parties were present.
- 7. The Director General noted that the Noumea Convention is the oldest active Convention for which SPREP is responsible and emphasised that the issues it seeks to address are as significant today as they were at the time of the Convention's adoption.
- 8. The Director General noted, with appreciation, ongoing support from the United States by way of voluntary contributions.
- 9. In closing, the Director General reiterated the importance of the Noumea Convention as a legally binding mechanism to tackle critical issues in the region, and wished delegates well for the Meeting. The Director General's opening address is attached as Annex II.
- 10. The outgoing Chairperson, representing Republic of the Marshall Islands, thanked the Director General and echoed appreciation to the United States for its ongoing financial support to the Convention.

Agenda Item 2: Organisation of the Meeting

- In accordance with the Rules of Procedure of the Noumea Convention, a Chairperson and a Vice Chairperson were elected from the representatives by a simple majority vote.
- 12. The Parties elected New Zealand as Chairperson and Cook Islands as Vice Chairperson.
- 13. The outgoing Chairperson, representing Republic of the Marshall Islands, thanked delegates for their support over the previous 12 months and invited Mr Mike Walsh, as representative of New Zealand, to take over as Chairperson.

Agenda Item 3: Adoption of the Agenda

14. The Parties adopted the proposed Agenda and Working Hours as outlined in Annex III.

Agenda Item 4: Report of the Secretariat

- 15. 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 2014—July 2015.
- 16. New Zealand thanked the Secretariat for its Report and commented on activities relating to the use of litter booms in managing land-based sources of waste in rivers, noting that the involvement of the community, especially young people, is essential in embedding sustainable environmental practices. New Zealand encouraged the Secretariat to continue with this approach.
- 17. Australia enquired as to whether the Secretariat had received a response from the International Seabed Authority (ISA) on its submission. The Secretariat advised that a response had been received and that details of this response would be provided after the Meeting. The Secretariat noted the strong relationship between the Secretariat and the ISA
- 18. France commented that the Secretariat's report highlighted the effectiveness of the Noumea Convention, and noted that the funding support from United States is making a difference at an implementation level. France advised of its participation in Convention activities through Wallis and Futuna and also through New Caledonia's activities under its partnership on Marine Protected Areas with Cook Islands. France encouraged the Secretariat to continue its work under the Convention.

> **noted** the Report of the Secretariat.

Agenda Item 5: Country Reports on Implementation of Obligations under the Noumea Convention

- 20. Country Reports were requested from Members to highlight any activities relevant to their obligations that have taken place since the last Meeting. Country Reports were submitted by New Zealand and Australia, and tabled at the Meeting.
- 21. New Zealand and Australia presented their Country Reports noting the significant value of the marine environment to both the people and economies of their respective countries. Key priority areas for both countries included addressing the impacts of marine debris and sea-bed exploration.
- 22. France made a verbal report on activities undertaken in New Caledonia, noting the collaboration between the New Caledonia Government and its provinces in the management of the marine environment. A written report will be presented in the coming months. Wallis and Futuna and French Polynesia would be encouraged to participate in this report.
- 23. Federated States of Micronesia noted that its Country Report had been drafted but that information needed to be confirmed from the FSM states.

Agenda Item 6: Financial Statements for 2014

- 24. The Secretariat tabled the audited Financial Statements for the Noumea Convention for the 2014 financial year. The Financial Statements included a statement from the Director General, Auditor's Report 2014, Income and Expenditure Report 2014, Operational Expenditure Report and Protocol Expenditure Report 2014.
- 25. United States thanked the Secretariat for the presentation and noted that the annual voluntary funds provided from the United States to SPREP include its contribution to the Noumea Convention.
- 26. Federated States of Micronesia requested clarification on Member Contributions. The Secretariat responded that only two countries paid contributions in 2014 Australia and Solomon Islands.
- 27. Australia noted the significant contributions from United States and France in support of the Noumea Convention.
- 28. Australia requested clarification on recovery costs by SPREP. The Secretariat clarified that the costs to SPREP were for operational expenses incurred and not for staff time.

