

FINALDRAFT SUMMARY RECORD OF THE THIRTY-EIGHTH SOPAC SESSION

OPENING SESSION OF GOVERNING COUNCIL

1. OPENING

1. The Thirty-eighth Annual Session of the Pacific Islands Applied Geoscience Commission (SOPAC¹) was held in Port Vila, Republic of Vanuatu, from 21st to 30th October 2009. Its Council Sessions including the joint session with its Technical Advisory Group (TAG) and the preceding three-day scientific meeting of its Science, Technology and Resources Network (STAR) were all held at the Le Lagon Resort Hotel, Port Vila. The STAR meeting was its 26th with the theme “Exploiting and Managing Resources to Enhance Economic Development, with special focus on Deep Sea Minerals, Water and Renewable Energy, and Reducing Disaster Risk”.

2. The Outgoing Chair (Tuvalu), Honourable Taukelina Finikaso called the meeting to order. The Minister of Lands and Natural Resources of Vanuatu, Hon. Harry Iarris Iauko was the Chief Guest and representative of the Government of Vanuatu to officially open the meeting.

3. Pastor Hosea Bani of the Vanuatu Council of Churches was invited to offer the opening prayer. He also delivered a short message on “being trustworthy and responsible leaders”.

4. The Director of SOPAC, Ms Cristelle Pratt, prior to welcoming all the delegates to the SOPAC Governing Council meeting, called for a minute of silence to contemplate the losses sustained by SOPAC members from two extreme natural events that occurred in the region in the last twelve months in Samoa, Tonga and American Samoa. She thanked the host government for the hospitality and generosity shown to all the delegates since their arrival.

5. The Director noted that this meeting was a special meeting for the SOPAC Governing Council to follow up on the decisions of the Joint Council Meeting that was held in Suva between the Councils of SOPAC/SPC/SPREP in July. The Council would be deliberating and making decisions on the legal procedures to ensure a smooth and proper transition through the implementation process. The Director’s Opening Remarks will be tabled in full in the Proceedings volume.

6. The Minister for Lands and Natural Resources, Honourable Harry Iarris Iauko, delivered the Opening Address on behalf of the Government and people of Vanuatu, welcoming all delegates and urging them to take time out to see something of the country.

7. The Honourable Minister stated that he wished to see the good work of SOPAC continue and expanded for additional benefits and value to the Pacific Island countries and territories, in particular with the increase in interest being shown in areas relating to deep sea minerals, ocean-energy, and hydrocarbons. He recognised the value of the Science Technology and Resources Network (STAR) as an independent group of scientists providing ‘free’ technical advice on a number of issues relating to the region and wished to thank the individual and combined commitments made by the scientists. He also re-iterated the desire of the member countries and the Council that SPC maintains the strong relationship that SOPAC has formed with STAR over the last 26 years. The Minister urged the Council to be mindful that the transition process does not affect the efficiency of SOPAC delivery of technical programmes to the SOPAC member countries. He also acknowledged the contributions of the donors, and partners for their funding and support over the period of uncertainty.

8. Honourable Iauko concluded his address by farewelling the Director of SOPAC as her second term as Director comes to an end early in the new year (February 2010), and expressed

¹ A list of Acronyms is the last Appendix in the Proceedings volume

his appreciation for her leadership efforts, in spite of the challenges faced during her term. Honourable Iauko's Opening Address will be tabled in full in the Proceedings volume.

9. The representative of the Outgoing Chair (Tuvalu), Honourable Taukelina Finikaso, Minister for Communications, Transportation & Tourism delivered a short reply to the Opening Address on behalf of the Council.

10. He stated that the period 2008-2009 had been a challenging year for SOPAC as a result of the decision on the Regional Institutional Framework (RIF), and in 2009 had a strong impact on the SOPAC delivery. The decision made in July of this year by the Joint Governing Councils would be presented to the SOPAC Governing Council at this meeting to consider and discuss the proposed implementation plans proposed by the CEOs as well as to ensure that the delivery of services to the region was not compromised in the process of transition to the new organisational arrangements.

11. Delegates from the following member countries were in attendance: Australia, Cook Islands, Federated States of Micronesia, Fiji Islands, French Polynesia, Guam, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Tonga, Tuvalu and Vanuatu. A full list of participants is annexed as Appendix 1.

12. The University of the South Pacific (USP); Secretariat of the Pacific Regional Environmental Programme (SPREP); the Secretariat of the Pacific Community (SPC) were the CROP organisations represented.

13. The following institutions attended as observers: Australian Volunteers International, Bureau of Meteorology (BoM), Commonwealth Scientific and Industrial Research Organisation (CSIRO), the European Union, Geoscience Australia (GA), GNS Science, Institut de Physique de Globe de Paris (IPGP), Institut de Recherche pour le Developpement, National Institute of Water & Atmospheric Research (NIWA), Japan Agency for Marine-Earth Science & Technology (JAMSTEC), (Japan) National Research Institute for Earth Science and Disaster Prevention, Japan Ocean Policy Research Foundation, K&L Gates, Korea Ocean Research and Development Institute (KORDI), Matadrevula Advisory Services, Moss Landing Marine Laboratories, Nautilus Minerals, IOC/ UNESCO, UNEP/GRID-Arendal, University of Hawai'i, (US) National Oceanographic and Atmospheric Administration (NOAA), UNISDR, Victoria University of Wellington and World Health Organization (WHO).

2. ELECTIONS

2.1 Chair and Vice Chair of SOPAC

14. In accordance with the Rules of Procedure, Vanuatu assumed the Chair of the SOPAC Governing Council; and the representative of Australia was appointed Vice Chair.

2.2 Chairs of STAR and TAG

15. Council accepted STAR's nomination of Professor John Collen of Victoria University of Wellington to continue as Chair of STAR with Chris Ioan of Vanuatu as Vice Chair of STAR.

2.3 Appointment of Rapporteurs

16. Ms Lala Bukarau (SOPAC) was appointed rapporteur and tasked with the Secretariat to prepare a summary record of proceedings of the 38th SOPAC Session, under the supervision of the Drafting Committee.

3. AGENDA AND WORKING PROCEDURES

3.1 Adoption of Agenda

17. The Secretariat proposed a re-schedule of Agenda Item 8 (Community Risk Programme) ahead of Agenda Item 7 (Community Lifelines Programme) to allow Secretariat project staff to proceed on a country mission on a scheduled flight. The Secretariat also requested delegates to check details of correct affiliations and provide alternative contact addresses on a list of participants that would be circulated for that purpose.

18. The representative of the Cook Islands proposed the re-schedule of Agenda Item 10 (Regional Institutional Framework) for hearing and discussion after Agenda Item 5, given that the RIF item would dominate the discussions at this meeting. The representatives of Tonga and Fiji supported the proposal with Vanuatu expressing reservations on the re-scheduling of the whole of Agenda Item 10. He offered a compromise proposal that sub-item 10.1 (Legal Implications) be introduced after Agenda Item 5 so that members could think on the issues before substantial discussion on the item at the scheduled time in the programme.

19. The Vanuatu representative was also concerned about the imminent end of the second term of the current Director of SOPAC early in the new year. The plans for the leadership of the Secretariat during this critical period appeared unknown, and this was a matter that should also be discussed at this meeting.

20. The meeting then heard the views of other members for and against the proposal by the Cook Islands, with no clear consensus emerging.

21. The Chair finally ruled in favour of the Vanuatu compromise proposal for a preliminary hearing of Agenda sub-item 10.1 on the Legal Implications of the RIF, with substantial discussion deferred to its scheduled time on the original programme. Council accepted this ruling.

22. The Director of SOPAC informed Council that the position of Director was part of the milestone events in the transfer of the core functions of SOPAC to be a new division of SPC, covered in paper AS38/10.3.3 and drew Council's attention to their decision in the SOPAC Governing Council Special Session in July.

23. The adopted agenda is attached as Appendix 2.

24. The draft daily working schedule (AS38/3.1 Info. 1) of the meeting was also adopted with the revised earlier start time of 8.30 am for the remainder of the meeting.

3.2 Appointment of Drafting Committee

25. An open-ended drafting committee chaired by Australia (Vice Chair) and comprising Fiji, Kiribati, Tonga, Cook Islands and Tuvalu was tasked with overseeing the production of a summary record of proceedings.

26. According to procedure, the Secretariat would record what would normally be considered as issues and decisions; however, if members felt that there were any gaps or inaccuracies in the Secretariat's summary record, they were welcome to provide this input into the record.

3.3 Appointment of Sub-Committee

27. The Chair announced his intention of taking the whole agenda in full Council to reduce the necessity for a sub-committee, but invited comments on his intention.

28. Cook Islands pointed out that there may be a need for setting up a sub-committee when discussing the transitional working arrangements at Agenda Item 10 (Regional Institutional Framework); a point seconded by the representative of the Federated States of Micronesia.

29. Given the interest of most members to participate in the sub-committee, Chair decided to take all matters relating to RIF in full Council.

4. REPRESENTATION

4.1 Designation of National Representatives (AS38/4.1)

30. Members were encouraged by the Secretariat to amend the details for their designated national representatives presented in the paper. Having accurate details would facilitate communication with members intersessionally. The list is included in Appendix 3 of the Proceedings.

4.2 Membership Issues

31. No membership issues were raised.

5. STATEMENTS

32. The Chair proposed that in order to move through the agenda in the allocated four days that statements be kept as brief as possible, and that more substantive issues be considered under the appropriate agenda items. This suggestion was acceptable to Council.

33. Member country delegations made short interventions mostly commending the host country for the wonderful hospitality being enjoyed by all delegates; acknowledging donor support; with various comments on the Regional Institutional Framework (RIF) process. The statements would be handed in for publication in full in the Proceedings volume.

34. Delegates from supporting and partner agencies followed suit expressing best wishes to the host country and their continued commitment to work in partnership with SOPAC to achieve common goals in the SOPAC region.

5.1 Statements by Member Countries

35. These statements are tabled in full in Appendix 4.

5.2 Statements by CROP Organisations

36. These statements are tabled in full in Appendix 4.

5.3 Statements by Cooperating Governments and International Agencies

37. The representative of the European Union (EU) highlighted their keen interest in the process that would lead to the absorption of SOPAC into SPC. The EU preferred the process to be carried out in a timely and efficient manner, and the services to be maintained or enhanced if possible. EU expressed confidence and trust in SPC in terms of their services and with SOPAC and SPREP in the manner in which they have worked together so far to achieve the best possible way for the region.

38. Other statements are tabled in full in Appendix 4.

5.4 Statements by National Institutions

39. Dr Gary Greene (Moss Landing Marine Laboratories) informed all delegates of the upcoming GEOHAB "Conference on Biological and Geological Fisheries Management" to be held in Wellington, in early May 2010. He advised that it was a useful conference for scientists and policy makers from the region to attend.

40. Other statements are tabled in Appendix 4.

GOVERNING COUNCIL POLICY SESSION

41. Council decided during the adoption of the Agenda to bring forward the introduction of Item 10.1 – Legal Implications [of the RIF] for hearing at this point². The verbatim record of discussion is contained in Appendix 5 of the Proceedings volume¹; and certain interventions [provided in writing to the Secretariat according to procedure] and the decision [or resolution] is part of the Summary Record of Agenda item 10.1.

COUNCIL-TECHNICAL ADVISORY GROUP (TAG) SESSION

6 ISSUES COMMON TO PROGRAMMES

6.1 Director's Report

6.1.1 Introduction

42. The Director introduced the item and highlighted work programme activities for the period 2008/2009 by the three programme areas (CLP, CRP and OIP). She highlighted the guidance provided by the Strategic Plan 2005 – 2009 in sustaining the Secretariat's technical comparative advantage to support sustainable development of PICs. She also acknowledged the commitment of staff in maintaining delivery of technical services whilst maintaining involvement in the RIF

² Given the highly charged nature of the discussions on the RIF item at the SOPAC 38th Session, the Verbatim Record annexed as Appendix 5 follows the chronological sequence of the discussions from the first day when the item was introduced and throughout the agenda wherever the RIF item strongly influenced the matter under consideration. The summary record of Item 10 should be read in conjunction with Appendix 5.

processes; noting that the trends through this period were exemplary. The Director's full intervention is the subject of paper AS38/6.1.1, which will be part of the Proceedings volume.

43. The Cook Islands commended the Director for the report; and Secretariat staff and donors for their contributions in support of work programme delivery. He particularly thanked Australia and New Zealand for their continued support of the Secretariat's work programme.

44. Council noted the Director's highlights from the reporting year.

6.1.2 2008 Annual Report Summary (AS38/6.1.2)

45. The Director presented the Annual Report Summary covering the period October 2007 to October 2008, period noting its primary use to promote SOPAC along with its objectives and activities, especially to development partners, supporting organisations and member countries. The document was also intended to be an information brochure on SOPAC for use by the wider non-technical audience.

46. Council accepted the 2008 Annual Report Summary.

6.1.3 Summary Report of 2009 Donor Support (AS38/6.1.3)

47. The Director presented a summary report on the donor support to SOPAC for the period September 2008 to August 2009 highlighting the significant extra budgetary contributions from donor partners that was extremely critical for work programme delivery.

48. The Director acknowledged the contributions made by the European Union and other development partners highlighting that extra budgetary donor contributions over 2008/2009 totalled FJ \$33,757,616 and are tabulated in the annex to the paper.

49. Cook Islands, with the concurrence of Vanuatu, Kiribati and Samoa thanked the Director for the report presented and the Secretariat for the work delivered acknowledging the contributions by donor partners. Special mention was made of Australia's extra budgetary allocation provided so certain island member countries could meet the deadline (of May 2009) for submitting claims and/or partial claims to the UN Law of the Sea Commission for extended continental shelves.

50. Council accepted the report and in doing so acknowledged with great appreciation the strong and sustained donor support, essential for effective delivery of SOPAC's work programmes.

51. Council requested the Secretariat to write to all donors and development partners of SOPAC to convey thanks for the support that has allowed effective delivery of the SOPAC work programmes into island member countries.

52. Council also noted with appreciation that some of its members are contributing directly to the Secretariat in order to support work programme delivery.

6.2 STAR Chair Report (AS38/6.2)

53. The STAR Chair presented his on the 26th Session of STAR to the meeting acknowledging the support provided by the Government of Vanuatu and staff of the Secretariat to scientists present at STAR.

54. The STAR Chair explained that the STAR network is an informal and entirely voluntary grouping of scientists that acts as an interface between the SOPAC Secretariat and its member nations and the international scientific community – a resource freely available to SOPAC directly or through himself as Chair.

55. The main theme of the 2009 STAR meeting was: “Exploiting and managing resources to enhance economic development, with special focus on deep-sea minerals, water and renewable energy, and reducing disaster risk”; areas of immense interest to Vanuatu. The meeting began with two sessions devoted to Vanuatu volcanism and tectonics, with a detailed coverage of the Arc Vanuatu Programme, and other papers on Vanuatu geology and resources appeared throughout.

56. Apart from hearing presentations by researchers, the STAR meeting gives the advantage of the presence of experts in certain subjects of relevance to the region, where a critical mass of delegates allows the convening of thematic working groups that make recommendations of points that they feel may be of benefit to Council, for consideration in future work programmes. Six working groups met to discuss aspects of Deepsea Minerals, Energy, Habitats, Ocean Observations, Tsunami and Water. Their full reports with recommendations to Council and the STAR Chair Report is appended to the Proceedings volume as Appendix 6.

57. The SPREP Director commended the report by the STAR Chair and echoed earlier comments by the SPC Director General on it being a model for best practice to enhance and improve delivery of programmes. He noted the STAR Chair’s labelling of STAR as ‘anarchic’; and offered ‘prolific’ and ‘productive’ as descriptors he wished to add from his own perspective. SPREP recorded its commitment to engage fully with STAR or its successor with respect to the SOPAC components that were moving to SPREP.

58. Fiji thanked the Chair for the brief stating that it again highlighted the importance of maintaining the STAR network to continue its support of, and assistance to, PICs.

59. USP confirmed that STAR had been interacting with USP in relation to co-supervising students and commended the network in providing practical advice to PICs.

60. Niue reiterated its support to STAR and commended the presentations made by scientists during the session in particular the efforts made in recent years to raise awareness of science applications in schools.

61. Marshall Islands acknowledged the inputs by STAR in the region and contributions to communities and asked if STAR would consider a similar programme for policy makers as well.

62. The STAR Chair noted that specialist speakers had been organised by STAR at various times for Council and a workshop on earth sciences for decision makers had been developed that could be delivered in member countries if they were interested.

63. Vanuatu acknowledged the report presented and thanked the members of STAR for their support of the Secretariat’s work programme delivery. Vanuatu was satisfied that their own Chris Ioan (Director of the Department of Geology, Mines and Water Resources) had been elected Vice Chair of STAR.

64. Papua New Guinea thanked the STAR Chair for his report and the opportunity provided for policy makers and PIC scientists.

