

Meeting record of the seventeenth conference of the contracting parties to the Noumea Convention

31 August 2023, Taumeasina Island Resort.
Apia Samoa



Sustainable, transformative and resilient for a Blue Pacific

MEETING RECORD OF THE SEVENTEENTH CONFERENCE OF THE CONTRACTING PARTIES TO THE NOUMEA CONVENTION HELD ON 31 AUGUST 2023 AT TAUMEASINA ISLAND RESORT, SAMOA

Apia, Samoa
31 August 2023

INTRODUCTION

1. The Noumea Convention, negotiated under the framework of the Regional Seas Programme of the United Nations Environment Programme (UNEP) was 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, the 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 Seventeenth Ordinary Meeting on 31 August 2023.
4. Present at the Meeting were representatives from Australia, Cook Islands, Fiji, Republic of the Marshall Islands, Nauru, New Zealand, Papua New Guinea, Samoa, Solomon Islands and United States. Observers noted from Niue, Tuvalu and Wallis and Futuna with the presence of the Honourable Lemec Ronny Tauhavili, Minister from Wallis and Futuna. The apologies of France were received by the Secretariat. A full list of participants is contained in Annex I.
5. The Meeting commenced with an opening prayer from the Secretariat.
6. Samoa, Chair of the Sixteenth COP Meeting presented an opening address.
7. The Director General of SPREP reflected upon the role of the Convention in addressing growing environmental challenges and stressing the relevance of the Noumea Convention in helping to meet these, thanking all Parties for their engagement in the Meeting. It was acknowledged that 2023 marks the 30th Anniversary of the signing of the SPREP Treaty and that this was the first in person Ordinary Meeting of the Noumea Convention since COVID-19. The Director General acknowledged the contributions by the ACP MEA Phase 3 project funding which allowed for the first time to have a functional dedicated team as the Secretariat for the Noumea Convention and funding for activities, including meeting the costs of this meeting in-person. The Director General further acknowledged the presence of Observers from Niue, Tuvalu and Wallis and Futuna and encouraged all SPREP Members to become parties to the Noumea Convention.

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 consensus. The official languages for the Convention are English and French and the sessions are to be held in plenary.
9. The Parties elected New Zealand as Chairperson and Solomon Islands as Vice Chairperson.

The Meeting:

- 1) **Elected** New Zealand as Chairperson and Solomon Islands as Vice Chairperson

AGENDA ITEM 3: ADOPTION OF THE AGENDA

10. The Meeting:

- 1) **Adopted** the Provisional Agenda contained in Annex II.

AGENDA ITEM 4: REPORTS BY THE SECRETARIAT ON THE ACTIVITIES UNDERTAKEN IN FULFILLMENT OF THE CONVENTION AND THE PROTOCOLS FOR THE BIENNIUM PERIOD OF 2021 TO 2023.

Agenda Item 4.1: Secretariat's report on activities undertaken in the biennium period of 2021 to 2023.

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 2021 to June 2023 in fulfillment of the provisions of the Noumea Convention.

The Meeting:

- 1) **Adopted** the Report of the Secretariat on the activities undertaken during the biennium period of July 2021 to June 2023.

Agenda Item 4.2: Secretariat's report on the Protocol for the Prevention of Pollution of the South Pacific Region by Dumping (1990)

12. The Secretariat provided an overview of the activities undertaken in support of the Noumea Convention Protocol for the Prevention of Pollution of the South Pacific Region by Dumping, 1990 ("Dumping Protocol"), for the period July 2021 to June 2023.

The Meeting:

- 1) **Noted** the Report on the Dumping Protocol for the period July 2021 to June 2023.

Agenda Item 4.3: Secretariat's report on the Protocol concerning cooperation in combating pollution emergencies in the South Pacific Region (1990)

13. The Secretariat provided an overview of the activities undertaken in support of the Noumea Convention Protocol concerning cooperation in combating pollution emergencies in the South Pacific Region, 1990 ("Emergencies Protocol") for the period from July 2021 to June 2023.

The Meeting:

- 1) **Noted** the activities and measures undertaken by the Secretariat in the biennium period of July 2021 to June 2023, to assist and support Contracting Parties in the operation of and facilitating cooperation under the Protocol.
- 2) **Noted** that future iterations of PacPlan will need to involve PacPlan members and Noumea Convention Contracting Parties in a much closer relationship and dialogue about what PacPlan should be.

