



Report of the

Seventh Ordinary Meeting of the Contracting Parties to the Convention on Conservation of Nature in the South Pacific (Apia Convention)

and

Seventh 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 (SPREP Convention)

10 September, 2004
Pape'ete, French Polynesia

Introduction:

1. The Seventh Joint Ordinary Meeting of the Contracting Parties to the Apia and SPREP Conventions was held on 10 September 2004 in Papeete, French Polynesia. Parties to the Apia Convention in attendance were Australia, Cook Islands, Fiji, France and Samoa. Parties to the SPREP Convention in attendance were Australia, Cook Islands, Federated States of Micronesia, Fiji, France, Marshall Islands, New Zealand, Samoa and the United States of America. Observers from Niue, Tuvalu and Tonga were also present as well as SOPAC and Greenpeace. The list of participants is attached as **Annex I**.

Agenda Item 1: Joint Official Opening of the Meeting

2. The representative of Samoa as Chair of the Sixth Joint Ordinary Meeting of the Parties to the Apia and SPREP Conventions, called the Meeting to order and invited the Representative of Fiji to lead the Meeting in prayer. He then invited the Director of SPREP to make the opening address.

3. In his opening address, the Director welcomed representatives of the Contracting Parties and other participants. A copy of Director's speech is attached as **Annex II**. In closing, the Director extended an invitation to non-parties to attend such meetings as observers and determine how their countries and territories could benefit from joining these regional instruments.

4. The Chair then invited the Vice President and Minister for the Environment of French Polynesia, Mr Jacqui Drollet, to address the meeting. The Vice President warmly welcomed delegates to the meeting and to French Polynesia. A copy of his speech is attached as **Annex III**.

Agenda Item 2: Organisation of the Meeting

2.1 Rules of Procedure

5. The respective Rules of Procedure for the Meeting of the Contracting Parties to the Apia and SPREP Conventions applied for the conduct of the Meeting.

2.2 Election of Officers

6. The Cook Islands was elected Chair and France, Vice-Chair.

2.3 Organisation of Work

7. English and French were the working languages of the Meeting. Simultaneous interpretation in these languages was provided by the Secretariat. The working documents of the Meeting were available in both working languages.

Agenda Item 3: Adoption of the Agenda

8. The Agenda was adopted without amendment and is appended as **Annex IV**.

Agenda Item 4: Presentation of Reports by the Secretariat under Rule 11 of the Rules of Procedure of the Apia Convention and Rule 12 of the Rules of Procedure of the SPREP Convention.

9. The Secretariat introduced the report on work undertaken or achieved as part of the Action Plan towards implementation of the Conventions since the Sixth Joint Ordinary Meeting.

10. The Delegate of the Marshall Islands requested the Secretariat to consider biodiversity clearing house mechanisms currently being developed by the Marshall Islands, the Federated States of Micronesia and other countries and to work with these as well as the Roundtable for Nature Conservation's Inventory of Conservation Activities.

11. The Meeting noted the Secretariat's report outlining work achieved since the Sixth Joint Ordinary Meeting of the Parties in fulfilment of the provisions of the Apia and SPREP Conventions under the SPREP Action Plan 2001 - 2004.

Agenda Item 5: Country Reports on the Implementation of Obligations under the SPREP and Apia Conventions

12. The Chair noted that Australia had submitted national reports to the Apia and SPREP Conventions and that New Zealand had submitted one under the SPREP Convention.

13. The representative of the Marshall Islands presented a verbal summary of its report to the meeting. The representative of Australia took the meeting through the main elements of its two national reports. New Zealand similarly took the Meeting through its national report and noted its focus on domestic obligations under the Conventions. The national reports are attached at **Annex V**.

14. The representative for Fiji indicated that they would provide their report to the Secretariat as soon as possible. The Chair urged other members to submit their reports to the Secretariat.

Agenda Item 6: Items Requested at Previous Meetings

6.1 At the Meeting of the Contracting Parties to the Apia Convention.

15. The Secretariat presented items arising from requests at the Sixth Joint Ordinary Meeting of the Contracting Parties to the Apia and SPREP Conventions.

6.1.1 Status of the proposed amendment to the Apia Convention

16. The Secretariat updated the meeting on the proposed amendment to the Apia Convention. Fiji considered it important to have a Working Group to renegotiate the Apia Convention particularly to address biosafety risks and non-compliance with property rights issues. The representative for Australia acknowledged the decisions made at the Sixth Joint Ordinary Meeting but noted that embarking on a costly Working Group process that did not provide conservation benefits to the region, would not be worthwhile. The National Capacity Self Assessment (NCSA) process outcomes and the development of the Island Biodiversity Programme of Work under the Convention on Biological Diversity should be considered before such a review, as it was a significant way for countries to put their issues to the international community and to the Global Environment Facility. Australia therefore suggested that a Working Group not be proceeded with at this time.