65. Council accepted the STAR Chair's report and in considering the issues raised in the report reiterated its appreciation of the value of STAR to members and hoped that the network can continue to contribute to the delivery of scientific services in the region into the future.

6.3 PMEG Chair's Report on Crosscutting Issues

66. The PMEG Chair presented the PMEG Chair's Report on matters and issues relating to SOPAC work programme delivery which are cross-cutting in nature and common to all three technical programmes of SOPAC.

67. The report highlighted several points that could do with improvement:

- a) Core funding needed to be increased to assure continuity of present programmes, to stimulate new programmes, to preserve intellectual resources, to act as seed funds to increase funding potential and to allow for scientific and technical publications.
- b) Website, although not critical, needed to be appraised in the near future particularly with the new direction taken with respect to SPC, given the transition.
- c) Synergies between programmes needed to be examined in SOPAC and SPC.
- d) "Impact" reporting to measure and report on outputs such as web hits, requests for reports and data tallied as well as input from member countries are needed with respect to outputs and how they facilitate outcomes.
- e) New Strategic Plan needs to be developed to reflect the merger of the SOPAC core work programme with SPC.

68. The SPC Director General thanked the PMEG Chair for the presentation noting that other organisations could benefit from a similar practice. With reference to the points raised by the PMEG Chair that inferred SPC involvement, the Director General said the following:

- a) On core funding (an issue common to all organisations); he recommended that Council review the Sustainable Financing Strategy (which SPC was developing).
- b) On the review of the SOPAC website; he said that the SPC site was also pending review and redesign.
- c) On programme synergies; he acknowledged noticeable improvements.
- d) On reporting feedback from the membership; he noted this was always useful for gauging impact. He reported that (SPC) divisional strategic plans are developed in partnership with member countries.

69. For the record, Council noted that both the CEOs of SPC and SPREP expressed support for continuing engagement with the STAR and PMEG mechanisms into the future arrangements following the transfer of SOPAC activities and functions into SPC and SPREP.

70. Cook Islands commended the Chair of PMEG for his report and the Secretariat for the work programme deliverables in-country which often reflected the synergies across the programmes.

71. Samoa concurred with comments by the Cook Islands, noting the importance of the independent nature of PMEG in evaluating and assessing SOPAC's work programmes as well as SOPAC at the organisation level. STAR was also commended for the support given to the Secretariat and member countries. It was also encouraging to get assurance from SPC for the

continuation of both PMEG and STAR after the integration as Samoa supports the continuation of both agencies after the rationalisation.

72. New Zealand thanked STAR and PMEG Chair for their respective reports. Noting that PMEG was a process for learning and improvement, New Zealand sought clarification from the PMEG or Secretariat whether the reports would revisit issues raised in previous years, and report on improvements or progress made on these issues.

73. Niue supported comments made on improvements to the website as it was an important medium for raising the profile of the Secretariat and work done in-country.

74. Marshall Islands noted PMEG's involvement with the Secretariat and enquired whether member countries, as recipients, would be involved in the evaluation process.

75. The PMEG Chair, in relation to national reporting explained that this was raised during the 2008 report in relation to how outputs were being used in-country to determine if products supplied were used properly or used in the way they were envisaged and to see how outputs could be improved.

76. Federated States of Micronesia stated that additional reporting by members on outcomes of Secretariat projects in-country on top of everything else they had to do was unrealistic. He pointed out that the Council session was an opportunity for countries to provide feedback on in-country progress made by the Secretariat. He commended the increased synergy between the programmes noting that the establishment of the CROP was to improve synergies between regional agencies.

77. Council endorsed the Chair of PMEG's report on cross-cutting issues and noted the points raised, a number of which would be revisited under the RIF item (Agenda Item 10).

78. From later discussion around the work programme, Council noted for the record that it urged all SOPAC programmes to support coordination of development resources to improve outcomes at country level.

6.4 CROP and PPAC Summary Reports

79. The Director presented paper AS38/6.4 which highlighted issues from the CROP and PPAC meetings most relevant to SOPAC. Many of these issues would be raised under various other agenda items throughout the meeting.

80. Council noted the summary reports of the 2009 meetings of the CROP and the 2009 meetings of the PPAC, and acknowledged that items of relevance to SOPAC would be tabled under appropriate agenda items.

7 COMMUNITY LIFELINES PROGRAMME (CLP) [Council considered Item 7 after Item 8]

81. The Chair introduced Agenda item 7.1 and invited the Manager of the Community Lifelines Programme to present the report on the programme activities.

7.1 Reports from the Community Lifelines Programme

82. The Community Lifelines Programme (CLP) Manager thanked the Chair for the opportunity

to present to Council the CLP Activities for 2009 outlining that the Senior Water Adviser would present the Water, Sanitation and Hygiene (WSH) Programme whilst the Energy and Information, Communication and Technologies (ICT) Section would be presented by the Manager CLP.

83. The CLP Manager outlined the goals, components and staffing structure of CLP and acknowledged the contributions to the Programme presentation from all the relevant CLP staff. He also acknowledged the collaborative efforts with the other technical work programmes and the support of the Director and Deputy Director to the CLP.

84. The Senior Water Adviser introduced the WSH activities including noting the relevant issues and constraints, accessibility to water and sanitation and important global and regional WSH forums as a precursor to presenting the WSH Programme including water sector indicators and programme highlights.

85. The CLP Manager followed this by presenting an overview of the Energy and ICT/GIS-RS Sectors noting the major achievements for 2009 in: Resource Assessment, Development and Management; Asset Management; and Advocacy and Governance and referred Council to AS 38/7.1 for additional detailed information.

86. Council commended the presentations and acknowledged the presenters and programme staff for the work undertaken successfully in the region; and the continuous support of donors.

Water

87. The Cook Islands extended an offer of gratitude to the Water Team on the presentation and the work undertaken in the past and questioned the implication of the reduction of funding of the Global Environment Facility (GEF) funded Sustainable Integrated Water Resources and Wastewater Management Project in Pacific Island Countries (Pacific IWRM Project) by USD2 m in 2008.

88. The Federated States of Micronesia also acknowledged the work of the WSH Programme and queried the statement made in the context of the HYCOS Project that measuring water quality in Federated States of Micronesia was found to be limited. He questioned if this was in fact only a point of view of the HYCOS Project or a broader national assessment that he was unaware of. He explained that there is often an issue of national level reporting of targeted projects only, limiting the ability for any reflection of what the broader situation might be on the ground as might be the case with respect to the comment made above on water quality capabilities as experienced by the HYCOS Project.

89. The Secretariat responded that the budgetary cut of USD 2 million from the GEF for the Pacific IWRM Project will impact on the delivery of the regional component of the programme which is where the funds were reduced, but assured Council that in so far as the national demonstration projects were concerned SOPAC ensured the country allocations for the demonstration projects were not reduced.

90. Council was further advised that although the complementary European Union (EU) funded National Integrated Water Resources Management Planning Programme was not designed or intended to directly support the demonstration projects, provisions from the programme will be utilised for some staffing costs of the GEF Regional Project Coordinating Unit (PCU). This would enhance both the IWRM Planning and Demonstration Projects. The Secretariat would undertake further efforts to secure additional funds to accommodate the GEF shortfall.

91. In responding to Federated States of Micronesia's concern, the Secretariat stated that reference was made solely in the context of the Pacific HYCOS interventions and re-emphasised the additional national support mobilised in country that is not reflected in the overview.

92. It was further noted that the IWRM Programme would be developing with member countries a regional indicator framework intended to enhance national monitoring and evaluation of national progress for water and sanitation indicators.

93. Kiribati expressed appreciation for the work in the WSH Programme and registered their interest in the Water Quality Programme in light of the fragile nature of island atolls. In acknowledging New Zealand's support of the work programme and assistance provided by the Secretariat, Kiribati emphasised that it continued to be confronted with challenges in terms of safe drinking water in particular the intrusion of seawater into the groundwater table. They noted that although the relevant projects were coming to an end in March 2010 they encouraged SOPAC to continue these efforts under the future WSH Programme.

94. Marshall Islands stated that they appreciated the work carried out by the WSH Programme particularly around the Laura water lens where water quantity was being assessed. An area that still remained to be addressed was perhaps the issue of sanitation and Marshall Islands requested the WSH Programme to consider this in light of the progress being made on water quantity monitoring.

Energy

95. Kiribati acknowledged SOPAC and PIFS for the technical assistance provided to develop the Kiribati National Energy Policy and its Implementation Plan. Also acknowledged were the assistance provided in acquiring of wind monitoring instruments to assess the wind resource at Kiritimati Island and the training on the use and construction of box solar cookers to the women in Tarawa, which area Kiribati looked forward to further assistance.

96. Niue in noting the Secretariat's economic assessment on LPG stoves for Nauru, requested for further information on the economic assessment of the use of LPG stoves versus the electric stove. Niue requested the Secretariat to provide additional information on the mentioned 2nd call for proposals in the European Union Energy Facility, where it was confirmed that the details would be circulated once available and released.

97. Samoa commended SOPAC's Community Lifeline Programme for the work programmes undertaken in Samoa particularly under energy and watershed management and also noted its efforts in locating alternative energy options such as LED lights and windmills which contributed to the overall reduction of reliance on expensive fuels by member countries.

98. The Marshall Islands expressed concern on the un-coordinated approaches by donors to its solar PV projects and requested SOPAC [and others] to strengthen coordination so as to address national energy needs in a holistic manner. The Secretariat in response alluded to the proposed Energy Alliance mechanism as a possible means of addressing this.

99. USP acknowledged the collaboration and assistance rendered to its research activities and hoped that this would continue.

ICT, GIS & Remote Sensing

100. Tonga raised the issue of the high costs associated with the purchasing of LiDAR and suggested that PICs should look at combining resources to access this. The Secretariat in

response agreed to the suggestion and mentioned that American Samoa currently has a proposed LiDAR survey which could present a possibility for other PICs to take advantage of the opportunity to carry out their respective surveys at the same time in order to achieve some reduction in costs.

101. The Cook Islands registered their appreciation for the work carried out and queried the e-government initiative and sought clarification as to whether the issue of the content management system could be aligned with this initiative considering country bandwidth requirements etc. On the ICT Academy – there are eight (8) modules to be completed with some PICs having completed three modules only. Cook Islands enquired whether there were other workshops planned to complete the remaining modules as required. Cook Islands also sought clarification on the possible use of the MapServer by other projects such as the ADB project.

102. The Secretariat in response agreed to pursue offer of additional ICT Academy workshops, funding permitting. On the use of the MapServer, the Secretariat informed Council that the MapServer was for any department/entity to utilise the information and to maintain it.

103. Papua New Guinea posed the question on whether data can be made available for member PICs at no cost. The Secretariat responded that data is the property of member PICs and the Secretariat is only a depositary.

104. Tuvalu sought clarification on what depth can the LiDAR penetrate to in the survey. The Secretariat in response stated that it acquired data to a depth of 20 m and advised that for depths greater than 20 m, the multi-beam equipment can be used.

105. Vanuatu enquired whether the Tools (ICT, GIS, etc) were used in other programmes and what SOPAC had done to align to national programmes/activities. In response the Secretariat stated that these Tools are utilised across the three programmes and this was demonstrated in the work programme reports under agenda items 7, 8 and 9.

106. Council accepted the report of the 2009 Work Plan for the Community Lifelines Programme, and noted the comments on both national and regional aspects.

7.2 Issues and Opportunities for the Community Lifelines Programme

107. The CLP Manager highlighted the new initiatives as reported in paper AS38/7.2, where the respective areas included the items listed below:

- Community Lifelines Programme Structure – 2010 Onwards
- Water & Sanitation Sector “You can’t manage what you don’t measure”
- Water resources management in PICs
- Energy – Coordination and Implementation Mechanisms
- 2009 Pacific Energy Ministers’ Meeting
- Energy in the 40th Forum Leaders’ Communiqué
- Petroleum Data and Information Services
- Pacific Plan and the Digital Strategy
- E-Parliament – ICT Access for the Poor
- GIS and Remote Sensing
- Internal Review of the SOPAC ICT Sector

108. Australia suggested that recommendations be amended to capture the need for coordination of efforts for water resources management given the vast amount of work being carried out in this area.

109. The Secretariat responded by suggesting that although this was a valid point for

consideration, it should perhaps be drafted as a separate recommendation as recommendations (c) and (d) really needed to highlight the importance of hydrological monitoring and assessment.

110. Australia advised that they would be agreeable to a separate recommendation reflecting the need for coordination.

111. Federated States of Micronesia suggested that in fact this need for coordination applied to all the programme areas of the Secretariat and not only to CLP so suggested an overarching recommendation to capture this.

112. The Chair deferred to the Drafting Committee for appropriate text.

113. Council urged all SOPAC programmes to support coordination of development resources to improve outcomes at country level.

Work Programme and Budget

114. The Manager CLP presented a summary of paper AS38/13.2 highlighting the proposed activities and summary budget for 2010 under the programme's three components.

115. Council noted the progress towards the implementation of the decisions of the Joint Councils of SOPAC, SPC and SPREP Meeting and recognised that the transition of the ICT Outreach and Energy sectors into SPC would need to be carefully managed, with issues and challenges addressed during 2010/2011. While it was anticipated that the issues and challenges such as developing a new strategic plan and work programme would take time, this should not interfere with the delivery of the respective services in the functional areas of energy and ICT.

116. Council recognised that given the structural changes proposed under the RIF to the Community Lifelines Programme (and in a broader sense to SOPAC itself), that the task of implementing the decisions with respect to energy and ICT would be the responsibility of the SPC under the proposed, new Division of Economic Development, Energy, Transport, Infrastructure and Communications.

117. Council recognised the importance of water resources assessment and monitoring as key elements of sustainable water resources management and in doing so noted that national hydrological services who are absolutely critical to adapting to a fast changing environment often do not attract the necessary resourcing for operational maintenance and survey, nor do they enjoy the necessary recognition and commitment of senior officials and policy makers.

118. Council strongly urged that national governments support the development of hydrological monitoring systems in member countries with continued support to the initiatives commenced under the Pacific HYCOS programme and recognised the need for political will and commitment to sustain these systems for the collection of long-term hydrological data as an imperative for managing health and financial risks from events such as flooding, droughts and environmental degradation.

119. Council recognising the fundamental importance of water resources management and water use efficiency to ensuring basic needs for Pacific peoples, noted with concern the removal of almost US\$2 million from the GEF IWRM Project and its impact on national demonstration projects under the Project and recommended that the Secretariat seek as a matter of priority the restoration of full project funding and/or secures other donor assistance to enable full regional support of the demonstration projects and the development of national IWRM capacity.

120. Council, noting the volatility of crude oil prices and security of supply that reflects directly on increasing cost of energy, recognised the high, critical priority accorded to energy by Pacific Leaders and Energy Ministers and the need for better coordination and implementation of energy priorities to develop practical mechanisms that provide the most efficient and effective support to Pacific Island Countries to realise more sustainable energy use.

121. Council noted and supported the formation of an “energy alliance” to contribute towards the objective of strengthening the delivery of energy services through one energy agency and through one regional energy programme contributing to the development of a stronger energy sector and improved service to member countries as recommended by the Pacific Energy Ministers, in Tonga in April 2009.

122. Council noted the priority placed by Pacific Leaders on energy and the progress made towards advancing the regional bulk fuel procurement initiative and further noted the call by Leaders to convene a special meeting of energy officials early in 2010 as well as a special meeting of energy ministers prior to the 2010 Forum; and further noted that decisions on future meetings of energy ministers would be decided at the 2010 ministerial meeting.

123. Council noted the emerging and critical links between energy and other sectors; in particular the need to integrate energy into national planning – that energy is an imperative for economic development and the opportunities and challenges presented by the RIF and urged collaboration between partners to progress actions identified under the 2009 PEMM Communiqué.

124. Council noted the progress made in the establishment of a petroleum data and information service at SOPAC; the need to address the additional costs associated with this position in regard to the purchase of Platts as well as additional future advisory services; and the need to secure adequate resources to continue to deliver these services.

125. Council noted the continued acknowledgement by Leaders that ICT remains a strategic priority for the region and supports ongoing participation and support by the Secretariat in the implementation of the Digital Strategy under the new arrangements proposed under the RIF.

126. Council noted the effort of the Secretariat in securing resources/partnerships necessary to engage and inform parliamentarians in the areas of ICT and energy to ensure they develop effective and relevant legislative and regulatory environments within their countries. Further, Council commended and strongly encouraged the Secretariat in its efforts to support other initiatives that would better inform the legislature of critical issues and challenges within the region.

127. Council noted the significant progress that SOPAC has made with respect to new and innovative applications of GIS and Remote Sensing and urged the Secretariat to continue and extend this work particularly in the development of new methodologies that make better use of existing satellite imagery and data to enhance the services, support and products that SOPAC can deliver to its members.

