

Draft Terms of Reference

Objectives

1. The objective of the mechanism is to assist Parties to comply with their obligations under the Convention and to facilitate, promote, monitor and aim to secure the implementation of and compliance with the obligations under the Convention.

Nature of the mechanism

2. The mechanism shall be facilitative, transparent, cost-effective, simple, flexible, non-binding and oriented in the direction of helping parties to implement the provisions of the Waigani Convention.
3. The mechanism should complement work performed by Basel Convention bodies.

Composition

4. A Committee for administrating this mechanism ("the Committee") is hereby established. It shall consist of a representative of each Party to the Convention.
5. The Committee shall meet immediately prior to the Conference of the Parties. The Secretariat shall arrange for and service the meetings of the Committee.
6. The Conference of the Parties shall appoint a Chair of the Committee who shall sit in office for a period of two years. The Chair may only be re-appointed twice (i.e. a maximum of six years in office). The Chair will be independent and not be regarded as part of any Member's delegation.

Function

7. The Committee shall review general issues of compliance and implementation under the Convention relating to, inter alia:
 - a) Ensuring the environmentally sound management and disposal of hazardous and other wastes;
 - b) Training customs and other personnel;
 - c) Establishing and developing means of detecting and eradicating illegal traffic, including investigating, sampling and testing;
 - d) Monitoring, assessing and facilitating reporting under the Convention; and
 - e) The implementation of, and compliance with, specified obligations under the Convention.
8. The work of the Committee will be based on:
 - (a) Information and reports submitted by Parties under Articles 3, 4, and 7 of the Convention; and
 - (b) Reports issued by the Secretariat in accordance with Article 14 of the Convention.
9. In addition to the information specified in paragraph 8, Parties may bring forward for consideration by the Committee any matters relevant to the functions of the Committee. Such matters must be submitted to the Secretariat four weeks prior to the scheduled meeting of the committee for circulation to all Parties.

Reporting

10. The Committee shall report to each ordinary meeting of the Conference of the Parties on the work it has carried out to fulfil its functions under paragraph 7, 8 and 9 for the information and/or the consideration of the Conference of the Parties.

11. The Committee shall also report to each ordinary meeting of the Conference of the Parties on any conclusions and/or recommendations it has developed and on its suggestions for any future work that may be required on general issues of compliance and implementation, for the consideration and approval of the Conference of the Parties.

Decision-making

12. The Committee shall make every effort to reach agreement on all matters of substance by consensus. Where this is not possible, the report and recommendations shall reflect the views of all the Committee members. If all efforts to reach consensus have been exhausted and no agreement has been reached, any decision shall, as a last resort, be taken by a two-third majority of the members present and voting.

Relationship with provisions of the Convention

13. The present mechanism shall be without prejudice to the provisions of article 20 on settlement of disputes.

Rules of Procedure

14. The Rules of Procedure for meeting and conferences of the Parties to the Waigani Convention shall apply *mutatis mutandis* to the Committee, except where explicitly amended above.