

REVIEW OF THE NOUMEA CONVENTION (NC)

Presentation by David Sheppard to
Ad Hoc Meeting of the Parties to the Noumea
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REVIEW OF THE NOUMEA CONVENTION

Review Objectives

“To undertake a comprehensive evaluation of the Noumea Convention as it is being implemented at all levels by its Parties and assess whether its objectives are being met by the Parties and the effectiveness of SPREP as the Secretariat of the Convention.”

Report based on extensive stakeholder consultation

- Interviews (11 of 12 State Parties, all Senior SPREP Staff, Key SPREP Partners)
- Questionnaire sent to all 12 State Parties (6 responses)
- Literature Review
- Presentation to NC COP (20.09.2021)



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- The 2021 Review followed on from a previous review (2019)
- Approach and structure of the Report followed the objectives and scope set out in the TOR
- Final Report submitted to SPREP on 4 November, 2021
- Constructive input from State Parties and support from SPREP Staff is gratefully acknowledged



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REVIEW OF THE NOUMEA CONVENTION

- Report includes 20 Recommendations and a detailed Road Map to ensure implementation of recommendations
- Road Map suggests priority for each recommendation and a suggested lead
- Majority of recommendations can be implemented at low/minimal cost and, if adopted, could significantly improve functioning of the NC



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BACKGROUND TO THE NOUMEA CONVENTION



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REVIEW OF THE NOUMEA CONVENTION

Background to Noumea Convention

- Also known as the SPREP Convention
- Focus on pollution and sound environmental management. Has 2 Protocols: Dumping Protocol and Emergencies Protocol (to assist Convention Implementation)
- 12 State Party Members of the NC, thus a subset of the 26 Members of SPREP
- The NC is the Pacific region component of UNEP's Regional Seas Programme. UNEP and SPREP have a long history.



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Other Conventions

- “Apia Convention” signed in 1976, did not enter into force and was superseded by the Noumea Convention.
- Substantial changes and developments since the NC entered into force, including the SPREP Agreement (entered into force in 1995) and various international Conventions, including the CBD, CMS, CITES
- SPREP has also grown significantly since the 1970s and the scope of its work has broadened as outlined in the SPREP Strategic Plan



STATE PARTY VIEWS ON THE NOUMEA CONVENTION



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State Party Views

- Content of the NC is generally relevant particularly in relation to waste management, marine pollution and EIA.
- Highest profile “products” under the NC are PACPLAN and PacPlan. These have a high level of visibility within the region and are appreciated by SPREP Members. One State Party noted *“The NC has been kept alive by PACPOL and PacPlan”*
- Articles of the NC are generally reflected in national laws and/or policies of SPs, often within broader environmental legislation



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State Party Views

- NC is seen as not adequately addressing contemporary issues such as DSM and plastic, some SPs see it as an “old Convention”
- Some confusion about relationship between NC and the SPREP Strategic Plan and the SPREP Agreement
- Reporting is noted as a weakness - there appears to be far greater information on NC activities undertaken by the SPREP Secretariat rather than those by States Parties.
- Detailed comments and responses from State Parties are outlined in Review Annexes.



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KEY ISSUES FOR THE NOUMEA CONVENTION



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**Should the Noumea
Convention be amended or
changed?**

Should the Noumea Convention be amended or changed?

- Most State Parties note the Noumea Convention is the **only multilateral umbrella agreement in the Pacific Region** for the protection of natural resources and the environment and is thus very important.
- Most SPs supported referring to the NC from now on as the SPREP Convention - to better link and identify the NC with the programme and activities of SPREP
- However, the NC does not specifically address all contemporary environmental challenges, such as climate change, plastic and DSM

Should the Noumea Convention be amended or changed?

- It is possible to amend the NC - Art. 79 sets out the process for amending. Review notes there are 2 categories of potential change to the NC - minor and substantial
- All consulted agreed that minor changes should be made, such as replacing/amending references to the South Pacific Forum and Western Samoa, and others
- There are differing views between SPs about whether the NC should be substantially amended.

Should the Noumea Convention be amended or changed?

- Those in favour noted that the Convention should be substantively updated to reflect contemporary issues, particularly climate change and DSM
- Those against noted that substantive amendment to the NC would require a new treaty making process which would be too difficult and long
- The review notes some potential areas for major amendment in Para 62 of the report, including climate resilience and ocean governance, should SPs wish to proceed

Should the Noumea Convention be amended or changed?

