

Report of the Fifteenth 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)

29 August 2019
Apia Samoa

Introduction

1. 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 Fifteenth Ordinary Meeting on 29 August, 2019 in Apia, Samoa.
4. Present at the Meeting were representatives from Australia, Cook Islands, France, Marshall Islands, Nauru, New Zealand, Papua New Guinea, Samoa and United States. A full list of participants is contained **Annex I**.
5. The Meeting commenced with an opening prayer by Father Muliaumasealii Stowers.
6. Suemaloisalafai Afele Faiilagi, representing Samoa, Chair of the Fourteenth COP Meeting presented an opening address highlighting regional and national work undertaken over the past two years that has contributed to achieving the goals of the Noumea Convention noting while there was much done and talked about, there is still much more to do.
7. The Director General of SPREP thanked Samoa for their Chairmanship, reflecting upon the role of the Convention in addressing growing environment challenges and stressing the relevance of the Noumea Convention in helping to meet these, thanking all Parties for their achievements over the past two years.

Agenda Item 2: Organisation of the meeting

8. 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. The official languages for the Convention are English and French and the sessions are to be held in plenary.
9. The Parties elected Papua New Guinea as Chairperson and Nauru as Vice Chairperson.
10. The outgoing Chairperson, representing Samoa thanked all colleagues for their hard work over the past two years and invited Mr Veari Kula, Representative of Papua New Guinea to take over as Chairperson.

AGENDA ITEM 3: Adoption of the Agenda

The Meeting:

1. **Adopted** the Provisional Agenda as outlined in Working Paper 3.1

AGENDA ITEM 4: Presentation of Reports by the Secretariat of work undertaken since COP-9

11. In accordance with Rule 12(vi) of the Rules of Procedure of the Noumea Convention, the Secretariat presented a Report on work undertaken from July 2017 to July 2019 and work proposed for the forthcoming biennium.
12. New Zealand commended the work of the Secretariat and looks forward to seeing the work of the next reporting period.

The Meeting:

1. **Noted** the Report of the Secretariat (Attached as WP 4.1 Report of the Secretariat)

AGENDA ITEM 5: National Reporting

13. Country Reports were requested from Members to highlight any activities relevant to their obligations that have taken place since the last Meeting from the period July 2017 – July 2019.
14. Country Reports were submitted by Australia, France on behalf of French Polynesia, New Caledonia and Wallis and Futuna, Samoa and United States.
15. Australia presented its Country Report outlining key priorities and the work undertaken to address these including support provided to other Contracting Parties of the Noumea Convention through a partnership between Australian Maritime Safety Authority and the Marine and Shipping Law Unit of the University of Queensland to deliver a Pacific Regional

Marine Spill Contingency Plan workshop for participants from Kiribati Papua New Guinea, Nauru, Solomon Islands, Tuvalu and Vanuatu

16. Samoa presented its Country Report noting the ban on single use plastic bags and plastic straws; proposed Container Deposit Legislation to come up with a sustainable financing mechanism to promote recycling, and the development of the Marine Wildlife Regulation for the protection of whales, sharks and rays, dolphins and turtles in 2018.
17. New Zealand and Republic of the Marshall Islands are in the process of finalising country reports for submission. Republic of Marshall Islands presented a verbal report highlighting ocean acidification, marine litter such as micro plastic and other hazardous waste, sewerage outpour, WW2 wrecks and radioactive waste as those amongst priority areas being addressed.
18. The Chair noted Country Reports are a responsibility as a Contracting Party and asked that Parties table these as soon as possible.

The Meeting:

1. ***Tabled*** their respective reports on the implementation of their obligations under the Convention for the period of July 2017 – July 2019.

AGENDA ITEM 6.1: Financial Statements

19. The Secretariat tabled the audited Financial Statements for the Noumea Convention for the 2017 and 2018 financial year.
20. The Secretariat's presentation was based on the statement from the Director General, the Report of the Auditors for 2017 and 2018 that was tabled at the 2018 Executive Board Meeting, the Income and Expenditure Statement for 2017, the Report of the Auditors for 2018 to be tabled at the Twenty-Ninth SPREP Meeting, Operational Account Financial Reports 2017 and 2018, Protocol Expenditure Reports for 2017, 2018 and 2019.

The Meeting:

1. ***Adopted*** the audited Financial Statements for 2017 and 2018.