- 29. Australia asked the Secretariat about plans for future funding. It was noted that this issue would be discussed in detail under Agenda Item 8.
- 30. The Parties:
 - > adopted the relevant parts of the audited Financial Statements for 2014.

Agenda Item 7: Decision Items

31. The Secretariat presented four separate Working Papers for decision to the Conference of the Parties. Outcomes of these discussions are outlined in Agenda items 7.1, 7.2, 7.3 and 7.4.

Agenda Item 7.1: Utilising Existing Databases to UndertakeRegional Environmental and Biodiversity Analyses to Enhance National and Regional Ocean Governance through Marine Spatial Planning to Promote the Objectives of the Framework for a Pacific Oceanscape

- 32. The Secretariat presented on the value of accessing Regional Observer Programme data held within Secretariat of the Pacific Community (SPC) databases. The Secretariat sought endorsement from the Parties to access this data, explaining that the information would enable an analysis of biodiversity distribution and trends on non-target by-catch species and species of special interest.
- 33. The Meeting discussed the proposal and raised the issues of data security, CROP agency modalities and national consent for information held by agencies.
- 34. Cook Islands, Australia, United States, France and Republic of the Marshall Islands expressed in principle support for the proposal, but explained that advice would need to be sought from their respective national agencies prior to endorsement.
- 35. Federated States of Micronesia and Solomon Islands noted that they would need more time to consult with counterparts.
- 36. The Secretariat asked that Parties undertake appropriate national consultations and provide an indication of their support prior to the commencement of the SPREP Meeting on 22 September, 2015.

37. The Parties:

noted the request from SPREP for individual countries to agree to allow SPREP access to the observer reports from their EEZs held by SPC that are related to the by-catch of protected species and species of special interest and the Gen-2 observer forms; and

➤ endorsed the proposal in principle, pending consent from national agencies to the release of this information, subject to equivalent conditions of security and confidentiality as those under which it was provided to SPC.

Agenda item 7.2: Marine Pollution Originating from Purse Seine Fishing Vessel Operations in the Western and Central Pacific Region, 2004-2014

- 38. The Secretariat updated the Parties on a recent analysis of data from the SPC/FFA Regional Observer Pollution Report Form GEN-6 about pollution incidents caused by fishing vessels. The analysis and summary recommendations were provided to the Parties by way of a Working Paper entitled *Marine pollution originating from purse seine fishing vessel operations in the Western and Central Pacific region, 2004-2014.*
- 39. Republic of the Marshall Islands thanked the Secretariat for the report and enquired as to whether the analysis differentiated between minor and major pollution recordings by observers. The Secretariat confirmed that this differentiation was taken into account.
- 40. Australia expressed support for the recommendations in principle, but noted the limited capacity to implement such ambitious goals.
- 41. The Secretariat advised that a prioritisation process would be undertaken to address the issue of limited capacity. The Secretariat undertook to commence discussion with Members on this issue immediately following the Meeting, with a view to identifying priorities prior to the commencement of the SPREP Meeting on 22 September, 2015.

42. The Parties:

- noted the progress on the analysis and summary of the SPC/FFA Regional Observer Pollution Report data; and
- endorsed the recommendations of the report in principle, subject to prioritisation.

Agenda Item 7.3: A Regional Reception Facilities Plan for the Small Island Developing States in the Pacific Region

- 43. The Secretariat updated Parties on the Regional Reception Facilities Plan (RRFP) for the Small Island Developing States in the Pacific Region, noting that the IMO MEPC68 formally endorsed the RRFP which will take effect from May 2016.
- 44. The Secretariat emphasised that the RRFP is a living document, with a built-in review period of two years, to allow for it to be adapted to changes in shipping patterns, waste infrastructure and the results of planned further gap analyses in additional ports

- in Guam, Commonwealth of the Northern Mariana Islands, and Republic of the Marshall Islands.
- 45. Australia congratulated the Secretariat on this achievement and noted the significant environmental benefits that would follow through improved ship waste management into the future. Australia further noted that the plan removed a barrier that has prevented states acceding to the MARPOL Convention.

- noted the endorsed RRFP for the Pacific Region which will come into effect from 1 May, 2016;
- > noted that the RRFP is a living document and will be reviewed in two years for COP14: and
- noted the planned gap analyses in additional ports.

