

Twelfth Meeting of the Waigani Conference

Taumeasina Island Resort, Samoa 1
September 2023. Apia, Samoa



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Report of the Twelfth 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)

Taumeasina Island Resort, Samoa
1st September 2023, Apia, Samoa

Introduction

1. The Twelfth Meeting of the Conference of the Parties to the Waigani Convention was held on 1 September 2023. The meeting was held in person at the Taumeasina Island Resort in 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. Present at the Meeting were representatives from Australia, Cook Islands, Fiji, Kiribati, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, and Tuvalu. Observers present noted as the Republic of Marshall Islands, Nauru, and the United States.

Agenda Item 1: Opening of the Meeting

4. Australia, as President of the Eleventh Meeting of the Conference of the Parties to the Waigani Convention welcomed all Parties and commenced the Meeting with a prayer.
5. The Director General presented opening remarks and expressed gratitude to Parties and partners for working together in support of the Waigani Convention. The Director General highlighted waste and pollution are part of the triple planetary crisis, with climate change and biodiversity loss. The use of technology and new ways of working to overcome the difficult period during the COVID pandemic was shared. The Director General discussed the 2021 Review of the Waigani Convention and the proposals tabled by Australia on plastic wastes and on an adoption mechanism to accommodate future amendments of the Basel Convention.
6. The Director General highlighted that SPREP is also the Secretariat of the Pacific Regional Centre, the Regional Centre for the Basel, Rotterdam and Stockholm conventions (BRS) and now includes Minamata. Under these conventions, the Secretariat facilitates capacity building for members by providing training and technical assistance. The 2024-2025 Business Plan for the Pacific Regional Centre to be discussed under Agenda Item 11, proposes an increase in contributions by Parties. The increase is vital to enable the Secretariat to address the increase in the work of the Convention resulting from the 2021 Review, as it is the only source of funding.
7. Acknowledgement of Australia for their leadership as President and the sharing of invaluable resources, as well as New Zealand for their continued support and that of Samoa as host of the Waigani Convention, were highlighted by the Director General.

Agenda Item 2: Organisation of the Meeting

8. In accordance with Rule 19 of the Rules of Procedure of the Waigani Convention, the Meeting elected a President and a Vice President by consensus.
9. The Parties nominated Solomon Islands as President, Kiribati as Vice President, the latter subject to further consultation with Capitol, and Australia as Rapporteur.
10. The outgoing President Australia conveyed their appreciation to all of the Parties for their collaboration and noted the challenges of their term during COVID-19. Best wishes were extended to the new President Solomon Islands.

The Meeting:

- 1) **Elected Solomon Islands** as President, **Kiribati** as Vice President, subject to further consultation of Capitol and **Australia** as Rapporteur who will oversee the proceedings of the twelfth meeting of the Conference of the Parties.

Agenda Item 3: Adoption of the Agenda

11. The Provisional Agenda for the Twelfth meeting of the Conference of the Parties to the Waigani Convention (WC COP-12) was presented to the meeting for adoption.
12. Australia requested to insert an additional item under Agenda Item 12: Other Business, regarding discussion of the development of electronic prior informed consent.

The Meeting:

- 1) **Discussed** the Provisional Agenda with amendment; and
- 2) **adopted** the Provisional Agenda (12WC/WP3/Annex 1) with amendment.

Agenda item 4: Presentation of Reports by the Secretariat of work undertaken since COP 11

13. The Secretariat presented its Report of work undertaken since the Eleventh Meeting of the Conference of the Parties, 2021 as reflected in:
 - (i) the Report of the Ninth Meeting of the Scientific and Technical Advisory Committee (STAC-9) (12WC/WP4.1);
 - (ii) the Report of the Eighth 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 (SCPRC-8) (12WC/WP4.2); and
 - (iii) The Report on Status of Actions Taken on the Implementation of the 2022-2023 Business Plan (12WC/WP4.3.1 and WP4.3.2).
14. Australia commended the Scientific and Technical Advisory Committee, acknowledging New Zealand, Papua New Guinea, and Samoa as members of the Working Group. Australia further noted that a later agenda item will cover the amendment proposal and the implementation of the review recommendation and supported the endorsement of the Scientific and Technical Advisory Committee 9 Report as a true record of the meeting.