128. Council noted the continuing increase in image coverage and expanded use of products and applications within the region and within the technical programmes of SOPAC, and recognised SOPAC’s growing role as a service centre in the area of GIS/RS and the need to secure necessary resources (human, technical and financial) to fully realise this.

129. Council noted the progress made with regard to implementation of the revised ICT structure and recognised the need for SOPAC and SPC to be fully mindful of the potential impacts and the opportunities on the delivery of this service in the implementation of the RIF decisions.

7.3 Report from the Programme Review Monitoring and Evaluation Group on CLP

130. The CLP Programme Monitoring and Evaluation Group (PMEG) Team consisted of Mr Jerrold E. Knight, Cadastral/GIS Consultant, Arizona, USA as CLP PMEG Chair; Latu Kupa, Pacific Water and Wastes Association, Samoa (participated by e-mail); Peter Johnston, Environment and Energy Consultants Ltd, Suva, Fiji; Ifereimi Dau, Director of Biofuel Development, Fiji Department of Energy; and Thomas Gloerfelt-Tarp, Fisheries Specialist, Suva, Fiji.

131. On behalf of the CLP PMEG Team Mr Jerrold Knight presented the findings of their review as in Paper AS38/7.3 (see also Appendix 7):

132. The PMEG presentation summary is as follows:

- a) CLP staff are dedicated to the SOPAC Mission; they are hard working with sincere desire to assist the island countries. With the somewhat clearer direction of the RIF, morale is higher now compared to last year. This reflects favourably on the management leadership in this regard.
- b) The Trainee Attachment Programme is valuable to provide assistance to the SOPAC Corporate Office, but most importantly the programme returns individuals with improved skills back to their home Islands to carry on the work there.
- c) There is a need to formulate a clear strategy/roadmap with well-defined outcomes and output levels. This would a) assist in setting clear priorities; b) serve as a filter to select or reject requests from countries for assistance; c) provide a results framework; and d) reporting would then include results indicators for outputs and outcomes as well as on activities.
- d) The Energy Sector still needs a higher visibility and priority. PMEG suggests that a clear mission statement with priorities and goals be prepared as this sector moves to the SPC. In brief, the energy programme currently lacks the critical mass of experienced staff and financial resources to: a) develop and articulate its role, priorities and vision; b) monitor and evaluate the relevance, quality and outcomes of past and ongoing activities; and c) develop a sound financial foundation for the next few years. Incorporating energy into the proposed new SPC division of economic development was a logical development which may provide a unique opportunity to address these issues, but it must be done quickly or the Energy Sector risks becoming irrelevant as a serious regional contributor within the energy field.
- e) The SOPAC website should be redesigned and managed to make it more user friendly and it should be updated on a regular basis. It was recommended that SOPAC develop a mechanism to ensure that reports, studies, etc. are available on its website and are easy to find and download. It would also be useful to list reports in progress and expected completion dates.
- f) The integrated WSH component has been very successful in attracting donor funding based on the various partnership arrangements. The number of projects and tasks are impressive, and to a certain degree overwhelming. This component is well managed with clear lines of authority and responsibilities. The unit should remain intact under the reorganisation. Partner responses to the work of WSH have been mostly favourable; however, there was some concern expressed that SOPAC has overlapped the responsibilities of the Pacific Water & Wastes Association (PWWA) relating to water supply.

133. Council received the CLP PMEG report and requested the Director to address relevant concerns and recommendations as the opportunity and need arises in the coming year. Council

also requested that the CLP review outstanding concerns and recommendations.

8 COMMUNITY RISK PROGRAMME (CRP) [Council considered Item 8 before Item 7]

134. The CRP manager acknowledged the support by national counterparts in the implementation of the work programme as well as the contributions made by the Secretariat's Executive Management Team and staff.

135. The CRP Manager presented progress against the key indicators outlined in the SOPAC Strategic Plan for 2005 – 2009 and highlighted disaster risk management capacity development activities by the programme during the period which included the following:

- a) National DRM arrangements reviewed in Fiji, Cook Islands, Marshall Islands, Nauru, Palau, Solomon Islands, Tonga, Samoa and Vanuatu.
- b) EU EDF 9 B Envelope Multi-Country Project supporting emergency communications and operations centres in Federated States of Micronesia, Papua New Guinea, Palau and Solomon Islands.
- c) Tsunami capacity assessments undertaken for 14 member countries in 2008 and 2009 through collaboration between SOPAC, BOM and EMA with AusAID funding.
- d) Annual budgetary support (approximately F\$40,000 – F\$50,000 between 2006 and 2008) provided to cater for institutional strengthening and capacity building activities for the Pacific Islands Fire Services Association (PIFSA).
- e) PIFSA invited to join the Pacific DRM Partnership Network in 2009.
- f) DRM NAP process supports an integrated approach for DM and DRR at national, sectoral and community level.
- g) Post-disaster technical support provided to Fiji (2009), Solomon Islands (2007, 2009) and Samoa (2009).
- h) High Level Advocacy missions undertaken from 2006 – 2008 in: Vanuatu (2006), Marshall Islands (2006), Samoa (2008), Cook Islands (2008), Solomon Islands (2008), Palau (2009) and Tonga (2009).
- i) FEMM 2009 presenting the economic costs of disasters and the implications of disasters on sustainable development.

136. Activities that were not addressed by the Secretariat were also noted.

8.1 Report from the Community Risk Programme

137. The Secretariat referred to paper AS38/8.1: Report of the Community Risk Programme 2009.

138. The CRP Manager presented a summary of outputs with major achievements of the Community Risk Programme in the three components of:

- a) Strengthening Resilience to Disasters;
- b) Mitigating against Hazards; and
- c) Mainstreaming Disaster Risk Management (DRM).

139. The CRP Manager highlighted DRM capacity development activities carried out in 2009 which included the completion of the Australian Tsunami Warning System Capacity Assessments

of all fourteen Pacific countries; continued support to the Pacific Islands Fire Services Association; and post-disaster technical support to Fiji and Solomon Islands following the flooding in January and February and Samoa following the tsunami. The Manager noted ongoing high level advocacy discussions to garner political support for mainstreaming DRM; and progress made on the implementation of the Pacific DRM Framework through the NAP in Fiji, Tonga, Palau, Solomon Islands, Vanuatu, Tonga and Federated States of Micronesia.

140. The Secretariat informed Council that it had achieved 70% - 80% of the key indicators and identified areas for improvement for the next strategic plan cycle which included identification of better synergies between programmes to enhance delivery of intended corporate outcomes and strengthening the interface with PICs and partner stakeholders.

141. The CRP Manager presented major regional and national highlights that included the following:

- a) 2009 Pacific Platform emphasising the need to engage with CEOs to actively advocate for DRR.
- b) The Joint meeting of regional disaster managers and regional meteorological service directors.
- c) The large representation of the Pacific at the 2nd Global Platform for DRR led by HE Anote Tong, the President of Kiribati – an opportunity for exchange of ideas at the global level.
- d) The Pacific Catastrophe Insurance Risk financing project which includes 8 countries.
- e) TAF OFDA training programme for countries.
- f) Online monitor for mapping work undertaken.
- g) PDRMPN portal/projects capability matrix and progress made against the RfA.
- h) Study on the links between poverty and disasters done in Fiji.
- i) Reviews of national DRM institutional arrangements for Solomon Islands, Palau, Cook Islands, Marshall Islands and Fiji.
- j) Flood assessments in Fiji: technical and socioeconomic assessment; and Solomon Islands: technical assessment.
- k) Support for volcano monitoring in Vanuatu by the Rabaul Volcanological Observatory in response to the Ambrym volcanic activity.
- l) ICT support for Tuvalu.
- m) Kiribati Disaster Management Forum: SOPAC/IFRC.
- n) Information management for DRR and DM Project for Fiji to strengthen baseline information and improve damage assessment.
- o) Support for Solomon Islands DRM Project.

142. The Project Manager for the EU-funded Project on Disaster Risk Reduction in Pacific ACP countries presented a progress report to Council noting that the multi-country project was being implemented in the Federated States of Micronesia, Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands, Tonga and Tuvalu.

143. Priority areas focussed on infrastructure, in particular the establishment of emergency operations centres and emergency communications to improve disaster response, installation and upgrading of monitoring networks including hydrological and seismic networks and access to safe drinking water through the installation of water tanks, improvements made to existing catchments and training in water quality monitoring. The project though based in CRP utilises expertise and inputs from the other SOPAC programmes in particular the water sector.

144. The CRP Manager reported on CRP PMEG issues raised in 2008, noting the related remedial actions undertaken in 2009.

145. During PMEG 2008 Council was informed that the CRP programme structure was not geared to long-term vision and that clear outputs needed to be identified and human resources allocated under each. The Manager in response to Council's recommendation to further prioritise the work programme in consultation with PICs noted that comments would be taken into account in the transition to SPC and in the new SOPAC Strategic Plan.

146. In-country commitment to raise the profile of the work undertaken and garner support for Advocacy was highlighted as needed at different levels to address commitment issues.

147. On funding the NAP Process, the CRP Manager explained that the Funding under CRP is only intended to be seed funding and SOPAC assists countries to identify alternate donors/sources to address NAP implementation.

148. The focus for 2009 would be in consolidating its position in relation to staffing and strategic direction. The CRP Manager advised that new staff have been recruited in 2009 with discussions continuing on strategic direction as part of the RIF and SPC integration.

149. Samoa thanked the Secretariat and noted that work being carried out by CRP was very important and appropriate given the risks and disasters that low-lying coastal areas are facing. Samoa thanked Council for the kind words of condolences in light of the recent tragedy in Samoa and the Secretariat for the assistance given and sought clarification on the assistance given. He urged Council to convey the recommendations put forward by the STAR Tsunami Working Group to their respective governments.

150. Samoa requested the Secretariat to map the seafloor around the source of the earthquake. With respect to the Regional Meteorological Directors' Meeting, Samoa would like to follow up on the setting up of a sub-regional tsunami warning centre at SOPAC. Samoa also expressed its support for the ADB technical assistance on risk databases and looked forward to further communication with SOPAC on the matter.

151. Fiji congratulated CRP for the comprehensive presentation and expressed their appreciation for the work undertaken in Fiji and the region relating to DRM. He highlighted the flood events in January where substantial support was provided by SOPAC in the procurement of satellite imagery and maps that assisted the NDMO in combating the floods; and the post-disaster technical assessment to help identify potential mitigation options. Fiji thanked the Secretariat for the training provided through the programme and the assistance to PICs. In light of the recent experiences of PICs, it is now more important for services to remain unaffected. Fiji thanked the donors in particular the European Union for their support.

152. The Marshall Islands registered their appreciation of work carried out by CRP in particular the development of the DRM National Action Plan. He commended the inputs by the B Envelope Project and expressed his appreciation to the European Union and AusAID for their support.

153. Tonga congratulated CRP for the comprehensive presentation and expressed his appreciation of the contributions made to Tonga. Tonga noted that it was working with Fiji to establish a monitoring seismic network that could include Vanuatu later on. Tonga supported Samoa's request for swath mapping of the tsunami source area.

154. Papua New Guinea thanked the Secretariat for its efforts and expressed his appreciation to the European Union for funding projects in particular the B Envelope Project. Papua New Guinea supported comments by Samoa and Tonga with respect to the STAR Tsunami Working

Group recommendations. Papua New Guinea also sought clarification on how to engage engineers on projects.

155. Niue requested clarification on the cost of the post-Heta assistance. He supported the meeting of the CEOs of Finance and Planning with Disaster Management officials, noting the lack of information sharing from the focal points involved in DRM-related discussions.

156. The Chair of PMEG noted the desire expressed by Samoa and Tonga to mobilise a seafloor survey in the vicinity of the recent earthquake that generated a tsunami that impacted Tonga, Samoa and American Samoa. He suggested that a request be formulated by Tonga and Samoa; and facilitated through the SOPAC Secretariat, to seek assistance from TAG and STAR countries to investigate the source region of the earthquake for evidence of seafloor rupture or failure. It was further highlighted that Japan (JAMSTEC) had earlier provided SOPAC with ship time for the tsunami event of July 1998 at Sissano, Papua New Guinea; and suggested that Japan or other TAG countries could be approached to support surveying the areas of interest.

157. Tuvalu commended the work by CRP in-country noting that a review of the Disaster Management Plan was required in light of the experiences during the tsunami warning issued 30 Sept 2009 for the country. He also indicated the lack of capacity in the NDMO Tuvalu with only one staff. Tuvalu commended the work carried out under the B Envelope Project in installing water tanks and advised that the Government had secured additional funding to continue the programme.

158. SPREP commended the Secretariat for the presentation noting its relevance and focussed activities. He stressed that SPREP as the lead in climate change needed to forge synergies with the CRP in related DRM activities.

159. USP thanked the Secretariat for the presentation noting that the work was extensive and far reaching. He concurred with the need for support at higher level.

160. Federates States of Micronesia sought clarification on the different tsunami early warning initiatives being undertaken around the region and the connectivity of these systems to each other as well as others installed in each member country.

161. Cook Islands thanked the Secretariat for progress made in-country and enquired how the Secretariat was addressing the issues raised in the PMEG report with respect to staffing. He supported the request by Tonga and Samoa and the recommendation by PMEG Chair for SOPAC to request TAG countries on behalf of Council for the mapping of the seafloor around the recent tsunami source.

162. In commenting on SOPAC's role for coordinating DRM initiatives in the region including post-disaster technical assessments and noting the areas of technical expertise, SPC outlined what they could offer with respect to food security, agriculture, fisheries and health. The SPC Secretariat had provided this support to Fiji following the January floods and to Niue after *Heta*. SPC encouraged SOPAC to involve other CROP agencies during the recovery process.

163. In relation to emergency communications, the SPC informed Council that the only functioning communications on Niuatoputapu after the tsunami were the PACRICS. These can be set up to complement the national communication system at a cost of USD3,500.

164. With respect to reaching parliamentarians the SPC coordinates the Pacific Parliamentary Assembly on Population and Development and the Forum of Presiding Officers and Clerks (*PPAPD/ FPOC*). This could be an entry point to garner support for technical inputs.

165. Vanuatu thanked the Secretariat for the progress made and registered its appreciation of funding and technical assistance to implement in-country activities. Vanuatu commended the Papua New Guinea Rabaul Volcano Observatory (RVO) for the assistance provided in monitoring Ambrym volcano. He sought clarification from the Secretariat as to why the disaster management meeting announced at the 37th SOPAC Session in Tuvalu (2008) to be hosted by Vanuatu in May 2009 was changed to Fiji. Vanuatu expressed their concerns that the work documenting historical events (disasters) was yet to be completed and that the consultant was now employed by the Secretariat and requested the Secretariat to clarify the way forward.

166. The Secretariat responded that in relation to the emergency communications comments made by SPC and Federated States of Micronesia the B Envelope Project had looked at PACRICS as a potential solution for emergency communications for outer islands and remote communities. The project was also working with the Ministry of Education to install units in schools to link up with existing networks. In Federated States of Micronesia there are plans to install a unit in each Disaster Coordination Office and set up and equip dedicated Emergency Operations Centres in each State. Council was informed that the review of the communication network in each State to support emergency communications was undertaken in collaboration with NOAA, USAID and AusAID. Also, that the outcomes from the Tsunami Warning and Mitigation Capacity Assessment would inform the early warning system set up in Federated States of Micronesia.

167. The Secretariat noted comments made by Samoa in relation to establishing a sub-regional tsunami warning centre which was discussed at the Regional Meteorological Service Directors' meeting and commented that this would require further discussion.

168. In response to the issue raised by Tuvalu, the Secretariat advised that there had been exchanges between the Secretariat and the NDMO to strengthen the office's governance arrangements, given that the DMO had dual responsibility.

169. Niue was informed that e-copies of the reports relating to the economic assessment impact of Cyclone Heta had already been sent to Niue and would be provided to him.

170. The Secretariat, in response to Vanuatu, explained that the change of venue for the Disaster Managers' Meeting was due to resource constraints. This had been communicated to the NDMO. In relation to the concerns around the historical events database, discussions had been held with the Natural Hazards Unit (Esline Garaebiti) on the way forward and that this would include a training element to complete the exercise.

171. The Secretariat noted the opportunity to engage with parliamentarians through SPC's *PPAPD/ FPOC*. Council was informed that a workshop for parliamentarians of the Marshall Islands was held to discuss the Marshall Islands NAP.

172. The Director congratulated Tonga and Fiji on their agreement to establish a shared seismic network which would see a sharing of data and information and encouraged other countries to consider participating in the system. In relation to a possible marine mapping survey to better understand the recent Samoa/Tonga earthquake and tsunami event, the Director agreed with the suggestion made by the Chair of PMEG and in this respect encouraged Samoa and Tonga to make a written request that could be followed up with institutions with research vessels and survey capability. She also suggested that a coordinated effort between institutions to acquire high resolution topographic data would be essential for more reliable risk mapping and risk modelling of tsunami and other natural hazards.