17. The representative for Samoa recognised the difficulties related to the number of global and regional and national programmes and suggested that there was perhaps a fifth option that would reflect the spirit of the Apia Convention but without the added costs and responsibilities. The SPREP strategic programmes could provide the framework for the fifth option.

18. The representative of France noted that the Apia Convention did not appear to generate interest from the non-Parties to the Convention. He noted that funds did not become available after the last Convention meeting and that undertaking a drafting exercise would lead to considerable costs as well as a potentially uncertain outcome. The representative noted that there were now other instruments that did not exist when the Convention was negotiated that could serve in its place. As such the Parties should not have to campaign for more signatories.

19. The representative for Niue noted the plethora of other conventions and instruments and noted that reporting requirements and obligations were burdensome to island Parties. Niue had seen this as a major constraint and had held back from becoming involved for those reasons. The representative for Niue stated he would like to see greater streamlining of these obligations at the national level. He agreed with Australia that the NCSA process would be important and would assist in streamlining approaches and in identifying gaps in the capacity of countries to implement these conventions. The representative encouraged all member countries to consider joining the NCSA exercise as this would help scope the approach to the Apia Convention.

20. The representative of the Cook Islands reiterated the Convention's original intention to focus on the importance of nature conservation and protected areas and noted that many agreements developed since the Apia Convention now served some of the same purposes. Nevertheless it was important to continue with the Apia Convention; other agreements and obligations such as the NCSA could be considered in the Convention's revision.

21. The representative for Niue requested that non-parties be invited to participate in the Working Group. The representative of Australia requested the meeting to not confirm a Working Group to discuss Option 4. France expressed its scepticism at the usefulness of holding a workshop to update the Apia Convention and was concerned with the cost of funding.

22. Samoa's representative believed that the Convention could provide the overall framework for all conservation work in the region and noted that there needed to be a formal arrangement to link all the programmes including SPREP's new strategic programmes which would bring in new international resources to support national-level activities. The Secretariat clarified that the size of the Working Group would have financial implications for the Apia Convention's budget.

23. The representative of the United States noted that at this point in time they would not be able to participate financially in the Working Group.

24. Australia proposed that instead of a Working Group, that the Secretariat prepare a concept paper on the relationship between the Apia Convention and other relevant conventions, including the CBD, Ramsar and CITES. The paper should look at the usefulness of a regional approach to nature conservation issues. The concept paper should be distributed within 6 months to all SPREP members, to be followed by consultations with SPREP members on their individual needs and concerns. The Parties should also consult between themselves on these issues. The aim would be to come back to the Eighth Joint Ordinary Meeting with an agreed position on the way forward.

25. Federated States of Micronesia as a non-Party to the Apia Convention supported the position of Australia and added that an electronic Working Group be established to progress the work produced by the Secretariat and encouraged countries to do consultations at the national level before the next Apia Convention meeting. Samoa supported the proposal of Australia as a way forward and added that it should include other relevant agreements and institutional issues and not be restricted to the CBD, CITES and Ramsar and requested that the institutional frameworks for the Convention be examined – specifically reporting and funding. France and Fiji supported the proposal by Australia.

The Conference:

1. **Requested** that the Secretariat prepare a concept paper on the relationship between the Apia Convention and other relevant conventions. The paper would address the usefulness of a regional approach to nature conservation issues, institutional frameworks for the Convention as well as reporting and funding requirements. The paper would be distributed within 6 months to all SPREP members and be followed by consultations with SPREP members on their individual needs and concerns. The Parties would also consult between themselves on these issues and come back to the Eighth Joint Ordinary Meeting with an agreed position on the way forward.
2. **Requested** the Secretariat to establish an electronic Working Group to progress the concept paper.

6.1.2 Collaboration with relevant institutions

26. The Secretariat reported on the collaboration between the SPREP Secretariat and relevant institutions such as the Secretariat of the Convention on Biological Diversity (SCBD) and the United Nations University (UNU). Parties were invited to consider whether to add any other items to the provisional Programme of Work under the Memorandum of Understanding between SPREP and the SCBD that included island biodiversity, marine and coastal protected areas and access and benefit sharing.

27. The representative from the Marshall Islands indicated that information exchange be included in the Memorandum of Understanding.

The Conference:

- **Agreed** with the topics suggested for a provisional Programme of Work under the SPREP/SCBD MOU with the inclusion of information exchange.
- **Noted** the developments related to collaboration with the Secretariat of the Convention on Biological Diversity and the United Nations University.

6.2 At the Meeting of the Contracting Parties to the SPREP Convention

6.2.1 Status of the Proposed Amendment to the SPREP Protocol

28. The representative of the USA noted the duplication of effort in trying to amend regional Protocols to align with their international progenitors. In relation to the SPREP Dumping Protocol, wording should be consistent with that of the Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1996. Similar issues to those discussed in the Apia Convention – such as reporting and financing – were considered relevant. The USA therefore suggested that Parties consider direct ratification of the 1996 Protocol in light of the range of benefits that could be derived.