Agenda Item 7.4: International Maritime Organisation (IMO) Conventions

- 47. The Secretariat presented on the value of acceding to IMO's pollution, liability and compensation conventions as well as the Torremolinos Convention.
- 48. Noting that IMO is the global standard-setting authority for the safety, security and environmental performance of international shipping, the Secretariat encouraged Members to consider acceding to the International Convention for the Prevention of Pollution from Ships 1973/78 (MARPOL), the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (Ballast Water Management) and the International Convention on the Control of Harmful Antifouling Systems on Ships (AFS), 2001.
- 49. The Secretariat also encouraged Members to consider acceding to the International Convention on Civil Liability for Oil Pollution Damage (CLC), 1969 and Protocol 1992, the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunkers Convention), the Nairobi International Convention on the Removal of Wrecks, 2007 (Nairobi Wreck Removal Convention) and the Torremolinos International Convention for the Safety of Fishing Vessels.
- 50. Australia supported the Secretariat's presentation on the value of acceding to IMO's Conventions, and noted the importance of the Bunkers Convention and the importance that all these Conventions play in securing safe shipping operations and protection of the marine environment.
- 51. New Zealand supported the Secretariat's presentation, additionally noting the importance of the Capetown Agreement, and recommended that the Secretariat use country reports to assist Members in acceding to these Conventions.

- 52. Federated States of Micronesia enquired as to whether the Secretariat would provide an assessment to determine if the Nairobi Wreck Removal Convention was relevant to its country context. The Secretariat encouraged Federated States of Micronesia to accede to the Nairobi Wreck Removal Convention, noting that the Convention excludes World War II wrecks and smaller vessels, while addressing larger vessels above a certain tonnage. Australia noted domestic regulation could be considered for smaller vessels.
- 53. Australia noted the importance for countries to consider all of the IMO conventions, as each cover different topic areas.

agreed to work with the Secretariat to encouragethe relevant member country departments to ratify the IMO's pollution, liability and compensation conventions as well as the Torremolinos Convention.

Agenda Item 8: Consideration and Adoption of the Core Budget

- 55. The Secretariat presented the core budget for consideration and adoption by the Meeting, noting that the budget is funded by contributions from the Parties and that funds have traditionally been used for the limited purposes of providing for the next Meeting of the Parties and for the Secretariat providing technical advice.
- 56. The Secretariat tabled Member contributions up to 16 September, 2015, noting the additional information on Papua New Guinea's contribution. The Secretariat further reported on payments received from Australia, Federated States of Micronesia, France, Papua New Guinea, Solomon Islands and Samoa.
- 57. United States noted that its contribution to the Noumea Convention is made by way of a voluntary contribution to SPREP.
- 58. New Zealand advised that its payment would be made as soon as possible.
- 59. Nauru reassured the Meeting that it will clear its outstanding contribution as soon as possible.
- 60. Australia queried the long-term financial sustainability and strategic priorities of the Convention and suggested that this issue should be opened for discussion. New Zealand thanked Australia for raising the point but suggested that Members may need more time to consider the issue. Australia subsequently presented text proposing an options paper to be developed by the Secretariat in consultation with Parties.

- considered and approved the core budget and contributions for the biennium 2016 – 2017; and
- > committed to urgently clearing outstanding contributions; and
- requested an options paper on financial, strategic and workplan priorities to be developed by the Secretariat in consultation with Parties, in the context of developing the next SPREP Strategic Plan, for discussion inter-sessionally, and for decision at CoP14.

Agenda Item 9: Other Business

62. No other business was identified.

Agenda Item 10: Date and Venue of the Next Meeting

63. The Secretariat advised that the next Meeting would coincide with the 2017 SPREP Meeting in Apia, Samoa.

Agenda Item 11: Adoption of the Meeting Record

- 64. The Parties:
 - adopted the record of the Meeting.

Agenda Item 12: Closing of Meeting

- 65. The Deputy Director General thanked the Chairperson and Vice Chairperson for their leadership and acknowledged delegates for their participation in the Meeting.
- 66. The Chairperson thanked delegates for their participation.

