

CIRCULAR

FILE: CONV 1/4/1

TO: SPREP National Focal Points:
Australia, Cook Islands,
France, Samoa

DATE: 12 July 2019

CIRCULAR: 19/46

SUBJECT: **Apia Convention – suspension in accordance with the Vienna Convention on the Law of Treaties.**

Dear Members,

As you will be aware, at the Eighth Ordinary Meeting of Parties to the Convention on Conservation of Nature in the South Pacific (the Apia Convention) in 2006 Parties progressed discussions on the future of the Apia Convention.

The Apia Convention has played an invaluable role in the creation of protected areas, protection of indigenous fauna and flora, and promotion of research and public awareness of conservation of nature in the South Pacific. Many functions of the Apia Convention have now, however, been superseded by the Convention on Biological Diversity (1992).

It was proposed at the Eighth Ordinary Meeting that Parties indefinitely suspend the Apia Convention in accordance with the Vienna Convention on the Law of Treaties (1969) (VCLT). Accordingly, the Secretariat in consultation with the Parties prepared a draft text in the form of a resolution. It read as follows:

The Parties to the Apia Convention (1976) are all Parties to the Convention on Biological Diversity (1992). The Convention on Biological Diversity encompasses the subject-matter of the Apia Convention and is the primary instrument for executing that subject-matter. For this reason, the Parties to the Apia Convention suspend the Apia Convention's operation until further notice.

It was understood that Parties would consider the draft text or seek feedback from their legal offices and provide responses to the Secretariat, however no responses have, to this date, been received.

It is in the Secretariat's opinion that the above text would fulfil the requirements of Article 57 of the VCLT, which requires unanimous consent of all Parties to the Convention.

It is therefore proposed that Parties consider the above text and convene a discussion in the margins of the Fifteenth Conference of the Parties to the Convention for the Protection of the Natural

Resources and Environment of the South Pacific Region on Thursday 29 August 2019 to determine the appropriate course of action.¹

I thank you for your consideration of this matter and encourage participation in the proposed meeting.

Yours sincerely,



Kosi Latu
Director General

KL/CP/rmg

¹ It should be noted that any act by a Party terminating, withdrawing from or suspending the operation of a treaty must be carried out through an instrument communicated to the other parties. If the instrument is not signed by the Head of State, Head of Government or Minister for Foreign Affairs, the representative of the State communicating it may be called upon to produce full powers (in accordance with the VCLT).