173. The Director noted that synergies with SPREP could be strengthened in relation to the SPREP Pacific Adaptation to Climate Change with SOPAC's water sector and disaster risk

management capability. The Director welcomed SPREP's intent to closely coordinate its CCA efforts with that of SOPAC's mainstreaming DRR and DM initiatives at national level.

174. The Director responded to Federated States of Micronesia's concerns on the various different tsunami warning systems around the region and explained that these are connected and share their data and information. In respect of the subregional tsunami warning centre mentioned, Council was informed that neither the initiative nor the venue had been confirmed.

175. The Director noted the opportunities to engage with Parliamentarians through the Intra ACP Initiative on e-Parliament for energy and climate change and informed Council that SOPAC had recently signed an agreement to implement a project that would engage parliamentarians in improving ICT access to the poor.

176. Council accepted the report on the 2009 Work Plan for the Community Risk Work Programme, and noted the measures taken to address issues arising from the 2008 PMEG Report.

8.2 Issues and Opportunities for the Community Risk Programme

177. The Secretariat referred to paper AS38/8.2 on 'New Initiatives in the Community Risk Programme' stressing that there had been a deliberate decision to limit the number of new initiatives in light of the transition to SPC in 2010 as it may result in significant commitments for senior staff; and programmed funding from donors were at the same levels as for 2009.

178. The Manager CRP highlighted and elaborated on the following new initiatives:

- a) Mid-Term Review of the Pacific DRR and DM Framework for Action which coincides with the mid-term review of the Hyogo Framework for Action.
- b) Mainstreaming DRR and CCA into the agriculture sector in Fiji.
- c) Partnership for DRM between SOPAC, UNISDR and the World Bank.
- d) Capacity building of national and sectoral planners.

179. The Manager CRP informed Council of the following emerging opportunities for 2010:

- a) The UNDP Global Risk Identification Programme to develop national observatories to collect and analyse information on disasters and associated losses.
- b) Advocacy for DRM at Cabinet and Parliament level at regional and national levels.

180. Tonga recommended that the Secretariat raise the profile of its technical work programmes in-country.

181. Fiji expressed their appreciation of the work completed in particular on the agriculture sector, noting the lessons learnt from other countries and endorsed the recommendations.

182. The Director informed Council that she and the Deputy Director were not able to conduct missions to all capitals in 2009 and agreed that the missions are successful and support the national representatives to SOPAC in promoting the technical work programmes undertaken by the Secretariat.

183. The Chair in response noted that the national representatives needed to play a more proactive role in organising and communicating to the Secretariat if they required missions.

184. Council endorsed the need to undertake a mid term review of the Pacific DRR and DM Framework for Action 2005 – 2015.

185. Council endorsed the proposed project for the mainstreaming of DRR and CCA into the agriculture sector on Fiji through a partnership among SOPAC, UNDP Pacific Centre and SPC; and commended this as a significant and positive development for achieving RIF objectives as they relate to the rationalisation of SOPAC into SPC.

186. Council endorsed and welcomed the new partnership among SOPAC, the UNISDR and the World Bank to enhance existing efforts for DRM institutional strengthening and capacity building.

187. Council noted the new opportunities identified to enhance current DRM initiatives and encouraged the Secretariat to work with development partners to develop these.

CRP Work Programme and Budget for 2010

188. The CRP Programme Manager presented the proposed CRP work programme and budget for 2010 under each of the three components noting the Secretariat's post disaster role in coordinating technical assessments and the Pacific Platform meeting in 2010 which could possibly be held here in Vanuatu, resources permitting.

189. Council was informed that the overall work programme budget for CRP for 2010 was F\$14,437,694, which did not include personnel costs.

190. Marshall Islands commended the CRP Manager and Secretariat for responding to discussions that took place during the last SOPAC annual session to include the budget during the programme report.

191. Samoa thanked the CRP Manager for the presentation and also acknowledged assistance provided to Samoa under the Community Risk Programme after the recent tsunami.

192. New Zealand thanked the CRP Manager for the comprehensive reporting and suggested that it may be helpful to present the work plan and budget at the country level.

8.3 Report from the Programme Review Monitoring & Evaluation Group on CRP (AS38/8.3)

193. The Chair of CRP PMEG, Angelika Planitz, presented the report on behalf of the team noting the review focussed on four issues: (i) Key achievements; (ii) Challenges encountered; (iii) Strategic focus; and (iv) Future direction with special attention on SOPAC's transition into the new science and technology division of SPC in 2010.

194. The CRP PMEG noted the following key achievements of the programme:

- a) National Action Plans (NAP) for DRM – better balance of planning and implementation.
- b) Pacific Disaster Net – expansion and real time services.
- c) Economic analyses of disaster impacts and mitigation measures – evidence-based decision making.
- d) Pacific Platform for DRM – for policy guidance, partnership building, monitoring.
- e) Regional Early Warning Systems Strategy – Melanesian Volcanological Network.
- f) Integrated hazard/risk assessments – increased demand.

- g) Regional Progress Report on Madang and Hyogo Frameworks for Action – monitoring against key regional strategies.
 - h) Strong leadership and effective management by CRP Programme Manager.
 - i) Transparent management and communication on the RIF process.
 - j) Effective collaboration across SOPAC programmes.
195. PMEG made recommendations for the CRP relating to:
- a) National Action Plans (NAPs) for DRM
 - b) DRR and CCA
 - c) Pacific Disaster Net
 - d) TAF/OFDA Regional Training Programme
 - e) Programme flexibility
 - f) Reporting results
 - g) Strategic focus
196. PMEG noted the following special challenges and opportunities in relation to the RIF:
- a) Governance arrangements for new division in SPC to recognise role of the Pacific Platform for DRM vis-à-vis CRP.
 - b) Undertake robust strategic planning process in 2010 to rationalise strategic focus in view of upcoming organisational reform of SPC in 2011.
 - c) Mainstream disaster risk management into SPC's programmes – several entry points.
197. Marshall Islands thanked PMEG for the positive review but cautioned that it did not incorporate feedback from countries as recipients of the services delivered by the Secretariat. He recommended that future PMEGs need to involve countries in the process. With respect to the CRP budget indicated, the Marshall Islands queried if the funds were sufficient.
198. The Director clarified that there were national representatives on each of the PMEG teams.
199. The Chair of PMEG (Gary Greene) discussed the possibility of interviewing national representatives to gauge how outputs were translated into outcomes. He voiced his concern that this would be time consuming for national representatives on the one hand; and on the other, may not be possible for PMEG to conduct within the current timeframe for the review.
200. The Director advised Council that the experts that conduct PMEG are available on their own time thus there would be time and cost implications to themselves and SOPAC for wider consultations to be accommodated in future. She also said that the process was not static and was being improved over time and undertook to evaluate various options to address the concerns raised.
201. Council:
- a) noted the highlights for 2009, the breadth of activity of the CRP outputs given the staffing constraints and the commitment and enthusiasm of the CRP staff;
 - b) noted the issues outlined in the report;
 - c) commended to countries their role to take accountability for their DRM programmes;

- d) agreed that the CRP should consolidate its position for staffing and strategic direction during 2010; and
- e) encouraged donors and partners to address the issues of short-term project funding to allow the CRP to consolidate its position.

202. A copy of the PMEG report is part of the Proceedings volume in Appendix 7.

9. OCEAN AND ISLANDS PROGRAMME (OIP)

9.1 Report from the Ocean and Islands Programme

203. The Chair referred Council to paper AS38/9.1 relating to work undertaken under the Ocean and Islands Programme during 2008-2009. The overall goal of the OIP is to improve technical knowledge of ocean and island ecosystems and processes for the sustainable management of natural resources.

204. The Ocean and Islands Programme Manager presented on the various aspects of work undertaken in the three component areas of (i) Resource Use Solutions; (ii) Monitoring Physical and Chemical Change; and (iii) Natural Resource Governance highlighting key activities over the period 2008 to 2009.

205. The report highlighted the achievement by the Pacific in meeting the 19th May 2009 deadline to lodge their Extended Continental Shelf (eCS) claims with the UN Commission on the Limits of the Continental Shelf (UNCLCS). The technical partners: Geoscience Australia, UNEP GRID Shelf Programme, GeoCap, Commonwealth Secretariat and the Japan Hydrographic Association, whose combined complementary effort brought extensive expertise and resources to effectively assist the PIC eCS teams was acknowledged. This historic achievement was highlighted as testament to the dedication and unique spirit of mutual assistance only possible in the Pacific Islands region, that the eight country eCS teams from (1) Cook Islands, (2) Palau, (3) Federated States of Micronesia, (4) Papua New Guinea, (5) Solomon Islands, (6) Vanuatu, (7) Fiji and (8) Tonga were able to achieve this outcome.

206. The OIP Manager emphasised the need to declare these maritime boundaries delineated in accordance with UNCLOS using the datasets already provided for some of the member countries. The impact of legally defining these boundaries would be on fisheries and deep sea resources. As the demand for oceanic resources increases in the region in the years to come, there would be an increase in the need for definition and declaration of the maritime boundaries.

207. It was also reported that SOPAC had invested considerable effort and resources over the last 18 months to develop and support a comprehensive EDF10 €4.7million proposal to provide assistance to PICs to develop national and regional legislative, fiscal and environmental policy and guidelines for the fledgling deep sea minerals industry. The proposal has been successful with implementation expected to commence in early 2010.

208. The provision of technical and policy advice for natural resource management and development has produced a number of reports which include the following:

- a) An economic feasibility assessment of lagoon dredging in Funafuti, Tuvalu. Ambroz, A. 2009, EU-SOPAC Project Report 137.
- b) Household aggregate mining on Funafuti, Tuvalu. Ambroz, A. 2009, EU-SOPAC Project Report 132.
- c) Economic analysis of establishing a sub-regional aggregate supply in Nauru. Woodruff, A. 2009, EU-SOPAC Project Report 126r.

- d) Preliminary assessment of the economic costs and benefits of establishing the maritime boundaries of Pacific islands states. Woodruff, A. 2009, SOPAC Technical Report 415.

209. Chair commended the work done by the Secretariat, which served the interests of member countries and delivered when it was needed. He noted the achievement of the Regional Maritime Boundaries Project with the successful submission of eCS claims by member countries by the 13th May deadline of this year. The Chair alluded to his opening comments of how science should underpin the policy for the region and that the work presented was a good example of this.

210. Samoa commended the Manager OIP for his informative and excellent presentation and thanked the Secretariat for the work undertaken by the Programme. He registered Samoa's interest in the policy development in relation to deep-sea minerals within Samoa's EEZ and requested an initial awareness workshop by the Secretariat for various stakeholders. He also requested that sea level data be readily available to all member countries (to include moon phases and solar and lunar eclipses), tsunami impacts on coastal areas; and further requested that SOPAC continue to support the coastal mapping of Upolu beyond KIGAM. UNDP Korea expressed continued support for SOPAC in collaboration with KIGAM. Samoa also requested vegetation mapping of the tsunami-affected areas, particularly for mangrove and coconut trees. He also enquired if Samoa had formally requested assistance with updating Samoa's maritime boundaries from SOPAC.

211. Cook Islands also extended sincere appreciation to OIP; highlighting areas that require attention in terms of maritime boundaries and deep sea mineral potential for Cook Islands. He commended the work done and noted the support given through training, workshops in understanding Article 76 of UNCLOS that led to the submission in New York. With respect to the request for a cruise to map probable tsunami sources in Samoa, American Samoa and Tonga; Cook Islands requested an extension of that same cruise to include Cook Islands in the far east, which is in its area of potential eCS. Data collected would be used to support their submission defence at the UNCLCS; and he requested continued support with defence of submissions from SOPAC. Cook Islands also informed Council that they had successfully negotiated with Tokelau on shared boundaries, leaving only negotiations with Niue and Kiribati. Cook Islands wished to start on their maritime boundaries with their neighbours at the next maritime boundaries training workshop, which was scheduled for February 2010. They intended to also deposit their maritime boundaries with the UN to complete their obligations.

212. Fiji Islands expressed sincere appreciation for the work undertaken by OIP, particularly in Navua and related to the eCS. He highlighted developments that had taken place for Fiji in relation to their extended continental shelf submission to the UNCLCS in New York in September of this year. Fiji looked forward to the next maritime boundaries training workshop scheduled for February 2010 to initiate boundary negotiations with its neighbouring countries – Tonga, Solomon Islands, Vanuatu and Tuvalu. Fiji encouraged countries to deposit their territorial sea baselines and the maritime boundary coordinates with the UN. The new and updated coordinates from the high accurate surveys conducted in Fiji have been processed and is currently being reviewed by the Maritime Affairs Coordinating Committee (MACC) for endorsement. Fiji requested SOPAC to assist technical officials in accessing and transferring its marine scientific database to MRD, as well as the processed datasets. He also requested the continued support of SOPAC on the maritime boundaries work, as well as the joint eCS submissions with Solomon Islands and Vanuatu.

213. The OIP Manager acknowledged the request by Samoa for sea level data that could be made available in hardcopy or in CD. Data was also downloadable from the project website in Australia (National Tidal Facility), or via the Geonetwork website from the SOPAC Secretariat. He acknowledged the coastal work by KIGAM and welcomed collaboration between the two agencies. Vegetation mapping would need to be discussed with the GIS and Remote Sensing section within the Secretariat. He noted that Samoa had its own internal arrangements for

maritime boundaries, as advised by the Samoa Government. In response to Cook Islands, the Secretariat recognised the concerns to coordinate the scientific cruises that are in the region in order to address critical data gaps and enable the collection of additional datasets that would assist eCS submissions. Existing equipment in OIP don't have the depth range required therefore external assistance would have to be sought. The Secretariat would provide technical support for the maritime boundary negotiations for member countries. In responding to Fiji's request for data the Secretariat would be pleased to share the full amount that is housed within SOPAC. The Petroleum data base has been transcribed to DVD and is available but there is still some data on magnetic tape which is housed outside of the Secretariat and would need to be requested externally.

214. The Director commented that a Project design with UNDP Korea was currently in progress. Collection of additional data for areas to support eCS submissions was imperative and encouraged member countries to put in a collective request for survey vessels that traverse countries' EEZs to collect additional survey data to support their eCS submission defence. She also mentioned that in addition to the marine scientific research (MSR) data hosted by the Secretariat, there were various other national ocean data centres that can also provide data, which were publically available.

215. Chair informed the meeting that according to the terms of MSR agreements, data was supposed to be made available to member countries in exchange for allowing the MSR work to occur within a member country's EEZ.

216. Federated States of Micronesia commended the OIP for the progress made and supported the comments by Cook Islands. The presentation underscored for the Federated States of Micronesia their aversion to the RIF process due to the technical support offered to countries through SOPAC and STAR. The representative advised that Secretariat initiatives in-country needed to ensure that they contacted the appropriate authorities and national representatives before they arrived to ensure coordination and allow the Government to help facilitate the work of the Secretariat staff in the country with relevant stakeholders. The representative undertook to follow up on any existing maritime boundary treaty signed between the Federated States of Micronesia and the Republic of the Marshall Islands, as well as with Palau, and forward boundaries data or coordinates to the Secretariat. The Federated States of Micronesia country statement to this meeting would be sent upon return to country, after vetting it through the highest Government authority.

217. Papua New Guinea commended the Manager for the excellent presentation and noted the important data and technology being used. He sought clarification from the Secretariat on the availability of shallow-water bathymetry following the Siassano tsunami in 1998. Furthermore he noted that the current sea level monitoring project was supported up to 2010, and sought clarification on improvements or upgrades to the existing network to enhance the tsunami warning capacity for the region. The representative requested clarification on the EU EDF10 funded Deep Sea Minerals Project (€4.7 Million); as to which countries were beneficiaries. Papua New Guinea requested an update on the status of its eCS claim.

218. SPREP underscored country comments regarding OIP and SOPAC's successful work delivery to member countries. He noted the PI-GOOS functions that would transfer to SPREP and indicated that recruitment was underway. With regard to climate change and coastal management SPREP sought to strengthen links between the SOPAC technical capacity and SPREP's policy development remit; and expressed the intention to maintain links with SOPAC in relation to the SPSLCMP and the CCA work. The SPREP Director remarked on potential linkages between their work with the MarPol Convention and the IMO on reducing marine pollution at sea and SOPAC's ocean governance work.

219. The Secretariat assured that support would continue for national maritime boundary initiatives, as well as the continued development of eCS claims noting that there was variable internal capacity among countries to complete such work and SOPAC was on hand to support as appropriate. Shallow-water bathymetry was collected for parts of Papua New Guinea and could be used for tsunami modelling and other applications; however, it was stressed that there are limitations to the use of this data for tsunami inundation modelling due to the data gap in very shallow water and topography, as discussed in the presentation. In relation to the sea level gauges and the need to expand these services, it was crucial that countries support calls (along with SOPAC) to extend the service. The new Deep Sea Minerals Project was explained to be a regional project and also in response to Papua New Guinea, it was pointed out that it had an excellent local capacity in the area of maritime boundary development, that was instrumental in the country's eCS and boundaries work. The Secretariat confirmed linkages with SPREP and suggested further discussion for maintenance and strengthening of those links. The Secretariat acknowledged the Federated States of Micronesia's call for proper protocol to be followed prior to any staff travel into member countries.

