

# **Tenth Meeting of the Conference of the Parties to the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and the Management of Hazardous Wastes within the South Pacific Region (Waigani Convention)**

**30 August 2019  
Apia, Samoa**

## **Introduction**

1. The Tenth Meeting of the Conference of the Parties to the Waigani Convention was held on 30 August, 2019 and concluded on 3<sup>rd</sup> September 2019 in Apia, Samoa.
2. The 13 Parties to the Convention are Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.
3. The Meeting of 30<sup>th</sup> August did not meet the quorum (nine of thirteen Parties) attending the Meeting. The Parties at the Meeting agreed with the proposal from the Secretariat for an informal Meeting of eight of the Parties to the Convention going through the procedures of a Conference of the Parties. The Meeting reconvened on 3<sup>rd</sup> September with a quorum. Present at the Meeting were representatives from Australia, Cook Islands, Kiribati, New Zealand, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

## **Agenda Item 1: Opening Meeting**

4. The Meeting commenced with a prayer by the representative from Tonga.
5. Cook Islands, Chair of the Meeting acknowledged the work carried out under the Waigani Convention over the period of 2017 – 2019 noting achievements made regionally and in Cook Islands.
6. Director General of SPREP welcomed delegates to the Meeting noting the progress made by Parties making the Waigani Convention an effective mechanism in addressing the region's hazardous waste management challenges.

## **Agenda Item 2: Organisation of the Meeting**

7. In accordance with Rule 19 of the Rules of Procedure of the Waigani Convention, the Meeting elected a Chairperson, 1 a Vice Chairperson and a Rapporteur by a simple majority vote. The rapporteur function has traditionally been provided by the Secretariat.
8. The Meeting elected Tuvalu as Chairperson, Papua New Guinea as Vice Chairperson and the Secretariat as Rapporteur to oversee the proceedings of the Tenth Meeting of the Conference of the Parties.

9. The incoming Chair thanked the Meeting for their support and noted the Meeting would be an informal one, with the formal endorsement of discussions to take place on Tuesday 3 September, 2019 when a quorum would be present.

**The Meeting:**

- **Elected** Tuvalu as Chairperson, Papua New Guinea as Vice Chairperson, the Secretariat as Rapporteur to oversee the proceedings of the tenth Meeting of the Conference of the Parties.

**Agenda item 3: Adoption of the Agenda**

**The Meeting:**

- **Adopted** the Provisional Agenda (attached as NC 3.1) subject to any necessary amendments.

**Agenda Item 4: Presentation of Reports by the Secretariat of work undertaken since COP9**

10. The Report of the Seventh Meeting of the Scientific and Technical Advisory Committee (STAC7), the Report of the Sixth Meeting of the Steering Committee of the Pacific Regional Center for Training and Technology Transfer for the joint implementation of the Basel and Waigani Conventions (SCPRC6), and Project related activities were presented to the Meeting.
11. In response to a query from Tonga, the Secretariat outlined the list of SCPRC 6 recommendations undertaken which include the review of the Convention, the Tenth Waigani Convention Conference of the Parties (COP) being the first six month meeting, discussions underway with the Pacific Islands Forum Secretariat on the nuclear issue and a range of projects which SPREP work addresses for all listed recommendations.
12. The Secretariat acknowledged the importance of communicating information to all Parties through the different avenues on the progress and meetings happening in between each COP, in response to Papua New Guinea noting the lack of information they received from their sub-regional representative to the SCPRC 6. The Secretariat further highlighted it shares information to all National Focal Points of the Waigani Convention.
13. Kiribati and Tonga sought clarification on progress made with financial mechanisms for implementing the Convention. Tonga noted the urgency in this work and Kiribati further recommended the Secretariat explore innovative ways for funding.
14. Tonga noted a request made in March, 2019 seeking a guide or training to ensure the insurance coverage of trans-boundary movements of hazardous waste includes all incidents which may occur. Solomon Islands supported this request.
15. The Secretariat noted the concerns from Kiribati as a small island atoll facing difficulty in exporting used oil and with limited used oil storage capacity, the urgent need for a sustainable used oil management system to include the removal of used oil highlighting recent government efforts to remove 100,000 litres of used oil. The Secretariat highlighted exploring sustainable avenues such as waste levies to support this.