AGENDA ITEM 5: COUNTRY REPORTS ON THE IMPLEMENTATION OF OBLIGATIONS UNDER THE CONVENTION

14. Country reports on national implementation of obligations by Parties to the Noumea Convention became standard agenda items at the Fourth Meeting of the Contracting Parties to the Noumea Convention in 1998.
15. The opportunity was provided for Parties to report on the national implementation of their obligations under the Noumea Convention for the reporting period from July 2021 to June 2023.
16. Reports were received from Australia, France, New Zealand, and Samoa.
17. Australia provided a verbal overview of its country report. A key priority for Australia is to enhance measures to sustainably manage its marine estate, including through development of a Sustainable Ocean Plan as a member of the High-Level Panel for a Sustainable Ocean Economy. Actions to reduce marine debris, air pollution from ships, anthropogenic underwater noise, and other marine pollutants were highlighted.
18. The Republic of Marshall Islands provided a verbal update on their key priorities. It was noted that the Container Deposit Legislation term deposits may be expanded to other items with assistance from the PacWaste Plus project. An official request was submitted to the Secretariat to assist with the update of its National Action Plan prior to COVID-19. The support of the Secretariat on this matter is greatly welcomed, noting the reopening of national borders. A country report shall be submitted in the near future.
19. Nauru provided a verbal update. It was noted in line with the Noumea Convention that Climate Change legislation had recently been approved. A project with the Asian Development Bank in developing environmental impact assessment regulations and capacity building will be held in the next few months. Nauru informed the meeting a country report shall be submitted.

20. Samoa provided a verbal overview of its country report. The importance of capacity in research was highlighted to address marine pollution to assist with appropriate solutions to address plastic pollution.
21. New Zealand provided a verbal overview of its country report and encouraged Members to read the report.

The Meeting:

- 1) **Tabled** their respective reports on the national implementation of their obligations under the Convention for the reporting period July 2021 to June 2023.

AGENDA ITEM 6: FINANCIAL STATEMENTS

22. The Audited reports for SPREP and the Income and Expenditure Reports for the Noumea Convention for the financial years of 2021 and 2022 were presented to the Meeting.

The Meeting:

- 1) **Adopted** the Audited Reports for SPREP and the Income and Expenditure Reports for the Noumea Convention for the financial year for 2021 and 2022.

AGENDA ITEM 7: DECISION ITEMS

Agenda Item 7.1: Outcome report from the Ad Hoc Meeting of the Parties on the review of the Noumea Convention

23. Australia presented on the Outcomes Report of the Ad Hoc Meeting of the Parties to the Meeting that was held from 14 – 15 June in Samoa.
24. The Chairperson acknowledged the consultant's work undertaken to review the Noumea Convention.
25. New Zealand expressed appreciation to the consultant and the Secretariat for facilitating the review of the Convention and acknowledged Australia for Chairing the Ad Hoc Meeting.
26. New Zealand shared support for most of the recommendations of the Outcomes Report. However, held reservations for Recommendation 3 as amendments made would involve the same domestic treaty process as substantive treaty amendments and were of the view that the Convention text does not distinguish between minor and substantive amendments and the process would likely be the same.
27. New Zealand noted issues proposed in Recommendation 4 are included in other multilateral environmental agreements and are open to considering what the proposed amendments may look like.

28. New Zealand can support Recommendation 4 in order for the Secretariat and Parties to develop concrete proposals around what substantive treaty amendments might look like and to also ensure this would not duplicate efforts at the global level.
29. Papua New Guinea acknowledged the report and recommendations and stressed the importance of the review to guide Parties on the implementation of Convention.
30. Papua New Guinea endorsed the recommendations and noted the importance for Parties to increase awareness of the Convention in countries. They also noted the intersessional meeting held, where they endorsed and agreed on moving the Noumea Convention work forward.
31. The Chairperson noted the general support of the Outcomes Report of the Ad Hoc Meeting and further noted the reservation expressed by New Zealand on Recommendation 3.

The Meeting:

- 1) **Noted** the Outcomes Report of the Ad Hoc Meeting held on 14-15 June 2023.
- 2) **Endorsed** the recommendations including, the proposed revisions to the recommendations, in the Outcomes Report; and
- 3) **Endorsed** for Parties to meet intersessionally, in accordance with Rule 42(2) of the Rules of Procedure and prior to the 18th Conference of the Contracting Parties in 2025 to discuss and endorse a Work Plan and Budget to implement the recommendations endorsed by the Contracting Parties at COP17.

Agenda Item 7.2: Update on the preparatory work to the First and Second Intergovernmental Negotiating Committee (INC-1, INC-2) to develop a global legally binding instrument on plastic pollution including in the marine environment.

32. The Parties were informed of the outcomes of the First and Second sessions of the intergovernmental negotiating committee (INC-1 and INC-2) to negotiate an international legally binding instrument to address plastic pollution including from the marine environment.
33. New Zealand reiterated support of the Secretariat and expressed appreciation to Australia for their support. It was noted as critical that all Members work together to end plastic pollution. New Zealand informed the Meeting that they will co-host with the Secretariat a preparatory workshop in 2024.
34. Papua New Guinea shared it had been part of the negotiations for both INC-1 and INC-2. Appreciation was conveyed to the Secretariat for the support received, which was viewed as important going into INC-3. Papua New Guinea encouraged further support and opportunities be given to countries to actively participate in the important negotiations.