220. The Director clarified that the beneficiaries for the proposed EU EDF10 funded deep sea minerals initiative are the 15 PACP states – 14 PICs and Timor Leste. She also highlighted the potential synergies between SOPAC and SPREP on matters relating to Water and Climate; Ocean and Climate and the opportunities between the observing systems of PI-GCOS, PI-GOOS and PHYCOS

221. Australia thanked OIP for the excellent work and comprehensive presentation and commended the important role of SOPAC in the coordination of divergent technical partners in the development of PIC eCS claims. This avoided inundating countries with disjointed technical and other support. Australia committed to further support the SPSLCMP of \$4.3 M for two years to maintain gauges. A review of the communications component of the programme had been completed and would be available for members. The representative also commented that there would be a need to review the next phase of the project design to include the tsunami issue. She also took the opportunity to acknowledge the work of the CRP and the CLP.

222. Kiribati commended OIP on their work in the region, acknowledging in particular the E-SAT Project and the Banaba phosphate drilling work. Kiribati requested a timeline for the report on the Banaba phosphate analysis and requested that the national minerals unit personnel be involved in the chemical analysis of the samples. From their viewpoint, the OIP achievements showed the continued commitment of the Secretariat to the work needed in PICs. She advised that Kiribati had secured funding and was requesting SOPAC assistance for the surveying component of their maritime boundaries work deadlined for early next year. She congratulated other countries on their eCS submissions made this year (2009) and stressed the importance of putting in place a legal framework on deep sea mining given the recent corporate interest in the region and sought the status of the bathymetric mapping project proposal developed by the Secretariat.

223. Geoscience Australia (GA) congratulated the member countries and the Secretariat on the eCS submissions and noted GA's commitment to their involvement in the work relating to maritime boundaries, eCS and tsunami modelling. The representative mentioned that GA was the current Chair for the Regional Geodetic and Global Network and the International Association of Geodesy (IAG) had global reference frames to link the local geodetic references systems to the regional reference frames. Geoscience Australia would like to work with the SOPAC Secretariat in the Pacific to contribute data to analyses centres in the region to establish linkages between the regional reference frame and the global reference frame.

224. Cook Islands acknowledged with gratitude GA, AusAID, UNEP GRID, the Commonwealth Secretariat and the SOPAC maritime boundaries team and the UN Trust Fund that enabled the Cook Islands to purchase the Geocap software and laptops used for its eCS submission

development. He sought advice from the Secretariat on the possibility of short-term training attachments in relation to Article 76 of UNCLOS, possibly with the Australian National Centre for Ocean Resources and Security (ANCORS). He also enquired about the use of sensors at tsunami sources in the region as a mechanism to monitor tsunami threats in the Pacific region.

225. Tonga requested the Secretariat to refine the tsunami inundation modelling which would help advise decision making and DRM. In relation to maritime boundaries work, although Tonga had sought their own consultant, they were pleased with the on-going support from the Secretariat in terms of capacity building workshops. On aggregate assessment, the representative explained the need for reassessment of aggregate in general, and the specific need for further investigation in Vava'u. He mentioned that the Ha'apai earthquake in 2006 had led to erosion issues and assistance was required.

226. Tuvalu commended the OIP on work undertaken stating its renewed efforts with Foreign Affairs and Attorney General's offices to move this forward and sought assistance from Fiji to flag the issue of shared boundaries with their counterparts in Tuvalu through diplomatic channels. Funafuti has an ongoing problem of shortage of aggregate and requests SOPAC to advise on the feasibility of lagoon dredging at a smaller scale. Tuvalu reiterated that it looked forward to starting eCS work with OIP.

227. Palau informed Council that it was developing legislation around deep sea mineral potential, in particular petroleum and requested the Secretariat for support to review the draft legislation.

228. Niue acknowledged the work done by the Secretariat on resource economics, bathymetric mapping and water supply options. Concerning maritime boundaries Niue undertook to contact the relevant national authority to progress deposition of Niue's new maritime boundary and baselines with the UN.

229. Nauru expressed appreciation to the Secretariat for assistance through all of the three technical programmes.

230. Marshall Islands commended the Secretariat for its identification of a suitable site for sand mining to mitigate coastal erosion issues on the islands. He noted that there were concerns regarding the suitability of aggregate being mined from the current site and requested the Secretariat and TAG for detailed technical review of the different aggregate types and their possible uses.

231. Chair of STAR acknowledged the volume and depth of work of OIP and confirmed that STAR had engaged with OIP to provide expert advice on an appropriate phosphate analysis regime for the Banaba (Kiribati) samples.

232. Fiji requested the Secretariat for its assistance in the completion of the preliminary submissions already submitted to the UNCLCS, including the joint submissions with Solomon Islands and Vanuatu. The final submission would need to be completed by 2012 and Fiji suggested that SOPAC should include this task in the work programme from 2010 to the 2012 date.

233. The Manager OIP agreed further refinement of the Nuku'alofa tsunami model for Tonga was required and improvement of this model would require improved baseline input. The Secretariat was unaware of current SOPAC aggregate resource work in Vava'u however this could be undertaken if it was considered a priority by Tonga. Regarding the Ha'apai coastal erosion issue, the AusAID ICCAI project was possibly targeting this location, so the Secretariat would need to confirm and possibly coordinate with this. The Secretariat was pleased to hear about the progress of maritime boundary issues and would support this as required. Further, the

Secretariat advised that quarantine was an important consideration with the importation of aggregate and OIP had completed a comprehensive feasibility study of lagoon aggregate dredging in Funafuti – but could look at “small scale” options. The Secretariat would be pleased to review the deep sea minerals legislation for Palau and would work together with officials on this. The Secretariat undertook to continue to advocate for sea level monitoring gauges in Palau and Niue.

234. In response to the Marshall Islands comments, the Secretariat acknowledged that aggregate supply in Majuro (as with other atolls) was a complex issue with environmental, social and technical dimensions. OIP had undertaken comprehensive work to identify and characterise alternative lagoon basin aggregate supplies in Majuro (bathymetric and seismic mapping, sampling, resource economics, etc). OIP had also recently undertaken sediment analysis and geotechnical testing of these aggregate when used in concrete – with all information delivered and available for review. The Secretariat acknowledged STAR’s offer to provide expert advice on the Banaba phosphate analysis. In response to Fiji’s request, the Secretariat remained committed to responding to PIC needs for further support in the defence of eCS claims to the UNCLCS.

235. Council accepted the report on the 2009 Work Plan for the Ocean and Islands Programme after considering comments from members and the Chair of STAR on both national and regional aspects of the OIP report.

9.2 Issues and Opportunities for the Oceans and Islands Programme

236. Chair invited the Manager OIP to present new initiatives in OIP.

237. The Manager OIP emphasised the continuous issue of inadequate core resources to maintain staffing and delivery capacity. He explained the achievements of OIP in contributing to climate change science and appropriate “no-regrets” solutions, engagement with donors and other CROP agencies to strengthen CCA science and monitoring in the region and continued liaison with international partners to undertake urgent and appropriate research and baseline studies including areas such as monitoring regional shoreline change and wave climate in Pacific island countries. Deep sea mineral development was also discussed and the need for continued efforts with the Extended Continental Shelf (eCS) Claims and Maritime Boundary Delimitation (EEZ).

238. Council considered and noted the achievements of OIP during the strategic planning period 2005 – 2009; considered the implications of continued inadequate resourcing of the OIP, and the implications of RIF in relation to additional workload and members; and endorsed proposed measures to retain core capacity at current levels; acknowledging the urgent need to bolster core capacity to accommodate the expectations of RIF.

239. Council acknowledged the achievements of SOPAC during the period 2005 – 2009 towards contributing to climate change science and appropriate “no-regrets” solutions and endorsed the Secretariat’s positive engagement through OIP with donors and other CROP agencies to strengthen CCA science and monitoring in the region and continued liaison with international partners to undertake urgent and appropriate research and baseline studies which contribute to improved understanding and appropriate adaptation response.

240. Council considered the implications of the rapidly growing deep sea mineral exploration and mining industry in the region and noted with appreciation the successful proposal developed by SOPAC to address the need for adequate regulatory frameworks to protect and promote national and regional interests.

241. Council endorsed SOPAC's approach to the important issue of shoreline monitoring and developing understanding of wave climate; and recommended that the Secretariat investigate options for regional assistance to better resource and develop these efforts to ensure PICs are adequately informed of how coastal areas may be responding to climate change and other environmental stress.

242. Council noted with urgency the ongoing critical information gap for accurate topographic information and urged the Secretariat to seek collaboration with regional partners to develop an adequately resourced campaign to address this important data need to ensure national investments are appropriate and sustainable.

243. In relation to extended continental shelf and maritime boundaries delimitation, Council:

- a) noted achievements with regard to eCS and supported calls for sustained efforts and resources to ensure PICs realise the benefits of these early wins;
- b) noted and commended the progress on the provision of high quality data to support EEZ development and work with SOPAC to review this data and progress boundary declaration and treaty development within the membership; and
- c) endorsed the need for a high-level meeting to discuss issues around maritime boundary delimitation in the region and the appropriate provision of data for management purposes.

244. Following Council's consideration of the issues and opportunities, the Manager OIP presented OIP activities proposed for 2010:

- a) SOPAC OIP/CRP Supporting Disaster Risk Reduction in Pacific OCTs Project financed under the EDF C Envelope in support of hazard, risk management and vulnerability reduction through the implementation of integrated resource use solutions, assessment approaches. OIP would undertake technical assessments in support of DRM and vulnerability reduction.
- b) ESAT – Environmentally Safe Aggregates, Tarawa would entail refinement of terms of references and recruitment of key local staff in 2010 and the development of an awareness campaign.
- c) Ecosystem Based Solutions to Coastal, Fisheries, Aquaculture and Coastal Zone Management. An EDF10 proposal is being developed envisaged to build working links among SOPAC, SPC and SPREP in the marine science, fisheries and marine environmental management sector in the region.
- d) South Pacific Sea Level and Climate Monitoring Project – Support and coordination in cooperation with GA and BoM of the proposed upgrade of the gauges.
- e) Pacific Regional Island Shoreline Monitoring System (PRISMS) – OIP has developed a proposal for AUD\$0.5million to AusAID ICCAI Programme to resource PRISMS which has received provisional approval.
- f) JICA-funded research proposal in Funafuti Lagoon, Tuvalu addressing issues of coastal vulnerability to wave action and erosion. Similar work is planned for Saipan in 2010.
- g) Tsunami inundation model development – improved hazard management and disaster planning between the OIP and CRP – a collaborative approach in partnership with Geoscience Australia.
- h) Deep Sea Minerals in the Pacific Islands Region: a Legal and Fiscal Framework for Sustainable Resource Management. SOPAC expects to sign the contribution agreement for this EDF10 proposal in early 2010 (€4.7 million).
- i) Regional Maritime Boundaries Project, eCS – The partnership with Geoscience Australia has been successful with a further AusAID proposal (AUD\$0.5 million under the Pacific Governance Support Program) to provide support in 2010. This would enable the country

eCS teams to work on partial submissions, develop defence of complete submissions and in the case of Tuvalu and Kiribati, develop new submissions to meet their respective deadlines.

- j) Regional Maritime Boundaries Project (RMBP), EEZ – Through 2010 the RMBP will continue baseline and boundary zone data verification work and report finalisation and to develop a high-level regional workshop to brief members on the importance of promulgation and ratification of their respective baselines and boundaries.

9.3 Report from the Programme Review Monitoring and Evaluation Group on OIP

245. Chair invited Dr Gary Greene to present to Council on the PMEG assessment of the OIP.

246. Dr Greene presented the process undertaken to review the OIP and provided a brief summary of the findings which are fully detailed in the OIP PMEG Report (AS38/9.3, see also Appendix 7) including some general reflections regarding the RIF that suggest that the beneficial impacts of the RIF are yet to be seen and a vision and objective yet to be articulated. The Chair of PMEG saw no precise implementation plan and noted that much work was required in relation to administrative, financial and legal arrangements for transfer of functions; and finally that a strong SOPAC divisional head would be required in SPC to see the transition through.

247. The Director General of SPC briefly responded to some of the comments raised by Dr Greene particularly relating to the RIF and advised Council that in the rationalisation of SOPAC's core programmes into SPC, there would not be an expansion of the current SOPAC membership and he further stated that if SPC's members (outside of the SOPAC membership) required assistance from SOPAC, then it would be on a user pays basis. He also advised that SPC divisions would also access SOPAC services on a user pays basis if they should require the services.

248. The Director General continued that SPC and SPREP were also concerned at the slow progress with the RIF and agreed with Dr Greene's comments on the need for a strong divisional head of SOPAC through the transition. He advised Council that in relation to staffing taxes SOPAC would maintain their current conditions; however SPC would be reviewing theirs.

249. Cook Islands stated that mapping of the seafloor was again an emerging issue and a priority action given interest in resources and geophysical/tectonic considerations for boundary issues.

250. Fiji encouraged Council to seriously consider the concerns raised by Dr Greene under the RIF Agenda item.

251. Council considered and noted the following issues raised in the OIP PMEG report:

- a) Core funding needed to be increased if diminution of service to member countries was to be prevented. Donors should be requested to provide improved bridging funds in order to deliver on SOPAC's present commitments; without which intellectual drain will certainly occur.
- b) A new strategic plan needed to be constructed with specific direction from SPC.
- c) The ongoing problem of SOPAC's general inability to monitor the "impacts" of its outputs in the region needed to be addressed. Record keeping and web hit logs should be developed to show how SOPAC's products were being used and what the demand was like, as well as to report two or three of these "impacts" in the Annual Report.
- d) The SOPAC web site needed to be modernised and integrated with the SPC and SPREP web sites. Currently, the SOPAC web site was too difficult to navigate through and to

obtain updated information on such things as natural disasters, responses to disasters and other geoscience-related activities.

- e) Research into the environmental effects of deep-sea mining activities are not covered in the new European Union funding for deep-sea mineral work secured by OIP; and it was critical that funding for this type of study be pursued.
- f) The OIP-based communications component of the South Pacific Sea Level and Climate Monitoring Program (SPSLCMP) remained without a working budget and salary arrangements were inadequate. Discussions and official correspondence from OIP to the Australian Bureau of Meteorology (BoM) highlighting these obstacles to a recent SPSLCMP review team had been unsuccessful in eliciting a response from the BoM-based SPSLCMP management and the urgency to address these issues remained.
- g) Small boat operation and safety training was needed to maintain the good safety record that SOPAC enjoys and to cover the legalities for protecting staff.
- h) The need remained for the establishment of a clear and project-specific path for the integration of the work programme into SPC and SPREP.
- i) An agreement with the Royal Australian Navy (RAN) should be pursued to use SOPAC bathymetry data of IHO standard in nautical charts; and to garner support for the proposed charting activities of OIP's seafloor mapping capacity as well as to provide assistance to member countries' port authorities.

GOVERNING COUNCIL POLICY SESSION

10 REGIONAL INSTITUTIONAL FRAMEWORK (RIF)³

252. Council agreed to introduce the Item 10.1 on the Legal Implications (of the RIF) earlier than scheduled in the interest of keeping members cognisant with the various options and implications of any decisions that they might wish to take later with respect to dissolving or suspending SOPAC according to the provisions of the Letter of Agreement establishing it.

10.1 Legal Implications (Paper AS38/10.1)

253. The presentation of the Legal Implications paper was agreed by Council to be heard following Agenda Item 5. This was to assist Council come to a well-informed decision later in the meeting on how it was to proceed with navigating the legal provisions of the SOPAC Agreement to facilitate the lawful and prudent transfer of SOPAC assets and liabilities to the SPC and SPREP as receiving organisations of SOPAC's services and functions.

254. The Director of SOPAC introduced some of the legal implications for the rationalisation of SOPAC functions into SPC and SPREP, as well as the process required of SOPAC full members to dissolve or suspend SOPAC, amend the SOPAC Constitution, or implement other options. Other legal implications with respect to the SOPAC Agreement and contracting arrangements with staff and donors/development partners were also presented.

255. With the Secretariat not having the legal capacity to formulate direct legal advice to Council; the PMEG/STAR process provided Matthew Segal, partner in the international law firm of K&L Gates to give legal guidance on the implications and options available to Council.

³ The summary record of Item 10 should be read in conjunction with Appendix 5.

256. Mr Segal was invited to address Council on the legal implementation of the RIF. Mr Segal presented referencing the legal foundations on enforceability of treaties within the Vienna Convention of 1969; the specific provisions of the SOPAC constitution including those provisions regarding amendment, dissolution and suspension; as well as other provisions of the SOPAC constitution that relate to the Secretariat, governing and financing, and the Director and Deputy Director positions. Mr Segal referenced specific options available to the Council for implementation agreements in compliance with the treaty terms. The powerpoint presentation is provided.

