

First Extraordinary 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)

13th October 2023, Koror, Palau

Agenda item 3: Proposal by Australia, New Zealand, Papua New Guinea, and Samoa, on behalf of all Parties, to amend the Waigani Convention to adopt the 2019 Basel Convention Plastic Waste Amendments and a mechanism for adopting future amendments to the Basel Convention

Purpose

1. To present, for adoption, a proposal by Australia, New Zealand, Papua New Guinea, and Samoa, on behalf of all Parties, to amend the Waigani Convention to adopt the 2019 Basel Convention Plastic Waste Amendments and a mechanism for adopting future amendments to the Basel Convention

Background

2. At COP 14 in 2019, the Basel Convention adopted amendments to Annexes II, VIII and IX with the objectives of enhancing the control of the transboundary movements of plastic waste and clarifying the scope of the Convention as it applies to such wastes. The new entries became effective on 1 January 2021 for all Parties that did not object to them.
3. Parties to the Waigani Convention deliberated on the above amendments at COP 11 and agreed the amendments have an impact on the Waigani Convention pursuant to Article 11 which provides that “such agreements or arrangements do not derogate from the environmentally sound management of hazardous wastes and other wastes as required by this Convention.”
4. Parties further agreed that in order to continue to comply with the principle of non-derogation, the scope of materials covered by the Waigani Convention should match that of the Basel Convention
5. Considering that there was a disjuncture between the materials covered by the two Conventions on the 1 January 2021 and the Waigani Convention does not have an automatic mechanism by which amendments to Basel Convention annexes are transferred to those of the Waigani Convention, Parties agreed to establish a working group at COP 11 to commence work on adopting the 2019 Basel Convention Plastic Waste Amendments and other amendments as they occur to the Waigani Convention.
6. The Working Group comprising Party representatives from Australia, New Zealand, Papua New Guinea, and Samoa completed their assignment in 2023, according to their Terms of Reference, to ensure the proposed amendments were brought before COP 12 for deliberation and adoption.

7. Due to the time taken for internal approvals needed for sponsorship of the proposal, the Article 16-time requirement of communicating the proposal to Parties could not be satisfied, resulting in the amendments not been put forward for consideration at COP 12.
8. The Working Group, desiring to progress the work of the convention and upon advice from the Secretariat, requested for an extraordinary meeting of the Conference of the Parties to consider the proposed amendments.
9. The Secretariat communicated the proposed amendments to Parties and the Depositary via SPREP Circular 23/28 on 13 April 2023. Attachment 1 and 2 contain the proposed amendments.
10. Parties were invited to submit to the Secretariat and the Government of Australia any comments relating to the proposed amendments by 13 June 2023. No comments have been received.

Recommendation:

11. The Parties are invited to:
 - **adopt** the proposed amendments to the Waigani Convention to adopt the 2019 Basel Convention Plastic Waste Amendments and a mechanism for adopting future amendments to the Basel Convention