16. The Secretariat highlighted the Moana Taka Partnership now in place for which the next step will be the need to research available markets to accept the varieties of waste to be exported from Pacific islands. Also noting the issues regarding criteria for acceptance of varieties of waste e.g. used oil by receiving Parties.
17. Kiribati requested support from the Secretariat to develop regional technical guidelines specifically for small atoll islands for which the Secretariat outlined the work in the Marshall Islands through the PacWaste Project atoll waste management activities.
18. The Secretariat noted it works closely with fellow agencies of the Council of Regional Organisations of the Pacific in response to a request from Kiribati for SPREP to work with the Pacific Community to address the Hazardous waste issue especially in overlapping work activities.
19. Kiribati, Tonga and the Secretariat expressed appreciation to Australia its planned work on insurance mechanisms. Australia noted it would be commissioning a consultancy which could be shared to Parties through the Secretariat upon its completion. No timeline was confirmed as yet for this consultancy. Tonga highlighted the lack of insurance as a factor affecting the shipment of transboundary hazardous waste. Kiribati requested guidance from the Secretariat on insurance requirements for transiting hazardous waste through Pacific island countries.
20. In response to a question from Kiribati, Australia noted that it had undertaken a national study of hazardous waste management infrastructure within Australia and can make this available to Parties through the Secretariat. The Secretariat noted the planned study on recyclable materials by the Pacific Regional Infrastructure Facility in collaboration and support from PacWaste Plus Project.

#### **The Meeting:**

- **Noted** the work undertaken since the Ninth Meeting of the Conference of the Parties
- **Endorsed and ratified** the Report of the Seventh Meeting of the Scientific and Technical Advisory Committee and the Report of the Sixth Meeting of the Steering Committee of the Pacific Regional Centre; and
- **Noted** the activity report.

#### **Agenda Item 5: National Reporting**

21. Article 7.3 of the Waigani Convention requires Parties, consistent with their national laws and regulations, to set up information, collection and dissemination mechanisms on hazardous wastes to enable the Secretariat to fulfil its obligations under articles 9.6 and 14.
22. The Secretariat noted no Reports were received yet, the Chair opened the floor for Parties to verbally present.
23. New Zealand has submitted a country report for 2011 to 2018 noting it does not collect data on the production and management of waste on a comprehensive basis but reported no instances of illegal trafficking.

24. Tonga, supported by Papua New Guinea, requested the Secretariat seek funding to help Parties meet reporting requirements as obligated under the Waigani Convention. Tonga noted the Stockholm and Minamata Conventions have funding available for this purpose.
25. The Secretariat explained draft legislation templates available for use in response to Papua New Guinea highlighting lack of national legal processes in place to help implement the Waigani Convention including the reporting obligation highlighting instances of non-compliance of trans-boundary hazardous waste shipments in Papua New Guinea. Tonga requested the Secretariat provide technical assistance in-country beyond the sharing of draft legislation templates.
26. Kiribati highlighted it has not submitted a Report and seeks technical in-country assistance before the next Waigani COP, requesting prioritisation as a Party for receiving support from the Secretariat in this area and also to seek linkages with other national frameworks undergoing review in Kiribati.
27. The Secretariat also noted ongoing capacity building activities in response to a request from Papua New Guinea for the Secretariat to prioritise the list of recommendations from the STAC7 and SPRC6 Meetings.

**The Meeting:**

- **Tabled any reports** they may have completed for 2018-2019;
- **Shared** with the Secretariat and other Parties their experience on any instances of illegal traffic since September 2017; and
- **Urged** parties that had not yet done so to transmit to the Secretariat their completed forms on the transmission of information for 2018 and for previous years, as soon as possible and in electronic form, using the reporting forms adopted by the Conference of the Parties at its second meeting.

**Agenda Item 6.1: Financial Statements**

28. The Secretariat presented on the financial Statements of the Waigani Convention for 2017, 2018, and 2019 as per Rule 9.4 of the Financial Rules of the Convention.
29. Tonga noted it will check with the finance systems at national level as to why subscriptions have not been paid.

**The Meeting:**

- **Adopted** the audited Financial Statements for 2017, 2018 and 2019.

**Agenda item 7.1: Review of the Waigani Convention**

30. A report representing the outcome of a review of the Waigani Convention was presented to the Meeting.
31. The review was commissioned by SPREP to evaluate how the Convention is being implemented at all levels; determine whether the objectives of the Convention are being met by the actions of the Parties; and evaluate the effectiveness of the Secretariat through a survey that was presented to Parties.

32. The review was in conjunction with that of the *Convention for the Protection of the Natural Resources and Environment of the South Pacific Region and related protocols* (Noumea Convention).
33. Australia thanked the Secretariat for their work on this and made the point that the survey questions did not fully capture the terms of reference for the Review. Australia further noted the lack of response to the review questions and offered to work with the Secretariat to develop amended survey questions to inform an amended review. This was supported by Kiribati, New Zealand, Papua New Guinea and Tonga.
34. Kiribati and Tonga noted that they did not receive the questionnaire survey with Papua New Guinea recommending consideration of a financial mechanism be included in the new survey and Kiribati requesting the outcomes inform hazardous waste activities in country and determine what impact the Waigani Convention has in-country.
35. The Secretariat noted it will develop an amended questionnaire after feedback from Parties on the draft questions. The new review will be informed by in-country consultation with an atoll island, Polynesian, Melanesian, Micronesian and either Australia and/or New Zealand. The draft Review report will be presented to the next STAC Meeting.