257. Most members expressed gratitude for the clear articulation of the concrete actions that would be required of them to wind down an organisation with the status enjoyed by SOPAC.

258. The SPC view was sought given its experience in the practice of absorbing similar entities. The Director General informed Council that SOPAC was a sovereign entity and that any talk of suspending or dissolving it would have to be guided by its constitution. SPC had reached a similar point with its merger with SPBEA. He also advised against a 'potentially contentious' arrangement whereby an independent entity was expected to operate within another independent entity.

259. New Zealand, in response to the K&L Gates legal opinion about the transfer of SOPAC into SPC and SPREP, reiterated that its core funding would not be affected whether SOPAC was dissolved or suspended. The contracts with SOPAC could be amended through a Letter of Variation (LOV), facilitating the transfer of core funding from SOPAC to the SPC/SOPAC science and technical division.

260. The European Union followed New Zealand in giving reassurances to members that whatever decisions Council would take at this point would not affect the current contracts between SOPAC and the European Union.

261. Australia echoed New Zealand and the European Union in holding the position that AusAID's current funding support would not be affected.

262. Council agreed that a sub-committee be formalised to give closer scrutiny to the issues and formulate a proposal for the way forward. Most members volunteered to be on the sub-committee; consequently the Chair ruled that the item be considered by full Council. Chair stated that what was needed was an arrangement where members' interests were safeguarded while at the same time allowed the passage of the Leaders' decision.

263. Following the preliminary discussions in plenary, Council returned to the adopted schedule for the meeting agenda.

264. Council returned to the Item 10.1 on the third day of its Governing Council meeting, when the RIF item came up in the Policy Session after the Joint Council-TAG Session.

265. Upon reintroduction of Agenda Item 10.1 on the Legal Implication (of the RIF), Fiji introduced a resolution formulated by a small group of member states who thought it would be a useful basis for guiding Council on a way forward in fully implementing the Leaders' decision. The resolution was drafted to ensure compliance with the legal requirements of the SOPAC Agreement; capture all the concerns regularly expressed by island member states since the start of the RIF process; and to ensure a smooth transition process for the transfer of SOPAC functions into SPC and SPREP.

266. Australia, New Zealand and French Polynesia suggested consideration of the implementation plans prior to the resolution tabled by Fiji.

267. New Zealand noted that as the proposals in the resolution differed from the papers that had been provided ahead of the meeting, delegations would need to revert to capitals for instructions overnight before they could consider the draft resolution.

268. New Zealand was interested in the legal concerns being raised by members following the K&L Gates presentation, pointing out that the legal advice did say that the transfer of SOPAC functions could occur without dissolution or suspension of the organisation. New Zealand offered that maintaining and enhancing service delivery was at the forefront of the Leaders' decision and that they had heard no threat to service delivery.

269. Samoa indicated support for the decision of the Forum Leaders for the integration of SOPAC into SPC and SPREP. Samoa concurred with the comments made earlier by Niue and raised concerns about the timeline indicated under the 'Resolution paper' submitted by Fiji, particularly under 6) c where there was an indication of SOPAC Council sessions to continue up until 2011. There was a need for specific timelines and Samoa was accountable to its Leader and Government and would need to provide answers on this after this meeting. The credibility of the Council to our Leaders and to the donor community was also on the line as a result of the delays in the RIF process.

270. Australia noted with concern that the legal advice that had been voluntarily provided and tabled by the Secretariat had clearly alarmed members. It had made many members feel that they needed to resile from the timelines for RIF implementation previously endorsed at the SOPAC Special Session in July and subsequently endorsed by PIF leaders in August. Australia noted that lawyers often disagreed and Australia has reservations about the legal memorandum that has been used.

271. Resolution⁴

- i) The Governing Council of SOPAC considered a legal memorandum regarding the implications for SOPAC associated with the implementation of the RIF decision in regard to the transfer of the functions of SOPAC into SPC and SPREP. Council expressed its appreciation to the law firm K&L Gates for their services facilitated through the SOPAC/STAR network and the legal advice given in the memorandum. The memorandum is attached in Appendix 5.
- ii) Council considered the matter at length and the verbatim report of the discussion is appended to this Summary Record of the 38th Annual Session of Council as Appendix 5.
- iii) Council recognised that the challenge is to effectively address the legal and practical implications of implementation of the RIF decision by the January 2010 timeline set by Leaders in Niue in 2008, while complying with the legal requirements of the "Agreement Establishing SOPAC", the timelines in the Agreement; external legal obligations, and the need to preserve service delivery to its island members.
- iv) Council noted with pleasure the assurances provided by Australia, New Zealand and the European Union in regard to their funding commitments in support of the SOPAC work programme when it has been transferred to SPC and SPREP. Council also noted the difficulty for Australia and New Zealand to enter into long-term funding arrangements while there was still some uncertainty about the transfer of functions, and noted the need to secure funding from non-traditional donors.

⁴ This summary record shows the final resolution. Its contents were discussed at various times during the meeting, not only under Agenda item 10.1

- v) Council further noted with pleasure the unequivocal assurances provided by the CEOs of SPC and SPREP that they would support and actively pursue the continuation of STAR and PMEG.
- vi) Council concluded and agreed as follows:
 - a) The SOPAC Agreement is an international agreement between states and territories.
 - b) Compliance with the 2007/8/9 Forum RIF decisions must accord with the principles of the Pacific Islands Forum in regard to good governance, transparency and accountability, and Council is vested with this responsibility under the SOPAC Agreement.
 - c) The full and effective implementation of the RIF decision from Jan 2010 will require a transition period, during which issues such as funding contracts (current and new), employee contracts and relationships, intellectual property, budget and governance must be addressed and resolved through the development of Integration Agreements between SOPAC and the receiving organisations (SPC and SPREP).
 - d) Council must continue its role as provided for in the SOPAC Agreement, supported by a Director, during this transition period, and recognised that this transition period had already begun.
 - e) The Director of SOPAC together with the Director General of SPC and Director of SPREP in the period to July 2010 develop draft detailed Integration Agreements to be circulated to members three months ahead of the 2010 Council meeting. Council will consider and approve these agreements at its 2010 meeting.
 - f) These Integration Agreements with SPREP and SPC must: ensure all parties are in agreement as to the key terms of the transactions; provide a “Road Map” for orderly implementation; provide employees and third parties with certainty regarding structure of transactions and composition of the resulting entities; and include oversight and recourse procedures.
 - g) It is envisaged that the SOPAC/SPREP agreement and the SOPAC/SPC agreement dealing with energy and ICT outreach will be relatively simple and straightforward.
 - h) The SOPAC/SPC agreement dealing with the core of the SOPAC work programme being integrated into SPC as a new Applied Science and Technology Division as agreed by the July 2009 SOPAC Council meeting may require suspension, dissolution or amendment to the SOPAC Agreement.
 - i) Notices of proposals for suspension, dissolution or amendment to the SOPAC Agreement in accord with Article 14, to facilitate full and effective implementation must be circulated by July 2010 three months ahead of the next annual session of Council.
 - j) Any decisions at the 2010 meeting in regard to suspension, dissolution or amendment of the Agreement, will require ratification by the members, recognising that a ratification by 2/3rds (12 out of 17) of the full members is required before the decisions may be implemented.
 - k) In order to have full and effective implementation of the RIF decision and complete the transfer of SOPAC functions, Council noted alternatives to suspension or dissolution. Council agreed to defer consideration of this issue until an appropriate later date⁵.
 - l) Council through the Chair will seek the agreement of SPC to hold its next annual session in close conjunction with the 2010 meeting of the CRGA. It would be convenient for the SOPAC Council to meet immediately before CRGA thus the latter could be informed of the Council's decisions.

⁵ The example of the Western European Union and the Council of Europe

m) Council requested the Director to inform the Secretary General of PIFS, Director General SPC, Director of SPREP and all SOPAC donors and partners of the outcomes of its deliberation on the progress with implementation of the RIF reform and seek their support during the transition period and beyond.

vii) Council recognised the second three-year contract of the current Director ends on 31st January, and the current Deputy Director ends on 31st March, and under the circumstances decided to revisit this matter under Other Business and in Closed Session.

272. Council endorsed the resolution as a way forward for implementing the Leaders' decision on the rationalisation of SOPAC functions into SPC and SPREP and complying with the requirements of the Agreement Establishing SOPAC.

10.2 Financial and Administrative Matters (Paper AS38/10.2)

273. The Director presented paper AS38/10.2 and outlined discussion points in the paper on implementation arrangements.

274. Cook Islands moved that the recommendations be agreed to by Council.

275. Marshall Islands sought clarification regarding timelines for the legal agreements.

276. In response, the Director stated that discussions under the legal implications Agenda item (10.1) suggested that there were certain legal instruments that could be written to govern the transfer of the agreed functions to SPREP. Being one of the more simpler transfers, this could be expedited in a timely fashion with a simple exchange of letters; and the same may be said of the transfer of ICT and energy to SPC. The transfer of the core programme would be more complex than those just mentioned.

277. Fiji commended the Director for the work done on the implementation plan presented and reminded Council that they had approved a way forward with respect to the Integration Agreement (IA) and suggested that the implementation plan presented by the Director would need to incorporate the submission for the way forward.

278. New Zealand questioned the second bulleted recommendation of the either/or option regarding transferring SOPAC functions to SPC (AS 10.2 Paper) which is provided below for reference:

*Consider passing a resolution providing for the drafting of a legal agreement between SOPAC and SPC that outlines **either** the administrative alignment of SPC and SOPAC, **or** the anticipated formal transfer of accountability currently vested with the Director of SOPAC to the Director General of the SPC, for the work programme, budget and other activities of the Commission, which could also form the basis for an amendment to the SOPAC Constitution to be circulated to Council no later than July 2010.*

279. The Director explained that in this instance, this recommendation referred to the three legal options presented (i) suspension, (ii) dissolution and (iii) amendment of the constitution. She further explained that currently the SOPAC Director was accountable to Council; however, there would be a time where this would shift to the SPC who would be responsible thereafter, therefore there would need to be some formal arrangement to transfer this responsibility.

280. Australia reminded Council that during the discussions on Agenda item 10.1 they had raised issues with the legal advice provided. Additionally, the administrative and financial alignment options provided in that legal advice were not put forward by the Leaders. She

questioned the validity of the either/or options and the resolution should be looked at again in light of this.

281. Fiji stated that it was best to leave these considerations to the Secretariat to incorporate into the Implementation Agreements and circulate these as requested in the submission (made the day before), in July 2010, prior to the next Council meeting rather than trying to deal with it at this point.

282. Federated States of Micronesia concurred with adopting the recommendations considering the discussions already held; a view that was supported by Vanuatu.

283. For those SOPAC functions to be transferred to SPC, Council noted that during the transition toward best financial and administrative practice, SOPAC would maintain its financial and administrative autonomy, at least until October 2010.

284. For those SOPAC functions to be transferred to SPREP, Council acknowledged that these are reasonably straightforward from a financial and administrative perspective and tasked the Secretariat to work closely with SPREP to ensure that the functions identified are prepared for transfer from January 2010 as expeditiously as possible.

10.3 Implementation

10.3.1 ICT Outreach

285. The Director presented the paper AS38/10.3.1.

286. The Director General of SPC added to the SOPAC Director's explanations by highlighting certain initiatives including the SPIN and RICS programmes to emphasise the point that there were several opportunities for linking SOPAC's ICT Outreach programme with SPC.

287. French Polynesia, agreed to the recommendations made in 10.3 1 but sought more information on the resources associated with transferring the ICT Outreach functions of SOPAC to SPC in terms of staffing and budgets.

288. The Director stated that one full time staff member would be relocated and a budget of FJD800,000.

289. In reviewing the recommendations for Council's consideration, Fiji again pointed out that the second recommendation had in fact been captured in the resolution under Agenda item 10.1; and was therefore redundant.

290. Samoa welcomed the first of the recommendations but had reservations with the second questioning the need for a full legal agreement when an exchange of notes might suffice.

291. Council considered and approved the implementation plan for the transfer of the ICT Outreach functions of SOPAC into the Division of Economic Development of the SPC, acknowledging that additional resources would be required to enhance benefits to members from the regional energy, transport and communication/ICT sector programmes and noting that the GIS and remote sensing functions of SOPAC will remain with the core SOPAC work programme.

10.3.2 Energy

292. The Director presented paper AS38/10.3.2.

293. The Director General of SPC informed Council that SPC had been involved in energy programmes prior to 1994; however, as a result of an energy meeting in Madang, Papua New Guinea, in 1995, which agreed to rationalise these functions from SPC to SOPAC, the SPC programme was subsequently closed down. This information was to assure Council that this had been done before and could therefore be done again.

294. The Director General further highlighted past years' Forum communiqués, where several energy-related concerns were being raised and organisations were tasked with seeking funding to address those concerns. He advised that SPC had been able to secure funds to address specific energy concerns and would commit to doing the same in the future. He also noted the many players in the energy sector that must be recognised, including the PPA dealing with utilities and the PIGGAREP programme of SPREP. He cited the SPC HIV/AIDS Initiative as an example of a programme that coordinated many partners using the phrase "many agencies one team". He advised that such coordination requires an agreed and common strategy document and a monitoring framework as a guideline for effective coordination.

295. The SPREP Director also noted that the Energy Ministers' Meeting had called for a closer linkage between climate change and energy and mentioned the SPREP PIGGAREP efforts in addressing this. He recognised and congratulated SPC as the lead agency for coordinating energy efforts in the region and concurred with the idea of the "many agencies one team" motto.

296. USP pointed out its conspicuous absence from the energy alliance as presented by the Director of SOPAC and highlighted USP's activities in researching renewable energy and assessing the economics of the energy sector; and registered the USP interest in being part of the energy alliance.

297. Council considered and approved the implementation plan for the transfer of the energy programme's functions of SOPAC into the Division of Economic Development of the SPC, acknowledging that additional resources would be required to enhance benefits to members from the regional energy, transport and communication/ICT programmes.

10.3.3 Core SOPAC Work Programme – A Division of SPC

298. The Director presented paper AS38/10.3.3 in detail to Council as she felt it was important to do so.

299. Chair reminded delegates of the need to align discussions on the implementation plan presented with the resolution passed by Council under Agenda item 10.1 the day before; and invited the Director General of SPC to make preliminary comments.

300. The Director General of SPC stated that the implementation plan was written before the discussion under Agenda item 10.1; however, a lot of the timelines were still consistent with the resolution. Using the CRP as example, he highlighted the synergies between programmes in that SOPAC led in particular aspects of community risk, whereas SPC took the lead with the health aspects of disaster recovery. He also highlighted other areas presenting opportunities for SPC to collaborate.

301. The Director General alluded to a "change coalition" or "coalition of the willing", which ensured that the change process would involve members; something that was currently being undertaken with SPBEA and encouraged Council to consider this.

302. The Director General further highlighted the important role of the Director of SOPAC during and after the rationalisation process; advising that when the core component of SOPAC

was transferred into SPC, the Director of SOPAC (which would be acknowledged as Divisional Director) would report directly to the Director General of SPC; i.e. the Divisional Director would be given delegation of authority with the associated accountability and transparency, but overall organisational policy would come under the Director General.

303. The Director General informed the meeting that SPC was recruiting a long-term Change Manager to be established in Noumea, and the recruitment panel for this included a selection of SOPAC, SPC and SPREP representatives. In addition to this there would also be a Change Manager recruited to be established in Suva.

304. Furthermore, the Director General advised that there were plans in place to deploy two translators from the translation and interpretation group to respond to associated issues in Suva and he hoped that by the end of 2010 funding for this would be secured. He reported that SPC meetings were often bilingual, including the papers provided for these meetings; however, those translation costs would be borne by SPC whilst the programmes pick up the meeting costs proper. Publications were bilingual where required.

305. New Zealand thanked the Secretariat for the paper and highlighted the areas where the Secretariat had identified low risks; cost effectiveness; minimal legal implications and that the integration of the core SOPAC functions into SPC offered opportunities for improved and strengthened regional services, which would immediately benefit from SPC's current corporate mechanism for initiating and raising funds. They highlighted these views of the Secretariat as due diligence on the decision to create a SPC science and technology division with the core of SOPAC.

306. Fiji thanked the Secretariat and acknowledged the comments by New Zealand advising that the implementation plan should be addressed in detail in the Integration Agreement. On the issue raised in Page 23 (of Annex A of paper AS38/10.3.3) of harmonised and corporatized support services, Fiji raised the risk of the merger with SPC resulting in local staff losing their jobs and placed on record their concern about the job security of local staff in that regard. He further suggested that Fiji would like to see local staff retained where possible, placed within other CROP agencies or compensated for their losses if they were to lose their jobs.