The Review recommends

- Minor amendments to NC as quickly as possible (R3)
- The NC be referred to subsequently as the SPREP Convention (R5)
- Regarding substantive amendment, that SPs be presented with 2 option (a) no substantive change, or (b) substantive change. If the latter, then a process and timeline should be developed (R4)
- Irrespective of whether the Convention is substantively amended or not - the NC be used more strategically to address key issues, such as climate resilience and vulnerability of Pacific Island sland states - (R6)



**How does the Noumea
Convention relate to the SPREP
Strategic Plan?**



SPREP STRATEGIC PLAN 2011-2015



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Relationship between the Noumea Convention and the SPREP Strategic Plan

- (1) Detailed analysis in Sections 3.1.1 to 3.1.3 and Annex I
- (2) Review concludes:
 - all of the NC is relevant to the current SPREP Strategic Plan, particularly goals relating to waste management and pollution, EIA and ocean management
 - There are a number of areas within the SPREP SP which are not reflected in the NC, including climate change, ecosystem based management and the SDGs
 - State Parties note the Noumea Convention appears to be poorly linked with the overall SPREP Strategic Plan and Work Plan and that better linkages should be made.

Should the SPREP Strategic Plan be the Action Plan for the Noumea Convention? (Section 3.1.4)

- Advantages: (a) ensuring the NC is better linked with and integrated with the SPREP Programme; (b) enabling better reporting; increasing the relevance and interest of State Parties. Arguments against making
- Disadvantages: (a) the SPREP Strategic Plan is a higher-level strategic document for all of SPREP with a broader focus – and range of activities - than the Noumea Convention



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The Noumea Convention and the Strategic Plan The Review recommends

- Stronger linkages be developed between the SPREP Strategic Plan and the Noumea Convention, including through better links with other regional frameworks, such as those relating to nature conservation and the Clean Pacific. (R1)
- Suggestions are included in the report to achieve these linkages, including through targeted communication



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How can awareness of the
Noumea Convention be
increased?



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How can awareness of the Noumea Convention be increased?

- All State parties noted a low level of awareness of the NC is a constraint to effectiveness. One SP noted it as a “*well kept secret*” Another noted:” *Unless Pacific countries are aware of, and understand, the Convention, they will not commit or engage*”
- Most SPs view the NC in the context of marine pollution, through PACPOL and PacPlan
- Many noted the lack of communication between the 2 yearly COP Meetings.
- NC also rarely has a profile at other SPREP Meetings
- Reporting is focused on activities rather than impact for Members

How can awareness of the Noumea Convention be increased?

The Review makes 4 recommendations (R7-R10) to:

- increase awareness and communication of the Noumea Convention, including through the development of a targeted communication and awareness campaign
- clearly linking or “badging” related SPREP Meetings with the Noumea Convention
- Improving communication regarding the activities of the NC and their impact, including between COPs



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**How can coordination and
cooperation between
stakeholders be increased**

How can coordination and cooperation between stakeholders be increased?

- State Parties noted that NC activities are carried out through many different agencies and that coordination and communication can be challenging
- Better linkages within agencies and between agencies and the SPREP Focal Point are recommended (R11), including ensuring that the Focal Point is directly involved with and knowledgeable of the Noumea Convention



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**How can finance and staff
capacity issues be addressed ?**



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How can finance and staff capacity issues be addressed?

- Lack of staff and finance are perennial issues for the the NC and for other areas of SPREP (and other agencies)
- Positive to note that all Pacific Island member contributions have been paid, a key indicator of buy-in to the NC!
- Resources from the MEA project have been very important in strengthening staff support for the NC
- A challenge is that we are all overloaded, but it could always be worse!



How can finance and staff capacity issues be addressed?

The review recommends (R 12 and 13) developing a strategy for staffing and financing including:

- building on the MEA Projects;
- through secondments (such as AMSA);
- Through tailored approaches for more funding to partners such as UNEP, IMO which are supported by the NC
- through linking project related funding (which is increasing rapidly in SPREP) with the aims and programme of the Noumea Convention



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How can membership issues be addressed?