The Meeting:

- 1) **Noted** the outcomes of the INC-1 and INC-2 sessions as well as the preparatory meetings;
- 2) **Acknowledged** with appreciation the support for our Pacific Islands Members led by the Secretariat, with funding support from the Government of Australia and the United Nations as well as other metropolitan members and partners;

- 3) **Requested** the Secretariat to continue to lead coordination and support from all interested Pacific agencies including the CROP for effective, unified support to our Pacific Island Members negotiating in the INC process;
- 4) **Encouraged** financial support from other donor partners to assist with the negotiations process as is currently undertaken by the Government of Australia and the United Nations; and
- 5) **Encouraged** Member states to join the High Ambition Coalition of like-minded countries to end plastic pollution by 2040.

Agenda Item 7.3: Reviewing approaches to oil spill response mechanisms.

35. The Secretariat sought support and endorsement from Parties for the development of a new regional oil spill response mechanism 2026 – 2035 (PACPLAN-Plus).
36. New Zealand expressed support for PACPLAN Plus noting its support of the past plan. It was further noted New Zealand's agreement to the establishment of the regional approach and looked forward to working with SPREP to develop the Plan.

The Meeting:

- 1) **Noted** the analysis of PACPLAN evolution and the need for change; and
- 2) **Endorsed** the development of a regional marine oil spill response mechanism 2026-2035, PACPLAN-Plus through a two phased approach and for the Secretariat to commence Phase 1: Feasibility of a new regional PACPLAN approach.

AGENDA ITEM 8: CONSIDERATION AND ADOPTION OF THE PROVISIONAL BUDGET 2024-2025

37. The Secretariat presented the Provisional Budget 2024-2025 for consideration and adoption by the Contracting Parties.

The Meeting:

- 1) **Considered** and **approved** the Provisional Budget 2024-2025 and contributions for the biennium 2024-2025; and
- 2) **Committed** to urgent clearance of outstanding contributions.

AGENDA ITEM 9: ITEMS PROPOSED BY PARTIES

38. The Chairperson invited any other items from Parties noting the presentation of national reports from countries and invited additional comments or highlights.
39. Nauru provided a verbal update on the recently passed regulation on single use plastic bags. The Chairperson congratulated Nauru for the positive development.
40. Solomon Islands informed the Meeting that the Noumea Convention is implemented by Solomon Islands National Maritime Agency and the Ministry of Environment. It was

highlighted the importance of more awareness, guidance and assistance from the Secretariat to assist Parties in meeting obligations. Solomon Islands shared it has conducted several initiatives which address the Convention but are not always linked to the convention. Solomon Islands noted it has developed a single use plastics ban regulation, which comes into effect on 1 September 2023 and the review and amendment of the Environment Act. Solomon Islands pledged to provide further written submissions and report to the Secretariat in due course.

41. The Chairperson congratulated Solomon Islands on the single use plastics ban regulation coming into effect on 1 September 2023. The Chairperson requested the Secretariat take note of the assistance sought on raising awareness and engagement of the Noumea Convention.
42. Papua New Guinea informed the Meeting, the Review of the Noumea Convention highlights the way forward on implementing the convention requirements. It was shared that the Secretariat as the regional agency needs to be more proactive at the national level to address the Noumea Convention, including by convening national workshops to raise awareness with stakeholders to understand the roles and responsibilities of stakeholders to the Convention.
43. Fiji extended congratulations to Solomon Islands for the single use plastics ban regulation. Fiji shared it has been successful in phasing out single use plastics and noticed change in the mindset on single use plastics, which was verified in a recent audit that revealed public awareness of the benefits of the ban. It was noted that Fiji is working on developing container deposit legislation and have engaged a consultant to undertake the work. It is Fiji's hope to provide an update at the next COP.
44. Samoa noted the lack of public awareness on the Noumea Convention. Local initiatives to promote international conventions are well publicised, however more attention and resources need to be allocated to raise awareness on the importance of the Noumea Convention. Samoa emphasised the importance of collaboration between national stakeholders to address the key requirements of the Noumea Convention, as it is not the sole responsibility of the Secretariat.
45. The Chairperson thanked Samoa and all the interventions shared by Parties.

AGENDA ITEM 10: OTHER BUSINESS

46. There was no other business raised by Parties.

AGENDA ITEM 11: DATE AND VENUE OF THE NEXT MEETING

47. The Meeting:

- 1) **Endorsed** the Eighteenth meeting of the Noumea Convention to be hosted in 2025, prior to the Thirty-second SPREP Meeting as the date of the next meeting and the venue as Samoa.

AGENDA ITEM 12: ADOPTION OF THE MEETING RECORD

48. The Meeting:

- 1) **Adopted** the Meeting Record.

AGENDA ITEM 13: CLOSURE OF THE MEETING

49. The Seventeenth 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 remarks from the Director General and a prayer from Papua New Guinea at 2.55pm, Samoa time.