307. The Chair of the Drafting Committee (Australia) informed Council that the committee had met early in the morning, and reviewed what was presented the day before by Fiji as a way forward and advised Council that there were issues to be brought back to full Council and wanted to inform the Chair of this.

308. The Chair advised that on the agreement of Council the implementation plans presented during this Agenda item would need to be aligned with the Fiji resolution presented the day before and that those changes would need to be accommodated by the Secretariat in revising the implementation plan. Chair continued that anything not dealt with during the passing of the resolution the day before, such as the Director and Deputy Director positions, would be dealt with separately in closed session.

309. In response to the Chair of the Drafting Committee, Chair ruled that Agenda item 10.1 was closed and would not be reopened for discussion. The resolution which would be reviewed by full Council would only be for the purpose of verification that all issues raised by members during discussion has been captured by the Secretariat.

310. Council considered and approved the implementation plan for the transfer of the core SOPAC work programmes into a SOPAC science and technology division of the SPC with the proviso that the implementation plan be aligned with the Resolution recorded under Agenda item 10.1; acknowledging that additional resources would be required for effective implementation toward full integration.

311. Council also noted that all legalistic recommendations contained in the implementation papers under Agenda item 10.3 would be dropped because the overarching resolution under Agenda item 10.1 had captured all the issues of concern to Council, and mapped an agreed way forward.

10.3.4 CC-related and advocacy functions into SPREP

312. The subject of the paper and plan were deemed by the meeting to have been adequately covered by discussions under previous agenda items and was not formally presented.

313. Council acknowledged that transfer could be reasonably straightforward from a financial and administrative perspective and tasked the Secretariat to work closely with SPREP to ensure that the functions identified are prepared for transfer from January 2010 as expeditiously as possible.

10.3.5 PMEG and STAR

314. The Chair introduced the Agenda item on PMEG and STAR and invited the Chair of STAR, Professor John Collen to address Council.

315. Chair of STAR made some remarks on the history of STAR and the dedication of scientists with respect to their time and technical advice being delivered freely to the region. The advice has been delivered in an "honest and transparent" manner to the Pacific region over the many years that STAR has been in existence. He acknowledged members of the SOPAC Council that are also members of the STAR scientific community having made use of free and timely advice given to them and their respective governments. The Chair of STAR also acknowledged that the membership of STAR was not bound in any way to the political will of the Leaders, although the RIF process has mainly impacted the scientific communities.

316. The Chair of STAR expressed some concern about the low expression of interest by the scientific community to attend STAR in recent years due to the uncertainty of the future of STAR. He also cautioned the Council that seeking independent technical and scientific advice at no cost would be very hard to maintain in the region given the trends he had observed over the past few years of dwindling support for such philanthropy. The Chair also recognised the commitment made by the Director General of SPC, as well as the Director of SPREP to continue with the existence of STAR.

317. The Chair invited the Chair of PMEG, Dr Gary Greene, to address Council.

318. The Chair of PMEG fully endorsed the comments made by the Chair of STAR and stated that through the mechanism of PMEG and STAR, free technical and scientific advice of the kind that "money cannot buy" was offered because these were given in good faith and with the best interest of the region at heart. He strongly advised Council "to put down on paper what it wanted to see happen" to SOPAC the organisation in the future, for the service of those people "who were not sitting around this table."

319. Federated States of Micronesia stated for the record that the loss or disengagement of STAR would result in a substantive diminution of services to member countries. All of the member countries expressed their appreciation to both Chairs of the STAR and PMEG for their valuable technical advice and services provided freely to the region. Council also emphasised the value of the contribution made by STAR and PMEG and wished for this to continue.

320. The Director of SPREP stated on behalf of the Director General of SPC and himself that both CEOs would like the mechanisms of STAR and PMEG to continue and be strengthened. SPREP would be open to discussions in a practical manner expressing mutual “respect, courtesy and open communication” in the region.

321. The Chair of STAR appreciated and was humbled by the comments made by several members and informed Council that a sub-committee has been formed following his re-appointment as Chair to guide the STAR and PMEG through the transitional period. He asked for Council's permission to send the public summary record from this Council meeting to members of the scientific community and also to provide progress reports from time to time to Council via the Chair. Council approved the request.

322. Council acknowledged and conveyed their deepest appreciation to STAR and PMEG for their invaluable contributions and services during this Council meeting and to the requests of SOPAC members since their inception in 1983 and 2005, respectively. These mechanisms are essential elements of delivery of service to Pacific countries.

323. It was the wish of the SOPAC Council, the Director General of SPC and the Director of SPREP that STAR and PMEG continue and if possible be strengthened.

324. The Council noted that respect, courtesy and appreciation and clear communication were principles that all contributed to the success of voluntary organisations such as STAR, and these would be essential ingredients in any future engagement of STAR and PMEG.

325. The revised paper AS38/10.3.5 Rev has the full text of the addresses to Council by the Chair of STAR and the Chair of PMEG, respectively.

10.4 RIF Risk Management Framework

326. The Secretariat drew attention to the paper AS38/10.4.

327. Council noted and approved the SPC/SOPAC Risk Management Plan without discussion. The plan would remain active until full integration of the core SOPAC work programmes into the SPC is achieved.

11. ESTABLISHMENT AND ADMINISTRATION

328. Chair introduced the Manager Corporate Services who presented the finance and administration reports to Council.

11.1 CROP Annual Remuneration Review Report [Professional & Support Staff]

11.1.1 2009 Triennial Remuneration Review

329. The Secretariat presented paper AS38/11.1.1.

330. Council:

- a) noted the outcome of the 2009 Triennial Remuneration Review;
- b) approved the adoption of the proposed new banding model subject to the Secretariat advising the Council of an effective implementation date by circular;

- c) maintained the current SOPAC practice for treatment of the six-year rule in allowing the incumbent to reapply at the end of their contract and, if selected based on merit, be offered a further three-year term;
- d) approved the recommendation to remove the reference to retirement age from the Secretariat's employment terms and conditions;
- e) approved replacing the existing entitlement for freight expenses on recruitment and repatriation with a maximum of a 20 foot container; and
- f) noted the change to the SP10 job sizing methodology.

11.1.2 CROP Annual Remuneration Review – Professional Staff

331. The Secretariat presented paper AS38/11.1.2.

332. Council noted the outcome of the Professional Staff 2009 Market Data Review.

11.1.3 CROP Annual Remuneration Review – Support Staff

333. Several countries expressed concern with disparity in salary adjustments between professional and support staff following the devaluation of the Fiji Dollar, and sought further elaboration on the one-off payment made to the support staff at the SOPAC Secretariat.

334. The Secretariat explained that professional staff contracts being paid in SDR units protected those salaries from the effect of the 20 % devaluation of the Fiji dollar in April 2009, by awarding professional staff salary increments up to 20 %. The support staff being contracted in Fiji dollars had no formal mechanism in place to apply the same protective procedures to locally-recruited staff, hence the decision to award a one-off payment. The Manager Corporate Services reported that the same applied to other Fiji-based CROP agencies affected by the devaluation of the Fiji dollar. He also reported that the last increment to staff was applied in 2009.

335. Vanuatu enquired if the FJ\$650 one-off payments had been taxed; to which the Secretariat responded that it had been taxed. The Manager Corporate Services elaborated that whilst the Secretariat was not obligated under current contractual agreements to pursue a change there might be merit in further investigating how the current arrangement could be amended.

336. Fiji and Tonga questioned if it was possible for support staff to also be given the same level of increment (10-20%) that had been applied to professional staff.

337. The Manager Corporate Services explained that there needed to be some mechanism to tag the increment to. It was not in the Secretariat's obligations in support staff's current contracts to award the increment. He suggested that changing the contracts of support staff to be tagged to some mechanism such as the SDR might enable the awarding of such.

338. Fiji asked how the FJ\$650 amount had been calculated for the one-off payment and the Secretariat responded that it was an arbitrary amount that the CROP agencies decided to pay to support staff across all Fiji-based CROP agencies.

339. Cook Islands proposed to accept the recommendations as it was presented and that the disparity between mechanisms for paying the professional and support staff be addressed at the next meeting.

340. Marshall Islands expressed the view that in the best interests of the support staff, this could be looked at in the process of annual remuneration review process, given that the support

staff were the backbone of the organisation and contributed to the successful outputs of the Secretariat. Council was reminded to look after the interests of all staff of the Secretariat.

341. Vanuatu suggested that the Secretariat consider what Fiji and Tonga had proposed for some level of increment to be awarded to support staff, and requested clarification on the procedures for awarding increments to staff.

342. The Manager Corporate Services responded there was an annual market review conducted by PriceWaterhouseCoopers that reports any adjustments to the salaries of staff as necessary, and this was highlighted to the Council annually for approval to be applied, in harmonisation with other CROP agencies. It was also highlighted that there was an internal Performance Monitoring System (PMS) for staff that is used to award increments to staff, based on their individual performance over the year. He suggested, if Council agreed, that other mechanisms could be reviewed to see how to move the support staff salaries to SDR as well in order to address the disparity.

343. Cook Islands suggested that the Council to agree to the suggestion made by the Secretariat.

344. To ensure continued harmonisation of remuneration with the participating CROP agencies, Council:

- a) endorsed the recommendation of the CROP Executives to apply an increase of 2.5% to Grade H of the SOPAC Secretariat's support staff salary scale effective from 1 January 2010;
- b) noted the one-off cash payment of \$650 to Secretariat support staff; and
- c) requested the Secretariat to explore options for the same protective mechanisms such as the SDR conditions applied to professional staff to also be applied to the support staff.

11.2 Secretariat Accommodation and Related Institutional Issues

345. The Secretariat presented paper AS38/11.2.

346. Cook Islands identified and sympathised with the Secretariat staff on the restricted space conditions they had to work in, having seen the office arrangements himself. He stressed the need for more rooming arrangements in line with the expansion in staff recruitment in recent years.

347. Council acknowledged the work undertaken over 2007/2008 to create additional office and storage space within SOPAC to house an expanding workforce and thanked the host Government, Fiji, and in particular the Mineral Resources Department for providing additional space within their existing complex for refurbishment and use.

348. Council instructed the Secretariat to provide written appreciation to the Mineral Resources Department and the Government of Fiji for the use of their buildings as offices for the Secretariat staff.

12 FINANCIALS

12.1 Financial Report 2008

12.1.1 2008 Audited Financial Statements, Auditor's Report and Management Report

349. The Secretariat referred Council to paper AS3/12.1.1, and presented the 2008 Audited Financial Statements, Auditor's Report and Auditor's Management Letter.

350. Council received and accepted the 2008 Audited Financial Statements, Auditor's Report and Auditor's Management Letter, and acknowledged the good work by the Secretariat on getting an unqualified audit.

12.1.2 Report on the 2008 Regular Budget Variance and Virement of Funds

351. The Secretariat presented paper AS38/12.1.2 on the 2008 Budget Variance and Virement of Funds, noting the Regular Budget (RB) Expenditure Variance Report (Annex 1), Explanations Report for Significant Regular Budget Expenditure Variance for the Year ended 31 December 2008 (Annex 2), Regular Budget Expenditure Savings Report for the Year ended 31 December 2008 (Annex 3) and Overall Budget Variance Report Summary (Annex 4).

352. Fiji thanked the Secretariat for the good work and moved that the recommendation be adopted.

353. Council noted and accepted the Report on 2008 Budget Variance and Virement of Funds.

12.1.3 Report on Assets and Inventory written off for the Year ended 31 December 2008

354. The Secretariat introduced paper AS38/12.1.3 and reported to Council on the Assets and Inventory written off for the Year ended 31 December 2008.

355. Council accepted the report on assets and inventory written off for the year ended 31st December 2008.

12.2 Report on the 2009 Accounts to 30 June

12.2.1 Report on the Financial Accounts for the 6-month period to June 2009.

356. The Secretariat referred Council to paper AS38/12.2.1 and reported to Council on the Financial Accounts for the 6-month period to June 2009.

357. Council noted and accepted the Report on the 2009 Accounts to 30 June.

12.2.2 Membership Contributions

358. The Secretariat referred Council to paper AS38/12.2.2 and stated that there was an updated version of the paper as at 28 October 2009 (AS38/12.2.2 Rev).

359. Guam presented to Council a letter from the National Representative of the Guam, the Administrator of the Guam Environmental Protection Agency, asking Council to consider forgiving the debt in its membership dues.

360. The Vanuatu delegate noted its own outstanding membership contributions and stated that the Ministry of Foreign Affairs would be liaising with the Secretariat to settle its arrears.

361. Chair noted as a reminder to Council and guidance to the Secretariat that the Solomon Islands had been in a similar situation with amassing a large balance in unpaid dues, but that they had made an effort and paid some of it off.

362. Fiji enquired whether there were other avenues that the Secretariat could tap into to assist a Council colleague in the request for a waiver of the dues.

363. The Secretariat sought Council's guidance on addressing the situation with Guam.

364. Tonga expressed the concern that it would be setting a precedence if membership arrears were written off and suggested exploration of ways to recover the arrears in question.

365. Council noted the report on the status and level of outstanding Membership contributions and encouraged Members to discharge their outstanding contributions in full.

366. Council directed the Secretariat to explore with Guam measures for recovery of its outstanding membership contributions.

13. 2010 WORKPLAN AND BUDGET

13.1 Reserve Fund Ceiling

367. The Secretariat referred Council to paper AS38/13.1 reporting to Council, as required, the annual ceiling on the Reserve Fund. He noted the relevance of this fund to Financial Regulation 14.

368. Marshall Islands enquired as to how the interest generated from the Reserve Fund was utilised. The Secretariat in response stated that any interest generated from funds was ploughed back into the core budget.

369. Fiji asked the Secretariat whether the FJD 400,000 was sufficient, given the current circumstances. The Secretariat responded that the current Reserve Fund ceiling was based on the assumptions outlined in paper AS38/13.1, and that based on those assumptions, the amount was sufficient.

370. Council agreed that the Reserve Fund ceiling remain at FJD400, 000.

13.2 Approval of 2009 Work Plan and Budget

371. The Secretariat presented paper AS38/13.2. Council was also reminded that the core budget was based on the assumption that Australia and New Zealand would continue its current level of funding.

372. Australia stated that they were committed to supporting SOPAC programmes but currently core budget support was on an yearly basis due to the current RIF situation. In terms of the notional funding allocation for 2010; following the July 2009 SOPAC Governing Council, Australia advised SOPAC that the allocation was the same as for 2009. Australia also stated its concerns with respect to the implementation plan timeframe given the current stance of Council based on

the legal advice tabled at this meeting; and as such the representative had no authority to confirm the funding allocation for 2010.

373. New Zealand explained that its position on funding for the 2010 work programme was linked to discussions on the implementation plan to transfer SOPAC functions into SPC and SPREP, as funding allocations had been approved taking into account decisions taken at the July meetings. Therefore New Zealand similarly could not confirm the level of funding for the 2010 budget.

374. In response, Fiji stated that the positions by Australia and New Zealand was understandable. He further stated that the explanations by Australia and New Zealand would lead to the reopening of the discussions addressed in Agenda Item 10.1. Given this, Fiji informed Council that "we would seek funding with non-traditional donors to secure the required financials." This move was supported by Papua New Guinea, Federated States of Micronesia and Vanuatu.

375. Marshall Islands stated that it would not be an issue to secure funding from non-traditional donors and Council should go ahead and approve the budget.

376. Tuvalu interpreted the statements by Australia and New Zealand to mean that both were not able to confirm and therefore in the event that Council could not get the funding from either, then Council should go source from other non-traditional donors. He stressed that the Australia and New Zealand position on the 2010 budget was that they could not confirm.

377. Samoa sought clarification on who was being referred to in the "we" used in certain views expressed regarding seeking funding from non-traditional donors. Fiji stated that the "we" referred to Fiji.

378. Cook Islands suggested that the budget should now be revised to state what was confirmed and what was not, given the current situation.

379. Federated States of Micronesia reminded Council that the Australia and New Zealand funding to SOPAC had been flat throughout the past years and that non-traditional donors had increased support to programmes in the region and further stated that as far as the Federated States of Micronesia was concerned, the "we" referred to by Fiji means SOPAC members, individually and collectively.

380. Fiji stated that the current position taken by Australia and New Zealand was contrary to the Leaders' desire that there would be no diminution of service delivery.

381. Kiribati acknowledged Australia and New Zealand's support to the region and expressed the hope that this would continue in light of the process. Kiribati shared the point expressed by Fiji in light of funding uncertainty which would lead to the diminution of service delivery and one would be in a void of the rationale behind the process, which was to ensure the services were maintained and enhanced.

382. Council approved the 2009 Revised Budget of \$F\$37,082,792 and the 2010 Work Plan and Budget of \$F34,019,618 noting that it would be revised to show secured and unsecured funds.

14. OTHER BUSINESS

i) Review of Resolution of Item 10.1 (Legal Implications of the RIF)

383. Chair advised Council to review the editorial changes made to the Resolution from agenda item 10.1 and opened the floor for members' comments.