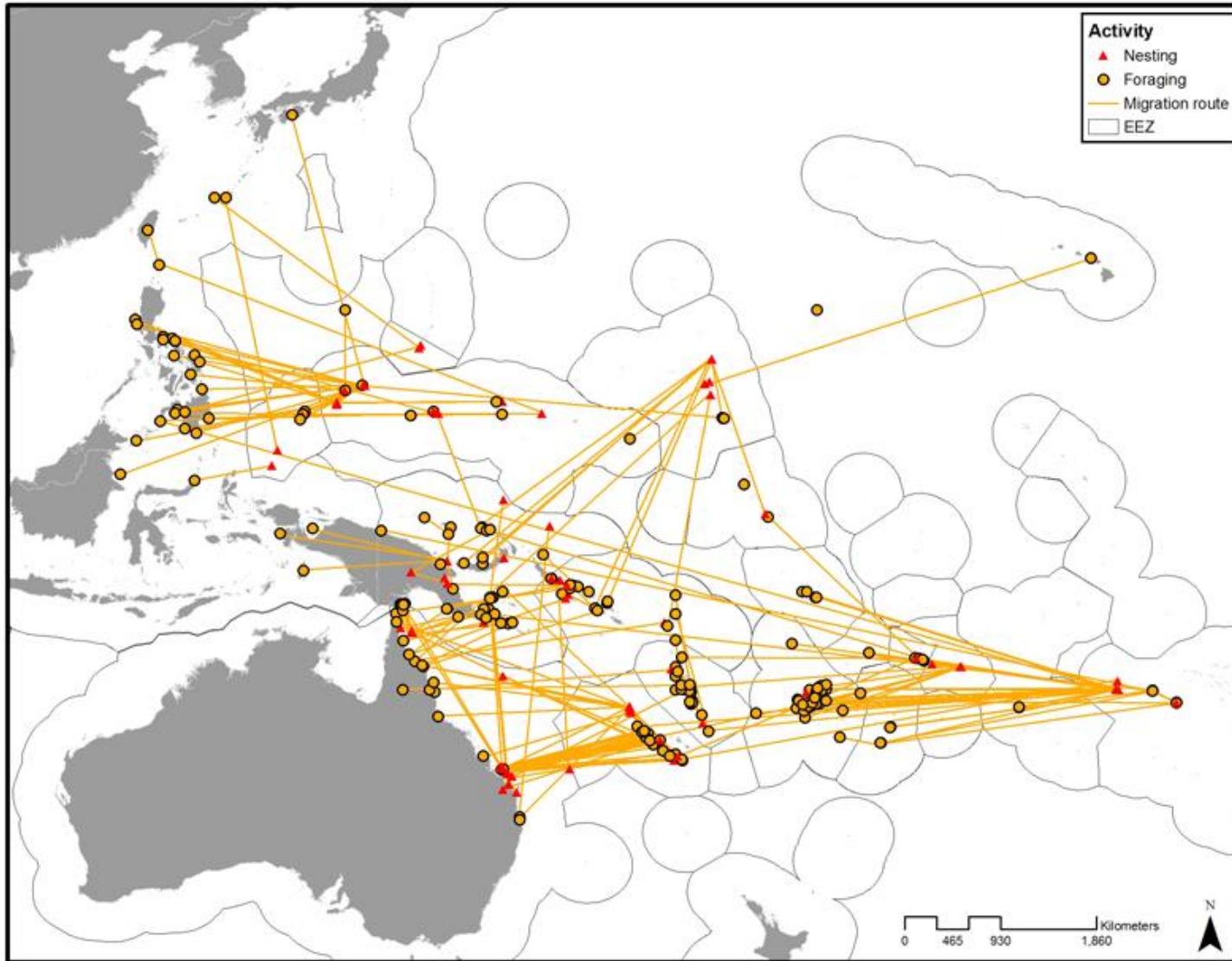
How can coordination and cooperation between stakeholders be increased?

- Limited membership is a challenge for the viability and implementation of the Noumea Convention.
- For example, issues such as marine pollution (under the NC) are obviously transboundary, requiring action both within and between all countries and territories of the region. Limited membership is a constraint.
- The review recommends (R14) that SPREP Members which are currently not members of the NC should be encouraged to join and that SPREP develop a membership strategy to this effect

4 out of 6 turtle species in the Pacific are on the IUCN Red List of Threatened Species: Critically Endangered (hawksbill), Endangered (green and loggerhead), and Vulnerable (leatherback).



Marine Turtle Tagging



**CHECK OUT TURTLE MOVEMENTS AT
WWW.SPREP.ORG**



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**His the SPREP Secretariat
effective in carrying out its
roles and functions.**



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Is the SPREP Secretariat effective in relation to the Noumea Convention

- Functions originally carried out by SPREP Legal Officer, then shifted to Technical Programmes, Coastal Advisor (linked to UNEP Reg. Seas), then WMPC
- Coordination now through EMG, the MEA project has provided support for a dedicated position which has been very useful and has made a difference
- State Parties note appreciation for the work of the Secretariat especially under PACPOL and PacPlan and note that staff are very professional and dedicated
- I would add, from my experience – they are also very HAPPY)



Is the SPREP Secretariat effective in relation to the Noumea Convention

- SPs note a few areas where Secretariat performance could have been better (para 100) mainly in assisting in responses to international incidents regarding dumping at sea. Some SPs questioned why the NC was not more directly involved in issues such as responding to the Fukushima incident.
- Recommendations to increase the Secretariat's performance are included in the Review (R 7, 8, 10, 12, 13)



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Is the SPREP Secretariat effective in relation to the Noumea Convention

- Realistic expectations are essential and need to be communicated on all sides
- The review also recommends a dedicated staff position be appointed (R16) and a TOR is proposed (R17).
- Also that other SPREP staff link their work better with the Noumea Convention, especially in the marine and coastal area (R19)



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Is the SPREP Secretariat effective in relation to the Noumea Convention

- Reporting under the Convention is an area which State Parties, Partners and SPREP Staff recognize as a weakness. e.g. UNEP Regional Seas
- The Review recommends that reporting be strengthened and enhanced (R15) and a number of suggestions for enhanced and streamlined reporting are outlined in Section 107



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Road Map and Recommendations

Road map and Recommendations

The Review (Section 6) sets out a proposed Road Map for implementing all of the 20 Report Recommendations. The Road Map sets out:

- a suggested priority for each Recommendation
- a suggested lead
- a process for implementation and review



THANK
YOU