AGENDA ITEM 7.1: Entry into force of protocols to the Convention

21. The Secretariat presented outcomes of an evaluation of options for streamlining the entry into force of three instruments under the Noumea Convention those being *The Protocol on Oil Pollution Preparedness, Response and Cooperation in the Pacific Region*, *The Protocol on Hazardous and Noxious Substances Pollution, Preparedness, Response and Cooperation in the Pacific Region*, and *The Amendment to the Protocol for the Prevention of Pollution of the South Pacific Region by Dumping*.

22. United States noted it is not in favour of an inter-sessional discussion due to domestic processes yet would join the consensus noting its inability to become Party to such an amendment to the Convention.
23. Australia, France, New Zealand, Republic of Marshall Islands and United States noted the need for consultation nationally and approvals to be sought through adhering to national legal processes before ratifying or putting new protocols into place.

The Meeting:

1. **Noted** that the *Protocol on Oil Pollution, Preparedness, Response and Cooperation in the Pacific Region*, the *Protocol on Hazardous and Noxious Substances Pollution, Preparedness, Response and Cooperation in the Pacific Region* were adopted in 2006 and the amended *Dumping Protocol*.
2. **Agreed** to discuss inter-sessionally entry into force of the outstanding Protocols.

AGENDA ITEM 7.2: Review of the Noumea Convention

24. An outcome of the review to evaluate how the Noumea Convention is being implemented at all levels; determine whether the objectives of the Convention are being met by the actions of the Parties; and the effectiveness of the Secretariat was undertaken in conjunction with a review of implementation of the *Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and the Management of Hazardous Wastes within the South Pacific Region* (Waigani Convention) was presented to the Meeting.
25. France and United States agreed with some recommendations of the review.
26. Australia noted the report contained recommendations which may have legal policy and financial implications and would need to consult with stakeholders across government before agreeing to these.
27. France noted it was open to the constructive ideas of strengthening engagement contribution, seeking external funding through concrete examples to mobilise interest, appointment of a project head in charge of reporting, and creating an award for best contribution. France expressed its support to the stability of the financial contributions and its concern regarding the cost of rotating conferences. France recalled that the implementation of the additional protocols to the Convention require a specific expertise.
28. Australia, supported by New Zealand, further noted the need for stronger engagement with Parties through surveys or inter-sessional discussions to provide feedback and ensure strong contribution and input from Parties to the review.
29. New Zealand noted reservations stating further consultations on the recommendations will be needed nationally.

30. United States welcomed the review report and endorsed recommendations 2,3,4,5,6,7,8, eleven, thirteen, fourteen but not 9 and 10 noting the limited financial resources for the Noumea Convention, preferring to maintain the Conferences of the Parties around the biennial SPREP Meetings.

The Meeting:

1. **Noted** the report including recommendations, attached **as Annex I**; and
2. **Requested** the Secretariat to consult with Parties

AGENDA ITEM 7.3: Review of the PACPLAN

31. The revised Pacific Islands regional Marine Spill Contingency Plan (PACPLAN2019) was presented to the Meeting for endorsement.

32. Australia was pleased to collaborate with the Secretariat of the Pacific Regional Environment Programme (SPREP), New Zealand and Pacific island countries to review the PACPLAN, noting the PACPLAN is the appropriate regional mechanism for Tier 3 marine spills beyond the response capability of a SPREP island Member. Australia further noted the revised PACPLAN reinforces its strategic focus better articulating roles and responsibilities of SPREP, Pacific island Members and metropolitan Members, it provides strategic direction on how to activate PACPLAN and the need for well- developed National Plans and response capabilities.

33. United States supports PACPLAN 2019, strongly agreeing that establishment and maintenance of National Plans (NATPLAN) is vital to its success, further noting the United States will support efforts to develop marine pollution governance and capacity building in Hawaii, and the United States Pacific Island territories as well as engage with French Polynesia, Kiribati, Tokelau, Tuvalu and Samoa to ensure alignment for Tier three response through their respective NATPLANS.

34. United States further noted its position that the PACPLAN does not obligate it to any foreign assistance, any requests for such should be initiated through the resident United States Ambassador.

35. France supports the PACPLAN 2019 noting this strategy maintains an international dimension.

36. Samoa thanked the Secretariat for the review of the PACPLAN noting its timeliness as it is currently reviewing its national marine spill contingency plan with New Zealand.

The Meeting:

1. **Endorsed** PACPLAN 2019; and
2. **Noted** that SPREP, SPREP Island and metropolitan Members will have to implement their respective roles and responsibilities, as outlined in the revised PACPLAN to ensure effective responses to marine spill incidents.