384. Australia wished to express their concern that their comments and suggestions relating to the Resolution were not on record.

385. Samoa agreed with Australia that the statements made by each of the countries with regard to the Resolution should be put on record.

386. Fiji stated that the verbatim record would be attached as an annex to the Resolution (see Appendix 5).

387. New Zealand while pointing out an inconsistency in style between reporting (in the Summary Record) under the RIF agenda item and reporting under every other agenda item requested clarification on the role of the drafting committee, given what appeared to be a departure from the SOPAC Governing Council Rules of Procedure, para. 21.[See endnote]

388. The Secretariat responded that the drafting committee working group was tasked to check the discussions made during the meeting and that the draft summary record of proceedings would be presented to the full Council the following morning (Friday, 30th October).

389. New Zealand sought clarification from the Chair as to whether the draft resolution under Agenda Item 10.1 had been passed. The Chair stated that the resolution had already been passed under Agenda item 10.1, and it would not be re-opened for discussion. New Zealand requested that it be noted in the record that the resolution did not have their support.

ii) SPC's Sustainable Financial Strategy

390. Council was informed that the TOR for the sub-committee to develop a draft strategy for sustainable financing was circulated in the paper by the Director General of SPC. Council was informed that two representatives from SOPAC were invited to sit on the sub-committee.

391. Marshall Islands sought clarification as to when the two representatives would be selected.

392. Chair invited Council to nominate the two representatives to sit on committee. He noted, that some countries would be members of the sub-committees as representatives from their various sub-regions and indicated that should the meeting be held in Fiji, Suva-based missions would also be invited to attend.

393. Council nominated Vanuatu as current Chair and Tuvalu as their representatives to the SPC sustainable financing sub-committee.

iii) Non-traditional donor funding support

394. Council in the third matter noted that many members had expressed views on the need for Council including the Secretariat and individual members to actively pursue or explore avenues for non-traditional funding support.

iv) Director and Deputy Director positions (SOPAC Secretariat)

395. The fourth matter under Other Business was discussed by Council in two closed sessions. The decision of Council on the matter follows:

396. Council noted the July 2009 SOPAC Governing Council Special Session decision that had transferred appointment of the director position of the Secretariat to the Secretary General of SPC in anticipation of the core functions of SOPAC being rationalised into a geoscience and technology division of SPC.

397. With new legal opinion recently made available to Council at its 38th Session in Port Vila in October 2009, Council revisited the director position in light of taking due diligence and care in disposing of SOPAC positions, assets and intellectual property that were treaty bound to the Agreement establishing SOPAC. The continued existence of the Commission for at least twelve more months meant the appointing authority for the next director remained with the SOPAC Council.

398. Given that the current Director of SOPAC's second three-year term would conclude in February 2010, and noting article 4 of its Rules of Procedure for Executive Appointments, Council decided to advertise the position with a view to appointing the new director of the Secretariat at its next governing council meeting in October 2010.

399. With the position of the deputy director also nearing contract end at around the same time as the director in early 2010, Council decided to appoint an interim director according to article 7 of the Rules of Procedure, for a twelve month period from February 2010 to have oversight of the Secretariat, continue the RIF process and facilitate the appointment of the new director of SOPAC. The Chair of SOPAC will appoint the interim director in consultation with member countries.

400. Council instructed the Secretariat to review the job profile and advertisement in conjunction with the Chair of SOPAC to take into account the concerns below not already captured in this decision; and to advertise the Director of SOPAC position as soon as possible.

- a) That there was continuity in oversight and progress of the RIF process.
- b) That there was a need for a champion that was committed to the SOPAC cause.
- c) That the established rules of procedure be adhered to.
- d) That the appointed director was anticipated to transit into SPC because of the RIF rationalisation and become a SPC division head.
- e) That a legal clause could appropriately be placed into the contract of the new SOPAC Director to offset any risk associated with the uncertainty in timelines of SOPAC's full integration with SPC.
- f) That the Director General of SPC could usefully be consulted at certain stages during the process of the recruitment of the new director of SOPAC.

401. The Chair of SOPAC would form a sub-committee and follow the established practice of an executive appointment as encapsulated in the Rules of Procedure for Executive Appointments with a view to full Council making the substantive appointment at its October 2010 meeting.

15. VENUE AND DATE OF 39th ANNUAL SESSION

402. The Director of SOPAC advised that Australia as current vice chair, as per the SOPAC Rules of Procedure would assume chairmanship in October 2010. She sought guidance on

whether the incoming chair was in a position to advise Council on this. She also advised that the Secretariat would be in a position to work with Australia to confirm the date and venue.

403. Fiji noted the practice of SOPAC to rotate the chairmanship in alphabetical order; however, given the discussions of the last few days, he sensed the reluctance on the part of Australia to see this Council through so suggested that other alternatives be explored. Additionally, given that high level delegations from Fiji were not able to travel to Australia due to the current travel ban on its officials, Fiji offered to host the next Council meeting.

404. Australia noted the Fiji comments; however, their understanding was that when one of the metropolitan countries was in the Chair then it held the annual meeting at the headquarters location.

405. The Director confirmed the point by Australia and added that Australia and New Zealand are also able to host the meeting in their countries if they chose or another Pacific island country.

406. Australia advised that they would leave this to Council's discretion as there was a sense that members may in fact not want Australia to host.

407. Cook Islands sought clarification from Australia if they were able to host or not.

408. Australia advised that they would be willing to host, but did recognise that there was a view among members regarding this. She sought clarification on Noumea being a venue given that implementation plans had stated that the next SOPAC Annual Session would need to be held back to back with the CRGA.

409. Federated States of Micronesia sought to verify their understanding on the issue of the next Council meeting that it did not have to be held in Noumea, but only needed to be held, time-wise, back to back with the CRGA.

410. French Polynesia sought clarification on the venue as he understood that Australia would chair and it would need to be in Noumea back to back with the CRGA; further enquiring whether the Secretariat had contacted Noumea in this regard.

411. Tonga suggested that should Australia decline, then Fiji's offer should be taken up.

412. The Director advised that it made sense to hold the session back to back with the CRGA given the RIF situation at this time; however, the Secretariat had not discussed this with Noumea. The Director noted that differential costs would need to be borne by the Chair.

413. Marshall Islands asked whether Australia wanted to advise on their ability to chair at a later date.

414. Federated States of Micronesia informed Council that in the past, at this stage of the meeting the next host country would have already sought approval on being able to host the Annual Session before the meeting and suggested that the statements by Australia potentially reflected their unwillingness to do so.

415. Australia verified that they were not unwilling to chair the meeting, but were merely putting this decision back to members to confirm if this was in fact what they wanted. They further advised that they were merely responding to the sentiments from Council and were therefore putting this decision back to countries.

416. Cook Islands stated the issue of Australia being the chair was not the problem but the venue for the meeting was still under discussion.

417. Samoa concurred with the Cook Islands on the fact that Australia would be chairing.
418. Australia followed by saying that if members so wished for Australia to chair and host then they stood ready to do so.
419. Marshall Islands reminded Council that they had agreed to the SOPAC Rules of Procedure and these stipulate that Australia chairs so urged Council to follow the rules.
420. Fiji sought clarification on whether agreeing with this meant that the venue for the meeting would be in Australia.
421. Australia replied that the Director had clarified that the venue when hosted by a metropolitan country was usually the Fiji headquarters of the SOPAC Secretariat. She continued that there were two proposals on the table: (1) to hold the Council Session back to back with the CRGA in Noumea; and (2) that prior to the CRGA, the SOPAC Council would meet in Fiji. She called on Council members for guidance.
422. Cook Islands observed that holding the meeting in Fiji would be cost effective as Noumea would be expensive; however back to back with the CRGA had to be considered.
423. The Director explained that with respect to costs, the Secretariat budget for annual session was developed using Fiji costs; the host country pays the differential cost if they choose to host it elsewhere.
424. Tuvalu intervened that Australia agreed to chair and Fiji to be the venue, and there were no ties at present to SPC to justify having it in Noumea.
425. New Zealand stated that costs may not be so different given some members would already be at CRGA in any case and requested Council to consider that as well.
426. Australia suggested that the Secretariat look into both options and advise Council of this.
427. Tuvalu reminded Council that when an offer was made, the Pacific way was to accept the offer therefore Council should consider Fiji's offer to host the meeting. This was supported by Federated States of Micronesia.
428. Council agreed that Australia would chair the 39th SOPAC Annual Session in Fiji.

16. ADOPTION OF AGREED RECORD OF PROCEEDINGS

429. Council reviewed the draft record and particularly the record of discussion on Agenda item 10.1.
430. Australia reiterated their wish to have on record that they did not support the Resolution adopted by Council as it could not agree with what was currently reflected in the Resolution (under Agenda item 10.1) because their suggested changes during the drafting committee working group was not included. Australia understood that whilst the majority of Council members had adopted the Resolution under the 10.1, they wished to point out that their concerns were not reflected in the Resolution.
431. New Zealand explained that what they were requesting involved just a few suggested amendments to the text of the Resolution, but not to the content of the Resolution. New Zealand wished to provide more background to the Resolution before the Council along the lines ... *“that*

whilst Council members noted the decisions made by Leaders at the Forum Meetings, to merge the functions of SOPAC into SPREP and SPC, there would be a delay in the implementation of this decision” ... as put forward by the Resolution by the Council at the SOPAC 38th Session. New Zealand assured that this was what they wanted reflected in the Resolution.

432. New Zealand further clarified that this amendment had been suggested in the drafting committee working group on the morning of Thursday (29th October 2009), but the change was not reflected in the final version; hence their reluctance to support the Resolution put forward by Fiji, and endorsed by the majority of the Council members.

433. Fiji responded that they were satisfied with the text as it currently stood in the Summary Record.

434. Samoa stated its wish to have a comment in the Resolution to express Samoa’s support for the decision made by the Leaders and reminded members of Council of their responsibilities to their Leaders back at home when they would be questioned on the reason for the delay to the implementation of their decision to merge the organisation into SPREP and SPC. Samoa noted that its position was slightly different to the majority of the members of the Council.

435. Fiji responded to Samoa’s statement that there was no intention by Council to delay the implementation of the Leaders’ decision, but that Council wished to ensure that their decision would be implemented in a way that safeguarded the interests of all the Pacific nations, and that he was aware that the Leaders felt the same way when they made that decision during the Pacific Forum Meeting.

436. Federated States of Micronesia emphasised that the Resolution had already been adopted by the Council on Wednesday evening (28th October 2009), noting the objections of a few members of the Council. He emphasised that this endorsement was made as a consensus of Council, and not during the drafting committee meeting.

437. Fiji expressed the concern with the statement made by New Zealand that they did not support the Resolution that might make it invalid, as it could indicate that there was no consensus agreement by Council on the endorsement of the Resolution on Wednesday (28th October 2009). He reminded Council that New Zealand expressed their disagreement after the session had closed, and the decision had been made as a Council. Fiji wished to move the statement made by New Zealand to the record of Thursday’s (29th October 2009) proceedings. He also proposed putting in another statement in the record of Agenda item 10.1 that there was agreed consensus to the Resolution on Wednesday, 28th October 2009.

438. New Zealand pointed out that on Wednesday evening the Resolution was still in draft form with comments and inserted text on the page, as the drafting committee was still editing it to be brought back to full Council on Thursday morning. New Zealand questioned if the Council would pass a resolution when it was still in draft form.

439. Fiji replied that even though the Resolution was in draft form on Wednesday evening (28th October 2009), it was agreed in terms of the content by the full Council. The drafting committee was to remove the inserted comments in the Resolution and complete the text to reflect a completed document for Council.

440. Following more of the same type of exchange among Council members⁶, it was finally agreed to move the statement made by New Zealand to under the Agenda item on the budget (Agenda item 13.2). Council further noted Australia's preference for including in the Summary Record that they also did not support the resolution and that this sentiment would also be part of the record under Agenda item 13.2.

441. Marshall Islands raised some concerns with the statement in the Summary Record (under Agenda item 10.1) that read: "*Australia noted that the legal advice tabled had raised serious concerns among members ...*".

442. Marshall Islands pointed out that instead of the reference to 'members', it should be reflected as 'some members' only. He interpreted the statement to mean that the legal advice, which was provided voluntarily, was found by a handful of member countries to be 'unhelpful' in progressing the transfer of SOPAC functions into SPREP and SPC. Australia had expressed reservations to the advice provided at this meeting.

443. Fiji found the inference that members had been influenced by the legal opinion insulting stating that despite Australia's view, most member countries were well capable of making up their own minds whether to take the legal advice at this meeting or not. Fiji continued that most of the Council members had their own reservations prior to coming to this meeting, and that the legal advice just confirmed those fears. The decision whether to dissolve or suspend SOPAC was a major concern to members of the Council because of the ability to meet the deadline of transfer of SOPAC to SPC, and had not just become a concern because of the legal advice given to Council at this meeting. Fiji concluded that member countries could make up their own minds on the issue.

444. Australia apologised to the Fiji representative, stating that it was not her intent to cause insult by the statement in the record.

17. CLOSING

445. The Chair invited the Director of SOPAC to make closing remarks.

446. The Director thanked Council that everyone was present on the additional day of the meeting, which showed their commitment to the organisation. She thanked the PMEG Chair for his commitment over the past few days at the meeting, and also the host country Chairs (Russell Nari and Chris Ioan); and her colleagues at the Secretariat.

447. The Director found the leadership role during her term as Director of the Secretariat interesting, enjoyable and challenging; and expressed enjoyment of her role in supporting the Council and supporting the membership. She concluded by conveying through the Chair, appreciation to the Government of Vanuatu and the people of Vanuatu for their hospitality in hosting the 2009 annual session meeting in Port Vila.

448. The Chair thanked the Governing Council for allowing Vanuatu to host the Council meeting. He thanked all the delegates, the Chair of PMEG and the Chair of STAR for their contributions to the discussions over the week and hoped that they had enjoyed their stay. He also looked forward to working with members of the Council and the Secretariat in the coming year. The Chair, at this point, also declared the SOPAC 38th Session officially closed.

⁶ Verbatim record contained in Appendix 5

449. Tuvalu spoke on behalf of his delegation and the Governing Council and conveyed appreciation to the Chair in the manner in which he had conducted the meeting. He passed on well wishes through the Chair to Russell Nari that he would recover soon so he might join Council members in further deliberations. He stated that there would be a lot of challenges for the current Chair during the transition period of SOPAC. He also wished to convey through the current Chair the Council's appreciation to the Government of Vanuatu for their successful hosting of the meeting.

450. Tuvalu (Outgoing Chair) went on to state that it would be remiss of the Council not to acknowledge the current Director for her unmatched dedication and work over the six years of her term and he wished her well.

451. Tuvalu also acknowledged that the term of the current Deputy Director was coming to an end and therefore wished him all the best acknowledging that he had done very well in his service to the Council and member countries. Tuvalu thanked the Chair for allowing him to make the final comments.

452. The SOPAC 38th Session concluded a day later than scheduled, on Friday, 30 October 2009, at 3 pm.

ENDNOTE:

ⁱ In making and providing a faithful and trustworthy record of the RIF discussions at the SOPAC 38th Session (Port Vila, October 2009), the Secretariat was primarily guided by precedent (set by Tonga as Chair in 2007 when the SOPAC Governing Council first considered the RIF issue of the rationalisation of SOPAC into SPC and SPREP); which was that a summary of discussion and the decision are placed in the Summary Record and the Verbatim record of the discussions is to be included in the Proceedings of the Meeting as an appendix.

The rapporteur team from the Secretariat carried out its work guided by the precedent explained in the paragraph above and according to the Working Procedures [of the SOPAC 38th Session] paras 19-21 in paper AS38/3.1 Info 2.

Furthermore, since the beginning of the rationalisation, the Secretariat has kept meticulous accounts of all formal meetings. Hence these are the only items on the SOPAC Council meeting agendas for which Verbatim records are annexed as part of the Proceedings. Further into the past than the 2007 SOPAC Session in Tonga, when the SOPAC-SPC merger was proposed by SPC's Bob Dunne and SOPAC's Alf Simpson, there was a summary record and then a fuller record of discussions appended.

The inconsistency brought up by New Zealand was also brought up by one Tongan official during the Drafting Committee meetings in 2007; and the Drafting Committee of 2007 was guided by the instruction of the Chair, see paras 241 and 242 of the Proceedings of the SOPAC 36th Session (see below):

241. Chair introduced the item advising Council members to treat the item as being of critical importance to the Commission. Furthermore he informed members that due to this he would be allowing time for every delegation to make an intervention (even several as the case may be) and urged Council members to be clear and concise when making comments.

242. Chair's instruction to the Secretariat with respect to the minuting of this agenda item was that a summary of what Council agreed would be part of the summary record, while a verbatim record of all substantive interventions was to be prepared for appending in full to the Proceedings of the SOPAC 36th Session (see Appendix 7).