**The Meeting:**

- **Noted** the report including recommendations, attached as Annex I; and
- **Requested** the Secretariat to consult with Parties and undertake the review again using a new set of questions developed in consultation with Parties.

**Agenda Item 7.2: Future proofing the Convention – tacit acceptance and updating the name**

36. The Secretariat provided advice on the process for changing the name of the Convention to remove the word “South” from its title, to read: “Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and the Management of Wastes within the ~~South~~ Pacific Region”.
37. As the process for amending the Convention as currently provided for under Article 16 requires four steps which may take a number of years, the Meeting was provided with an option under Article 18 or definitive signature.
38. Australia noted that adoption on this recommendation could have significant implications in relation to implementing the Waigani Convention, and that it had limited time to consider this item. Australia further recommended that this item is best considered as part of an amended review. New Zealand, Kiribati, and Papua New Guinea agreed that the Secretariat should include questions on this issue in an updated survey questionnaire that will be developed in consultation with Parties. Kiribati further noted the need for a practical review to be closely aligned to this.

**The Meeting:**

- **Agreed** that changing the name of the Waigani Convention and allowing for tacit acceptance to amend the Convention should be considered as part of a new Review of the Convention.

**Agenda Item 7.3: Proposal for a mechanism to promote compliance with and implementation of the Convention.**

39. The Secretariat reported to the Meeting on work undertaken at the request of COP 9 towards the establishment of a Compliance Committee.
40. Australia proposed that the issue of a Compliance Committee be addressed included in an amended Waigani Convention Review questionnaire that is to be developed with Parties. This was supported by Kiribati, Tonga and New Zealand.
41. Tonga recommended strengthening the STAC Committee already in place. Kiribati sought clarification on the functions of the Compliance Committee as well as the STAC and the SCPRC.

**The Meeting:**

- **Agreed** that the establishment of a compliance committee including its Terms of Reference for the Waigani Convention should be considered as part of a new review of the Convention.

**Agenda Item 8: Waigani Convention biennium budget for 2020 – 2021 Financial Statements**

42. The Secretariat presented the budget to support the 2020 – 2021 Work Programme for the Waigani Convention for consideration and approval by the Meeting.

**The Meeting:**

- **considered and approved** the draft budget as recommended by the STAC-7 meeting; and
- **committed** to urgently clear outstanding contributions.

**Agenda Item 9: Consideration and adoption of the Business Plan for the Pacific Regional Centre**

43. The 2020 – 2021 Business Plan for the Pacific Regional Centre was presented to the Meeting for consideration and approval.
44. The Secretariat noted funding of USD 150,000 per annum from the Agence Française de Développement (AFD) to address Used Oil issues in the Pacific as well as support from PacWaste Plus in response to Kiribati comments on addressing used oil and E-waste as priority waste streams.
45. Papua New Guinea requested assistance for developing domestic legislation implementing the Waigani Convention. The Secretariat responded that this is included in the Business Plan 2020-2021.

**The Meeting:**

- **Considered and approved** the Business Plan as recommended by the Steering Committee of the Pacific Regional Centre-6 meeting.

#### **Agenda Item 10: Other Business**

46. In response to a request and statement from New Caledonia, the Secretariat requested all Parties meet the 60 day response as required for transboundary shipments of hazardous wastes and also share any further national requirements which will be on shared to all Parties along with the list of competent authorities in the Pacific. Kiribati sought support from Parties in obtaining consent from country of import prior to trans-boundary movement of hazardous waste. Some consent takes several months or years.
47. The Secretariat informed all Parties that support for national legislation on asbestos could be made through the PacWaste-Plus Project in response to a discussion on the role of international, regional and national responsibilities to ban importation of asbestos.
48. Information regarding approved sites and facilities available for disposal of hazardous waste and means of transport within the region i.e. used oil recyclers in Australia, New Zealand, and other regions to be made available on the Waigani website.

#### **Agenda Item 11: Date and venue of next meeting**

##### **The Meeting:**

- **Endorsed** that the next meeting will be held prior to the Thirtieth SPREP Meeting in 2021 in Samoa.

#### **Agenda Item 12: Adoption of the meeting record**

##### **The Meeting:**

- **Adopted** the record.

#### **Agenda item 13: Closure of the Meeting**

49. The Director General closed the meeting with a summary of the discussion outcomes and thanked the Chair from Tuvalu and Vice Chair from Papua New Guinea as well as the Meeting for all support provided.
50. The informal Meeting adjourned at 5.15pm with 3 September 2019 set for the formal Meeting of the Parties. The Meeting adjourned at 8.55am 3<sup>rd</sup> September 2019.