15. New Zealand as Chair of SCPRC-8 expressed concern on the recommendation from the Report of the Eighth Meeting of the Steering Committee of the Pacific Regional Center for Training and Technology Transfer which recommended the increase of party contributions. New Zealand reminded parties that a request has been made to the Secretariat for further information on the increased expenditure against the Core Budget. It was also noted that the Meeting did not reach a decision on the proposed increase of party contributions. New Zealand requested that this be further discussed under Agenda Item 11.
16. Australia sought clarification from the Secretariat in relation to the actions taken on asbestos and e-waste management. The Secretariat confirmed the work on asbestos relates to the banning of the importation of asbestos, asbestos waste and asbestos containing materials. Additionally, the work on e-waste includes both electronic waste and electrical waste.
17. Papua New Guinea raised concern with the sustainability of projects once they are completed and the importance of ensuring capacity, including ongoing resourcing, has been built in country to continue the work.
18. Kiribati acknowledged the remarks of the Director General regarding the triple planetary crisis. Kiribati supported the views expressed by Papua New Guinea that regional initiatives do not always match national circumstances and that sustainability is critical. Kiribati noted the challenge on accessing GEF funds on hazardous waste, as it does not meet the GEF standards. Kiribati shared they will not participate in the GEF regional project, rather it will look at developing an integrated national programme to address national waste. It was noted that Kiribati will use the GEF-8 System for Transparent Allocation of Resources (STAR) funding, starting with a national dialogue and will extend an invitation to SPREP. Kiribati seeks the support of the Secretariat to help develop a nationally integrated programme that addresses waste and pollution, climate change and biodiversity, which shall be the first of its kind as a coastal atoll nation.

The Meeting:

- 1) **Noted** the work undertaken since the Eleventh Meeting of the Conference of the Parties;
- 2) **Endorsed** and **approved** the STAC-9 Report and the SCPRC-8 Report; and
- 3) **Noted** the Report on Status of Actions Taken on the Implementation of the 2022-2023 Business Plan (12WC/WP4.3.1 and 12WC/WP4.3.2).

Agenda item 5: Reporting and transmission of information on illegal traffic

19. National Reports received from Parties as well as reports of illegal traffic were tabled at the Meeting.
20. The President highlighted that five National Reports were received by the Secretariat in the reporting year and invited the Parties to table their Reports.
21. Australia updated the Meeting that they have no illegal movements to report for the last biennium. Australia is pleased to have its Report disseminated to all Parties and published on the website as necessary. Australia extended appreciation to the Secretariat for undertaking the compilation of the reports.

22. Papua New Guinea reported no illegal incidents. However, there was an allegation of illegal traffic that is currently being verified. Papua New Guinea's national waste management policy is currently in draft form.
23. Samoa reported 21 applications from country parties during the period. Samoa invited the Secretariat to share its report with Parties.
24. Tonga noted that its report has been completed and is under review. Tonga requested technical assistance from the Secretariat to identify hazardous waste contained in its report.
25. Tuvalu informed the Meeting that used oil exports to Fiji resumed in July 2023 following the pandemic. Prior to this, Tuvalu reported approximately 50,000 litres of used oil stored in-country. During July-August, approximately 8,000 litres was exported.
26. New Zealand shared there were no reported incidents. New Zealand aims to submit their annual report for the Waigani Convention at the same time as the Basel Convention by the end of 2023 for the period of 2022. New Zealand informed the Meeting that its 2021 Report had been submitted at the beginning of 2023. New Zealand encouraged the Secretariat to publish Parties Reports on the website.
27. The President noted Solomon Islands reported transits to Australia, the movement of e-waste to Samoa and no illegal traffic. The President informed the Meeting, Solomon Islands are updating its Report. The President noted Solomon Islands ratified the Basel Convention at the end of 2022.

The Meeting:

- 1) **Tabled** Reports that were completed for 2022-2023;
- 2) **Shared** with the Secretariat and other Parties any experiences on any instances of illegal traffic since September 2021; and
- 3) **Urged** Parties that had not yet done so to transmit to the Secretariat their completed forms on the transmission of information for 2023 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: Competent Authorities and Focal Points

28. The Meeting was presented with the opportunity to update the list of Competent Authorities and Focal Points.
29. The Secretariat informed Parties to provide updated list of Competent Authorities and Focal Points on the agreed mode of communication. It was noted that New Zealand had already sent through updated information.
30. Australia informed the Meeting that they had submitted the updated list of Competent Authorities and Focal Point to the Secretariat. Australia noted that there will be a change and the Environment Protection Authority (EPA) will be formulated in the upcoming years and will be the Competent Authorities.

