

Sixteenth meeting of the Noumea Convention

Sixteenth 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)

Virtual - Apia, Samoa
02 September 2021

Draft Questionnaire for the review of the Noumea Convention

This Questionnaire will be the key input for the review of the Noumea Convention. Information provided by the Parties will assist in identifying any issues or barriers that may be preventing the full and efficient implementation of the Noumea Convention. The review will assist Parties and the Secretariat to develop recommendations to the Conference of the Contracting Parties of the Noumea Convention on enhancing implementation and capacity building in Pacific Island Countries.

The Questionnaire aims to address each of the objectives under the main headings of:

1. Governance and operation of the Noumea Convention; and
2. Implementation of the Noumea Convention.

[To be completed by the Consultant]

Name of the Contracting Party:

National Authority:

Designated Focal Point:

A. From your country's perspective, what is the purpose of the Noumea Convention? *[This question sets the consultations on how a Contracting Party views the purpose of the Noumea Convention and should open the discussions on what has been carried out by that Contracting Party to implement the Noumea Convention.]*

- Is the Contracting Party aware that the Noumea Convention has 2 Protocols?
YES NO
- Is the Contracting Party aware that the Noumea Convention has 2 new Protocols and an amended Protocol that has not entered into force?
YES NO

B. From your country's perspective, what should be the outcome of this review? *[This question seeks the views of the Contracting Party on the direction of the Noumea Convention resulting from the review. This question covers Q3 of the draft Questionnaire.]*

C. The SPREP's Strategic Plan 2017-2026 reflects the work programme of SPREP including all its MEAs such as marine pollution conventions under the International Maritime Organization (IMO) the chemical and hazardous waste conventions, Waigani Convention and the biodiversity conventions. The action plan developed under the Noumea Convention is incorporated in the Strategic Plan. Should SPREP's Strategic Plan become the action plan of the Noumea Convention?

D. What is the process of ratification for regional/international conventions in your Country?

E. Does your country have laws/legislations, administrative systems, policy frameworks to ensure the protection of the natural resources and environment in accordance with the Noumea Convention?

- Article 6: Pollution from Vessels YES NO
- Article 7: Pollution from land-based sources YES NO
- Article 8: Pollution from sea-bed activities YES NO
- Article 10: Disposal of wastes YES NO
- Article 11: Storage of toxic and hazardous wastes YES NO
- Article 13: Pollution from mining and coastal erosion YES NO
- Article 14: Specially Protected Areas and Protection of Wild Fauna and Flora YES NO
- Article 15: Co-operation in combating pollution in emergency Situations YES NO
- Article 16: Environmental Impact Assessment YES NO
- Article 17: Scientific and Technical Cooperation YES NO
- Article 18: Technical Cooperation and Assistance YES NO

F. If there are no laws/legislations, administrative systems, policy frameworks, is there pending legislative action, planned amendments or plans to develop legislation to implement the Noumea Convention?

YES – please list.

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NO – please give reasons.

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G. What are some of the enforcement issues of your Country's enabling legislation for the Noumea Convention? *[This question looks at enforcement and compliance issues encountered by Contracting Parties in enforcing enabling legislations of the Noumea Convention.]*

H. Is the Contracting Party aware of reporting done previously or recently under the Noumea Convention? *[This question asks whether officials/representatives of the Contracting Parties have been involved in reporting process under the Noumea Convention. This is in consideration of Contracting Parties having their Ministry of Foreign Affairs as the national authority and others, Ministry of Environment.]*

YES – please list.

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NO – please give reasons (if any).

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I. One of the obligations of the Noumea Convention is for Parties to cooperate and share information with international organisations (including standard-setting) and monitoring. Is the Contracting Party aware of any requests for cooperation or sharing of information?

YES – please elaborate.

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NO – please give reasons.

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J. Were there any barriers, challenges in the cooperation or sharing of information requested or described in Question I above?

YES – please elaborate.

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NO – please comment, if necessary.

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K. The Conference of the Parties (COP) is the Noumea Convention’s primary decision-making body, established by Article 22, which requires or empowers the COP to:

- i. Assess periodically the state of the environment in the Convention Area;
- ii. Consider the information submitted by the Parties under Article 19;
- iii. Adopt, review and amend, as required, annexes to the Convention and to its Protocols, in accordance with the provisions of Article 25;
- iv. Make recommendations regarding the adoption of any Protocols or any amendments to the Convention or its Protocols in accordance with the provisions of Articles 23 and 24;
- v. Consider cooperative activities to be undertaken within the framework of the Convention and its Protocols, including their financial and institutional implications and to adopt decisions relating thereto;
- vi. Consider and undertake any additional action that may be required for the achievement of the purposes of the Convention and its Protocols; and
- vii. Adopt by consensus financial rules and budget, prepared in consultation with the Organisation, to determine, inter alia, the financial participation of the Parties under the Convention and those Protocols to which they are Party to.

As a Contracting Party to the Noumea Convention, what is your Country’s assessment of how the Conference of the Parties is discharging or is not discharging the above powers and responsibilities?

L. Are there any recommendations or suggestions to improve the operation of the Conference of the Parties to the Noumea Convention?

M. As a Contracting Party, what is your Country's recommendation on how the Conference of the Parties should promote the adoption of appropriate national legislation, policies, strategies and measures to minimise harmful impacts to human health and the environment?

N. The Secretariat to the Noumea Convention is established by Article 21 to carry out the following functions:

- i. To prepare and convene the meetings of the Parties;
- ii. To transmit to the Parties notifications, reports and other information received in accordance with the Convention and its Protocols;
- iii. To perform the functions assigned to it by the Protocols to the Convention;
- iv. To consider enquiries by, and information from, the Parties and to consult with them on questions relating to the Convention and the Protocols;
- v. To coordinate the implementation of cooperative activities agreed upon by the Parties;
- vi. To ensure the necessary coordination with other competent global, regional and sub-regional bodies;
- vii. To enter into such administrative arrangements as may be required for the effective discharge of the Secretariat's functions;
- viii. To perform such other functions as may be assigned to it by the Parties; and
- ix. To transmit to the South Pacific Conference and the South Pacific Forum the reports of ordinary and extraordinary meetings of the Parties.

As a Contracting Party, what is your Country's assessment of how the Secretariat to the Noumea Convention is discharging or is not discharging the above duties and functions?

Poor Satisfactory Good Very well Excellent

Please elaborate.

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O. Are there any recommendations or suggestions to improve the Secretariat's performance of its functions?

P. As a Contracting Party, has your Country requested from the Secretariat any or all of the following:

- Rapid response assistance in an emergency
- Assistance to facilitate compliance with the Convention Area or requirements of an article.

If yes to any or all of the above, please describe the events and how effectively the Secretariat addressed your Country's request and whether the response for assistance met expectations.

Q. Please identify the areas where your Country requires further assistance to enhance implementation of the Noumea Convention:

- Noumea Convention annual reporting;
- How to dispose of land waste at sea including radioactive waste or matter
- How to plan, prepare and respond to oil spills
- How to address mining and coastal erosion
- Managing seabed mining and sub-soil activities
- Develop legislations and / or regulations
- Effective engagement at MEA COP meetings particularly for biodiversity, hazardous chemicals and marine sourced pollution
- Storage of toxic and hazardous materials including radioactive wastes and matter
- Other (please provide details)
