

Report of the 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)

West Plaza Hotel, Lebuu Street, Palau
13 October 2023, Koror, Palau

Introduction

1. The First Extraordinary Meeting of the Conference of the Parties to the Waigani Convention was held on 13 October 2023. The meeting was held in person and virtually at the West Plaza Hotel, Lebuu Street in Palau.
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. Present at the Meeting were representatives from Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, New Zealand, Niue, Papua New Guinea, Samoa, Tonga, Tuvalu and Vanuatu. Observers present included Nauru.

Agenda Item 1: Opening of the Meeting

4. Kiribati, as Interim President of the Twelfth Meeting of the Conference of the Parties to the Waigani Convention welcomed all Parties and invited Papua New Guinea to deliver the opening prayer.
5. The Director of Waste Management and Pollution Control (WMPC) from the Secretariat of the Pacific Region Environment Programme (SPREP) delivered the welcome and opening remarks for the meeting, addressing the Parties present in-person and online including the observers and staff members of SPREP. The Director noted that this was the first extraordinary meeting of the Conference of the Parties to the Waigani Convention and that the presence of the Parties demonstrated their commitment to collectively address the environmental challenges that the Pacific Region faces. The Director extended his gratitude to Palau for hosting the meeting and acknowledged Palau's continued work and leadership in environmental protection and sustainable development.

6. The Director noted the two main agenda items included: (i) the proposal to amend the Waigani Convention to adopt the 2019 Plastic Waste Amendments of the Basel Convention and the automatic adoption mechanism for future amendments; and (ii) the consideration and approval of the revised 2024-2025 Business Plan for the Pacific Regional Centre for the joint implementation of the Basel and Waigani conventions. The Director concluded by wishing everyone fruitful discussions, and he was confident that the resolutions reached would reflect the region's shared vision of a resilient, prosperous, and sustainable Pacific.
7. The Secretariat proceeded to explain the Rules of Procedure, in particular the rules pertaining to the Election of Officers (Rule 19), Quorum (Rule 25) and Voting (Rule 32, 33, 37 and 39). Following the explanations on the Rules of Procedure by the Secretariat, the President invited comments and questions on the agenda item. No comments and questions were raised by the Parties.

Agenda item 2: Adoption of the Agenda

8. The Provisional Agenda for the First extraordinary meeting of the Conference of the Parties to the Waigani Convention (WC COP-EO1) was presented to the meeting for adoption.
9. The President invited comments on the Provisional Agenda from Parties in the meeting room and online and make amendments where relevant. The Parties did not raise any amendments to the Provisional Agenda.

The Meeting:

1) adopted the Provisional Agenda (WC COP E01_Annex 1).

Agenda Item 3: Proposal by Australia 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.

10. Australia provided the background and an overview of the two amendment proposals circulated by the Secretariat in SPREP Circular Cir#23/28 and updated by Cir#23/86. The amendment proposals were developed by the Working Group set up under the eleventh meeting of the Conference of the Parties, comprising of Australia, Papua New Guinea, Samoa and New Zealand. The Working Group presented their final report to the ninth meeting of the Scientific and Technical Working Group of the Waigani Convention, which recommended specific options be taken forward to the Conference of the Parties for decision.

Plastic Waste Amendment

11. Australia presented first on the plastic waste amendments to be included in the Waigani Convention from the Basel Convention.
12. Tonga made a comment on points of knowing which plastic waste is toxic or hazardous wastes and especially additives and polymers. This will be covered by the upcoming INC Plastics Treaty. .
13. Federated States of Micronesia requested confirmation of whether the proposed changes would require all activities to be managed by electronic processes. Australia noted the proposed amendments did not affect how processes should be undertaken, meaning the Parties could utilise electronic or paper-based processes depending on their existing national processes.
14. Cook Islands raised a question on the alignment or potential overlap of proposed amendments with the Plastic Pollution Treaty currently under negotiation. Australia noted this negotiation process was ongoing, and the Basel Convention Secretariat was aware of the processes, and has already noted the current Basel guidelines on the environmentally sound management of plastic wastes would be reviewed once the Plastic Pollution Treaty is enacted to ensure alignment of the Instruments without conflict or overlap. New Zealand noted that the Plastic Pollution Treaty still had a long way to go, and we should not pre-empt the outcomes of that negotiation process.
15. Noting no further questions were raised on the plastic amendments, the President requested for Australia to proceed with the second part of its presentation on the Automatic Adoption Mechanism.