ANNEX I: List of Participants

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- 2. Mr. Marc Orlando
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- 4. Mr William Raye

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- 2. Mr. Kosi Latu
- 3. Mr. David Haynes
- 4. Mr. Warren Lee Long
- 5. Mr. Anthony Talouli
- 6. Mr. Clark Peteru
- 7. Ms. Easter Galuvao
- 8. Mr. Michael Donoghue
- 9. Mr. Frank Griffin
- 10. Ms. Nanette Woonton
- 11. Ms. Amber Carvan
- 12. Ms. Selesitina Pule'aga Meni-Reti
- 13. Mr. Posa Skelton
- 14. Mr. Ainsof So'o
- 15. Mr. Epeli Tagi
- 16. Mr. Billy Chan Ting
- 17. Ms. Alofa Tu'uau
- 18. Ms. Makereta Kaurasi-Manueli
- 19. Ms. Lupe Silulu
- 20. Ms. Makerita Atiga
- 21. Ms. Apiseta Eti
- 22. Ms. Maraea S. Pogi

ANNEX II: Opening Remarks by the David Sheppard, SPREP Director General

Delegates, ladies and gentlemen Good morning, bonjour and Talofa!

It is a great pleasure to deliver this statement on behalf of SPREP, the Secretariat of the Pacific Regional Environment Programme.

Thank you making time in your busy schedules to attend this thirteenth conference of the Parties to the Noumea Convention. I understand that nine of the 12 parties will attend todays' meeting – this will be the highest level of participation for many years.

The Noumea Convention - full title the "Convention for the Protection of the Natural Resources and Environment of the South Pacific Region" - was adopted in 1986, and entered into force, along with its two Protocols, in 1990.

Its focus is the protection and sustainable management of the marine and costal environment of the Pacific Region. It has a particular emphasis on control of marine and coastal pollution control, through its protocols on "Dumping" and "Emergencies", which mirror global IMO Conventions and Protocols.

The Noumea Convention is the oldest active Convention for which SPREP is responsible and in fact pre-dates the SPREP Agreement which entered into force in 1993.

It's focus on conservation and sustainable use of the Pacific Ocean reflected growing concerns in the 1980s in our region about

issues such as marine pollution, including from nuclear testing - which was a hot issue for Pacific island countries at that time - and the need for better protection of important marine resources.

Flash forward to today and the need to better protect and manage the Pacific Ocean is one of the most urgent challenges facing Pacific island countries and SPREP.

Our Pacific leaders have stated that Pacific countries are not Small Island Developing States but are in fact Large Ocean States. As our leaders have said - the Pacific Ocean is our lifeblood.

The Pacific Ocean is vast – in fact covering an area larger than the surface area of the moon - and our region is mostly ocean – comprising 2% land and 98% water.

The Pacific Ocean is vast – but it is also under threat from challenges such as ocean acidification, marine pollution and overfishing.

Sadly, many of the Pacific's most iconic and emblematic species – whales, turtles, dugong and sharks – are severely depleted. Many are assessed as Endangered or Critically Endangered.

46% - nearly half - of all migratory sharks globally have been assessed as threatened due largely to the impacts of unsustainable target fisheries, frequently referred to as by-catch.

Humans are often very scared of sharks but

– in fact - it is the sharks that should be
more afraid of us humans.

Big Eye Tuna - one of the major commercial fish species in our region - is being severely overfished and population levels are now at 16% of initial abundance.

Four of the six species of marine turtle in our region have suffered catastrophic population declines over the past century and are now classified under the IUCN Red List of Threatened Species.

Marine pollution is a major and growing threat to the health of the Pacific Ocean and our peoples. Threats from shipsourced pollution such as oil, garbage and sewage, as well as threats from marine litter - including entanglement of marine wildlife – pose major threats to our marine environment and to sustainable development.

The threats to the Pacific Ocean are many and varied and action is needed and it is needed **now**.

Leaders have issued a clear direction for action through adoption of the Framework for a Pacific Oceanscape in 2012 – this is a call, in fact a direction, for more integrated and holistic approaches to ocean and islands management.