29. The representative of Australia believed that the first task of the Working Group should be to develop a terms of reference that would include the review of the Dumping Protocol. New Zealand supported the convening of the Working Group and urged that the issues raised by the representatives of the USA and Australia be considered. In response to whether this Working Group might not also cover the Apia Convention Working Group it was felt that differing technical expertise would be needed to address each Convention.

30. The representative of the USA expressed concern of having a single Working Group for both the Apia Convention and SPREP Conventions given that the USA was not a party to the Apia Convention. There was support for the formation of a Working Group for the SPREP Convention as recommended as well as the need for input from Parties. The representative of the Marshall Islands supported the Working Group to give Parties the opportunity to comment on the proposed amendments prepared by the Secretariat.

31. The representative of France supported holding the Working Group and a French expert would participate if it was convened. New Zealand suggested that the meeting of the plenipotentiaries be held in the margins of other meetings, such as the 16th SPREP Meeting, to reduce costs. The representative of the USA agreed that it would be more productive and cost effective to have the plenipotentiary meeting in line with other meetings but believed that the date of the Conference of the Plenipotentiaries should be dependent upon the decision of the Working Group and that if the Working Group is convened, that it be open ended.

The Conference

1. **Directed** the Secretariat to ensure that a Working Group meeting is convened within the next 6 months to review the draft amendments prior to their being considered by the Conference of the Plenipotentiaries
2. **Requested** the Secretariat to convene a Conference of Plenipotentiaries for the purpose of adopting the draft amendments to the Dumping and Emergency Protocols at some unspecified time in the future. Such Conference is to take place on the margins of the SPREP Meeting. However, the date of the Conference is conditional upon the conclusion of the of the work of the Working Group.
3. **Invited** the participation of the USA and France in the Working Group – in addition to Australia and New Zealand which had earlier indicated interest in participation – as well as any other interested Party. Each party would bear its own costs.

Agenda Item 7: Any Item Proposed by a Contracting Party

32. The representative for Samoa noted that a draft Memorandum of Understanding (MOU) for the Convention on Migratory Species had been circulated to member countries and welcomed comments on this MOU before continuing with the task assigned to Samoa under the 2004 Meeting on the Convention of Migratory Species.

33. The Fiji representative raised the issue of ozone depleting substances (ODS) and encouraged other Pacific Island Countries with ODS to ratify the Montreal Protocol to enable a region-wide cleanup of ODS.

34. The representative of the Marshall Islands highlighted the need to strengthen information management systems related to the environment. They noted that any future work to strengthen information management systems would be appreciated.

The Conference

- **Noted** the items raised.

Agenda Item 8: Financial Statements for the Apia and SPREP Conventions 2002 and 2003

35. The Secretariat presented the relevant sections of the SPREP financial statements and auditor's reports for the years 2002 and 2003, noting that the full audit report for 2003 would be considered during the 15th SPREP Meeting.

36. The representative of New Zealand asked for clarification on the meetings attended by SPREP officers as outlined in the Apia and SPREP Convention accounts of 2003. The Secretariat responded that these meetings were: the CBD and related conventions meeting in Australia, a CBD negotiations training workshop in Fiji, and a meeting related to the Basel Convention. The Secretariat indicated that the Basel Convention meeting costs in the Apia Convention account would be transferred to the Waigani Convention account.

37. The representative of the USA indicated that their contribution which had recently been paid had not been recorded in the reports presented to the meeting. The Secretariat acknowledged that the USA contribution had recently been received and indicated that this would appear in the 2004 accounts.

The Conference

- **Adopted** the reports as amended and acknowledged the contribution by the USA.

Agenda Item 9: Consideration and Adoption of the Budgets for the Biennium, 2005 and 2006

38. The Secretariat took the Meeting through the Apia Convention and SPREP Convention budgets. It noted that the Marshall Islands was not yet a party to the Apia Convention and that the budget as presented would be amended accordingly. In addition, a further amendment to the proposed budget would be made to take into account the decision of Agenda Item 6.1.1 not to hold a Working Group meeting for the Apia Convention.

39. The representative of Fiji encouraged all parties to contribute to the budget as part of their obligations under the Conventions.

The Conference

- **Adopted** the proposed budgets with the amendments proposed by the Secretariat. These are contained in **Annex VI**.

Agenda Item 10: Other Business

40. There was no other business.

Agenda Item 11: Date and Venue of the Next Meeting

41. The Meeting agreed to convene the Eighth Joint Ordinary Meeting of the Contracting Parties to the Apia and SPREP Conventions at the same time and venue as the Seventeenth SPREP Meeting in 2006.

Agenda Item 12: Adoption of the Report

42. The record of proceedings was adopted.

Agenda Item 13: Closure of the Meeting

43. The Chair thanked the Conference, the Director of SPREP and the Secretariat for the hard work to progress the Apia and SPREP Conventions. The Chair concluded with a prayer.