Automatic Adoption Mechanism

16. New Zealand sought clarification from Australia and Secretariat that the 2022 Basel e-waste amendments would not be captured by the automatic adoption mechanism. Australia and the Secretariat agreed that if the automatic adoption mechanism was adopted at the extraordinary COP, the e-waste amendment would not be captured, as the adoption would utilise the Basel Annexes as they are at the time of the adoption, and the e-waste provisions are not currently included.
17. Papua New Guinea encouraged all Parties to support the proposed amendment to assist with the administration of the Convention and reduce the need for meetings to amend the Convention. They noted that it would streamline the adoption of the e-waste amendments.
18. Fiji noted they were not a Party to the Basel Convention and were interested in understanding if the proposal to introduce the automatic adoption mechanism with a six-month notification period would impact them adversely. Australia and the Secretariat noted the proposed text for Article 18.4 is consistent with existing timeframes included in 18.2 and will not materially impact on activity of the Convention regardless of being Parties to Basel or not. Additionally, the Secretariat noted the existing clause, Article

18.4(b), enabling Parties to opt-out of any amendments would not be modified, and could be used for the automatic adoption mechanism also.

19. New Zealand then queried if the proposed amendments could possibly lead to the situation where Waigani amendments, based on Basel convention amendments could be enacted before the Basel amendments are enacted. Australia and the Secretariat noted, that with the automatic adoption mechanism activated by COP decision, it was possible that the Waigani amendments could be in force ahead of the Basel Convention.
20. To address the possibility of the Waigani Convention coming into force earlier than the Basel Convention, Australia and Samoa proposed alternative text for the amendment that would have the enactment occur for both Conventions on the same date.
21. The Parties agreed to the following text for Article 18(4)

'18(4). Upon the publication of an amendment to the annexes to the Basel Convention, the Depository shall circulate to the Parties a notification of an identical amendment to the annexes of this Convention. This amendment shall enter into force for all Parties from the date on which the amendment to the Basel Convention becomes effective.'

The Meeting:

- 1) **adopted** the amendments to the Waigani Convention relating to the 2019 Basel Convention Plastic Waste Amendment as proposed by Australia; and
- 2) **adopted** a mechanism for adopting future amendments to the Basel Convention Annexes as discussed in the meeting and outlined in paragraph 21 of this meeting record.

Agenda Item 4: Consideration and approval of the revised 2024-2025 Business Plan for the Pacific Regional Centre for the Joint Implementation of the Basel and Waigani Conventions

22. The revised 2024-2025 Business Plan for the Pacific Regional Centre, circulated to Parties by Cir#23/86, was presented for consideration and approval by the Meeting.
23. The Secretariat provided a brief on the revised business plan and elaborated on the details of the budget and the financial overview. This included a proposed face-to-face 3-day Scientific and Technical Advisory Committee meeting to deliberate on the 2021 Waigani Convention Review recommendations and on new streams of work. This also included a face-to-face 1-day meeting for the Steering Committee for the Pacific Regional Centre, back to back with the GEF ISLANDS meeting planned for the second quarter of 2025, where GEF ISLANDS would cover the airfare cost for eligible Parties.
24. The President noted the presentation from the Secretariat and invited the Parties to provide comments on the following agenda item.

25. Australia and New Zealand expressed their appreciation to the Secretariat for the breakdown of the budget and financial overview. No further comments from the other Parties were raised.

The Meeting;

1) approved the Business Plan as revised by the Secretariat.

Agenda Item 5: Adoption of the Meeting Record

26. The meeting:

1) adopted the draft report of the first extraordinary meeting of the Conference of the Parties to the Waigani Convention

Agenda Item 6: Closure of the Meeting

27. The Meeting ended at 3.30pm with words of appreciation from Kiribati as interim President of the Meeting, congratulating all Parties on the historic occasion of adopting the Convention's first ever amendments. The Meeting closed with a prayer from hosts, Palau.