AGENDA ITEM 7.4: Marine Pollution Protocols

37. The Meeting was asked to endorse the Pacific Regional Marine Litter Action Plan 2018 – 2025 (PMLAP 2025) and express commitment for the ratification and implementation of relevant International Maritime Organization conventions and support for the review of the Pacific Ocean Pollution Prevention Programme 2015 – 2020 and the development of PACPOL 2030 for a 'Clean Ships, Green and Resilient Pacific Ports'.
38. Australia commended the Secretariat and noted its support of AUD 16 Million through the Pacific Ocean Litter Project (POLP) to implement the PMLAP 2025 noting that the work of the High Level Panel (HLP) for a Sustainable Ocean Economy on marine plastic pollution may also contribute to the PMLAP 2025.
39. United States noted the measures outlined in the PMLAP 2025 and is working closely with Members to meet the 2025 goal as set in the original plan.

The Meeting:

1. **Supported** the Pacific Regional Marine Litter Action Plan 2018-2025 (PMLAP 2025) and the implementation the associated plans;
2. **Noted and supported** the ratification and implementation of marine pollution related IMO Conventions and Guidelines such as the International Convention for the Prevention of Marine Pollution from Ships 73/78, International Convention for the Prevention of Dumping of waste at Sea and the International Protocol for the Prevention of Dumping of wastes at Sea, International Convention for Oil Pollution Preparedness Response and Cooperation, International Convention for the Compensation on Civil Liability, International Fund for Compensation for Oil Pollution Damage, International Convention on Civil Liability for Bunker Oil Pollution Damage, Wreck Removal Convention, Cape Town Agreement 2012, Ballast Water Management Convention, Anti Fouling Systems Guidelines and Hull Fouling;
3. **Supported** the review of PACPOL 2020 and the development of PACPOL 2030 Clean Ships, Green and Resilient Pacific Ports.

AGENDA ITEM 8: Consideration and Adoption of the Core Budget

40. The core budget for the 2019 – 2020 biennium was provided by the Secretariat for consideration and adoption by the Contracting Parties noting the budget is funded by contributions from Parties which are traditionally used for the limited purposes of providing for the next meeting of Parties and to fund the provision of technical advice by the Secretariat.
41. The Secretariat circulated the list of outstanding contributions from Parties.

The Meeting:

1. **Considered and approved** the core budget and contributions for the biennium 2019-2020; and
2. **Considered** urgently to clearing outstanding contributions.

AGENDA ITEM 9: Other Business

42. New Caledonia shared experiences and lessons learnt with the Kea Trader Ship incident which occurred in July 2017. The issue was managed very well with a number of studies undertaken on the environmental impact which can help guide informed decision making. New Caledonia thanked SPREP for agreeing to translate the Guidelines and Tools for Oil Spill Response under the PACPLAN 2019 in French. New Caledonia further proposed that the Noumea Convention consider financing workshops to study other incidents as well as their impact to help Members inform their decision making and planning.

43. UN Environment Programme thanked the Chair and congratulated the Parties and the Secretariat for all the good work under the Convention. Solomon Islands requested assistance from the Joint Environment Unit at UNEP and OCHA during the MV Solomon Islands Trader Incident to provide:

- Technical assistance to manage the spill
- Advice during negotiations with Protection and Indemnity Club
- Scope the Environmental Damage Assessment and provide a Terms of Reference for the full assessment.

A four person team provided the assistance working closely with Australia and New Zealand counterparts. UNEP as convener of the regional Seas Conventions that Noumea Convention is a part of looks forward to working with you to further strengthen arrangements, in particular providing a strong legal framework at national and regional level for contingency and emergency response arrangements.

AGENDA ITEM 10: Date and venue of next meeting

The Meeting:

1. **Endorsed** 2021 prior to the Thirtieth SPREP Meeting as the date of the next meeting and the venue as Samoa

AGENDA ITEM 11: Adoption of the meeting record

44. The Director General of SPREP provided a closing summary of the meeting followed by a vote of thanks from France for the excellent translation services, and commendation from the Chair to the Secretariat for their organisation of the meeting and to all Parties for their attendance.

The Meeting:

1. **Adopted** the record of the Fifteenth 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) Meeting;

The Fifteenth 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) Meeting closed with a prayer by the delegate from Samoa at 4.40pm.