



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

Agenda Item 7.1: Review of the Noumea Convention

Purpose of paper

1. To inform the Parties on the progress of the review of the Noumea Convention and its Related Protocols.

Background

2. The Noumea Convention and the related Protocols is a comprehensive, legally binding agreement for Parties to undertake the protection, management, and development of the marine and coastal environment of the Pacific region. Its key objective, as part of the Regional Seas Programme, is to address the accelerating degradation of the world's oceans and coastal areas through prevention, reduction, and control of pollution from any source; and ensure sound environmental management and development of natural resources.¹ Adopted in 1986, the Convention and its related Protocols entered into force in 1990.
3. Unfortunately, the scope of the Noumea Convention formulated in 1986 does not address the range of environmental issues facing the region today.² As a result, this limits the effectiveness of the Convention as a regional legal instrument to tackle contemporary issues.³ The Convention does not cover climate change, plastic pollution, marine litter, which have become significant threats to the environment and livelihoods of Pacific people. It also does not cover deep seabed minerals exploration and mining, an issue that has major environmental, jurisdictional and governance issues for the region.

Review of the Convention

4. A review of the Convention was conducted in 2019, before the Noumea Convention COP 15, that consisted of a desktop analysis of outputs and achievements. The review report contained a series of recommendations for Parties to consider, ranging from increased resourcing to administer the Convention and greater commitment from Parties to meet the requirements of the Convention, an award for best project/initiative within the reporting period, a rotational system for hosting COPs that includes a field trip of a

¹ Review of the Waigani and Noumea Conventions, 17 July 2019

² Annex IV, 14NC/WP.7.11

³ Ibid

demonstration project by the host country, increased scope to include emerging issues such as plastic pollution and amendment procedures to be carried out by tacit acceptance.⁴

5. However, at COP15, the conference agreed for the Secretariat to carry out another review of the Noumea Convention, with more engagement and consultation with the Parties.

Objectives of the 2021 Review

6. The 2021 review has been made possible through the kind financial support from UNEP received in May 2021 in line with the UNEP Global Partnership on Marine Litter (GPML).
7. The purpose of the review is to strengthen the membership of the Noumea Convention and its effectiveness in addressing environment action in the Pacific region. Given the changing nature of environmental issues, there is a need to expand the scope of the Convention to, not only remain relevant but to establish linkages to the regional plan of action to achieve environmental protection and resilience.
8. The objectives of the 2019 review are to:
 - i. Evaluate how the Convention is being implemented at all levels.
 - ii. Determine whether the objectives of the Convention are being met by the actions of the Parties.
 - iii. Evaluate the effectiveness of the Secretariat.
9. The 2021 review will take a regional approach and a focus on emphasising the importance of strengthening the membership of the Noumea Convention. To align with the overarching objectives of the review in 2019, the scope of the 2021 review is as follows:

Objective 1: Governance and operation of the Noumea Convention:

- a) examine, evaluate, determine the effectiveness of the Convention
- b) examine, evaluate, determine the effectiveness of the Secretariat in discharging the roles and functions mandated by the Convention
- c) examine, analyse and determine the linkages to the work programmes of the Secretariat
- d) analyse, evaluate and determine the effectiveness of the administrative and procedural matters relating to amendment provisions, reporting and other obligations

⁴ Fifteenth Meeting of the Noumea Convention, agenda item 7.2: Review of the Noumea Convention

Objective 2: Implementation of the Noumea Convention:

- a) examine, analyse, determine whether the purpose of the Convention is achieved
- b) examine, analyse and determine whether objects / purpose of the Convention remains relevant to the current environmental challenges
- c) examine, analyse and determine the approach to expand the scope the Convention, to tackle current environmental challenges.

Overall expected outcome of the Review

10. The expected outcome of the review is to provide recommendations to the Parties to make an informed decision on the strategic direction of the Noumea Convention.

Methodology of the Review

11. A consultant was engaged through the SPREP procurement process⁵. This consultancy was completed on 31 July 2021. A final report was submitted to the Secretariat and available to the Parties for perusal. The Secretariat intends to organise and convene inter-sessional meetings by the Parties to discuss the findings from the review and the recommendations by the consultant.
12. A draft Questionnaire (attached as WP 7.1/Att.1) was prepared by the Secretariat with input from some of the Parties to guide the consultant's dialogue and consultations with the Parties, and stakeholders of the Noumea Convention.

Recommendation

13. The Parties are invited to:
 - 1) **note** the status and progress of the review of the Noumea Convention;
 - 2) **collaborate and support** the Secretariat by providing comments to the Consultant undertaking the review; and
 - 3) **agree** to discuss inter-sessionally the findings and recommendations of the review prior to its formal consideration at COP17.

18 June 2021

⁵ This tender process is anticipated to conclude by end of June 2021.