The Noumea Convention is particularly important in this context as it is one of the few legally binding Conventions in our region dealing with the protection and sustainable management of the Pacific ocean and its resources.

A major focus of SPREP's work is on the management and protection of the Pacific Ocean. Our role and niche on oceans management includes: (i) marine protected areas, including marine spatial planning; (ii) marine pollution, including marine

debris; (iii) marine mammal species, and other threatened and migratory species; (iv) ocean observation, including addressing Ocean Acidification and hosting the Pacific Islands Global Ocean Observation System (PIGOOS); and (v) conservation and sustainable use of critical marine habitats.

These are all key areas of relevance to the Noumea Convention and much has been achieved over recent years. Coordination of SPREP's work has been strengthened by the recent establishment of a "Blue Team" within SPREP, involving staff from all 4 SPREP technical Divisions.

If we look at the record of record of achievement of the Noumea Convention the results have been mixed.

Challenges have included limited funding – although I would place on record appreciation to the Government of the USA for its support for the Noumea Convention – as well the issue of potential confusion and overlap between this Convention with the marine and ocean components of the overall SPREP Programme, which will be discussed next week at the SPREP meeting.

I believe it is timely to assess the role and function of the Noumea Convention and would welcome guidance from Parties at todays' meeting.

In my view the Noumea Convention is important, particularly given its legally binding provisions, and has a particularly important role as a link between our Pacific region and international Conventions and Agreements.

In particular, with Convention and Protocols of the International Maritime

Organisation, noting that the Protocols to the Noumea Convention mirror three of the IMO Conventions, including the London Dumping Convention and the Oil Pollution Preparedness Response and Cooperation Convention.

There is also a clear link between the Noumea Convention and the Regional Seas Programme of UNEP. Given the strengthening of SPREP's partnership with UNEP, particularly through opening the UNEP Office at SPREP last year, it is now timely to make clearer and more explicit links between the Noumea Convention and the Regional Seas Programme.

Thus my first suggestion is to strengthen the links between the Noumea Convention and relevant global conventions and agreements. And - why not - let's seek direct funding to support the operations of Noumea Convention from UNEP and IMO, given the Noumea Convention is a key regional hub for their operations.

Another suggestion is for this Convention to focus on a limited number of key areas rather than trying to spread ourselves too thinly. This makes sense in the context of the utility and relevance of the Noumea Convention; it also makes sense in managing within the limited available budget available for this Convention.

I note this more focussed approach is reflected in the agenda for our meeting today which will concentrate on four key issues - mainly dealing with marine pollution – under Agenda Item 7 today.

I look forward to guidance from Parties today on these and other aspects to ensure a dynamic and effective Noumea Convention which benefits the environment and people of the Pacific region.

Delegates, ladies and gentlemen, the Noumea Convention offers a very important legally binding mechanism for tackling the big issues that our countries face in the Pacific.

Let's all work together to ensure that it is working as effectively as possible to support the better management and conservation of our Pacific Ocean and its resources.

I wish you all the best for a successful meeting and look forward to reviewing the outcomes of your deliberations today.

Thank you, Fa'afetai Tele Lava and Soifua

ANNEX III: Agenda

6.5 Protocol Expenditure Report 2014

| Agenda Item 1: Opening | g of the Meeting | Agenda Item 7: | Decision Items |
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| 2.1 Rules of Procedure | | 7.2 Marine litter and pollution | |
| 2.2 Election of Officers | | 7.3 Regional Reception Facilities Plan | |
| 2.3 Organisation of Work | | 7.4 IMO Conventions | |
| Agenda Item 3: Adoptio | n of the agenda | Agenda Item 8: Consideration and adoption of the Core Budget and Discussion of Operational Budget | |
| Agenda Item 4: Report o | of the Secretariat | | |
| 4.1 Report to the CoP on 2014-2015 activities (carry-over activities plus new activities) | | 8.1 Core Budget8.2 Status of Contributions | |
| Agenda Item 5: Country Reports on the implementation of obligations under the Convention | | Agenda Item 9: | Other business |
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| 6.2 Auditor's report 2014 | | A | |
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