31. Samoa confirmed that the Competent Authority and Focal Point remains the same, however, requested the Secretariat to include minor edits and details which is provided in the country report for the list of Competent Authority and Focal Point.
32. The Cook Islands congratulated the President on assuming the role. The Cook Islands requested the Secretariat update the email address of the Competent Authority.
33. Fiji, Kiribati, Papua New Guinea and Tonga will provide the Secretariat with updated information.

The Meeting:

- 1) **Reviewed** the list and **informed** the Secretariat in accordance with the agreed mode.
- 2) **Adopted** the updated list of Competent Authorities and Focal Points to the Waigani Convention

Agenda item 7: Work of the Convention

Agenda item 7.1: Proposed amendment to the Waigani Convention

34. The report of the Working Group established to undertake inter-sessional work on amending the Waigani Convention was presented to the meeting. The work included adopting the 2019 Basel Convention Plastic Waste Amendments and a mechanism for adopting future amendments to the Basel Convention.
35. Australia presented their proposal that is to be discussed at an Extraordinary Conference of the Parties, confirmed to be held in Palau on 13 October 2023. An opportunity for questions on the proposal was offered, but no questions were raised.

The Meeting:

- 1) **Endorsed** the report of the Working Group established to develop a proposal to amend the Waigani Convention in order to adopt the 2019 Plastic Waste Amendments of the Basel Convention

Agenda item 7.2: Implementation of the Review recommendations

36. The work plan for the implementation of the 2021 review of the Waigani Convention was presented to the meeting.
37. New Zealand noted that the Review was conducted in 2021 and that there has not been an opportunity for Parties to discuss in person the findings and recommendations in full, due to challenges caused by the pandemic. New Zealand suggested that an item be included for STAC to discuss the review outcomes.
38. New Zealand suggested to remove recommendations that are no longer valid or have been completed and sought the Meeting not endorse the workplan, but rather seek for the STAC to further discuss in detail the workplan with Parties. It was suggested that after the above work is completed, the Secretariat could seek endorsement at a future COP13.

39. Kiribati thanked the Secretariat for work done on the agenda item and was of the same view as New Zealand. It was shared that the Environment Act 1999 amended in 2000 have now been repealed and replaced by the new Environment Act 2021. The new Act is tied to work on waste and pollution. It was noted that the workplan presents an excellent guide, but its content needs to be considered in more detail. Kiribati shared it is a Party to the Basel Convention and wants to discuss other matters with the Waigani Convention. It was further noted that Kiribati did not want to stall the work but wanted to have a more detailed look at the workplan and participate in its review.
40. Papua New Guinea indicated its support of the statements made by New Zealand and Kiribati. Papua New Guinea was part of the Working Group that reviewed the Basel Convention Plastics amendment but not the workplan. Further noted that some Parties do not have the capacity and, whilst the opportunity presents itself, Parties should put together information to include issues related to capacity building to be addressed, as part of the workplan implementation.
41. Australia supported the intervention made by New Zealand and further added that a timeframe be defined for the review of the workplan and called upon all Parties to assist the work of the Secretariat by engaging meaningfully on the workplan discussions.
42. The Secretariat noted it will be guided by the Parties to conduct and/or facilitate the review process for the workplan given it does not have the capacity to convene contact groups at this meeting and referred back to the Parties to take a decision on the agenda Item.
43. The President noted a Friends of the President meeting shall convene at lunch time for review of the recommendations.
44. Friends of the President convened and drafted decision text that was adopted by the Parties.

The Meeting :

- 1) **Recommended** the Secretariat to delete completed items from the workplan;
- 2) **Recommended** the STAC to undertake discussions on the recommendations of the Review of the Waigani Convention and for STAC to add additional items resulting from that discussion to the workplan as required; and
- 3) **Endorsed** the workplan for implementation by the Secretariat, Parties and other subsidiary bodies established by the Convention.

Agenda item 8: Financial statements for 2022 & 2023

45. The audited reports for SPREP and the Income and Expenditure reports for the Waigani Convention for the 2021 and 2022 financial years was presented to the meeting.
46. Australia shared that the financial statements do not provide transparency on expenditure specific to the Waigani Convention. The Secretariat responded that what is presented are the flows of payment by Parties for the Waigani Convention. Other areas are reflected in the SPREP Audit Reports under the various donors and projects. Australia requested more detailed information on meeting costs such as catering, rental of space, equipment and demarcation on what is from the core budget, through the Conventions and from other sources.

47. New Zealand sought clarification with respect to the recommendations to adopt the audited reports for SPREP. It was noted that it is not within the scope of the Meeting to adopt the audited reports for another meeting.
48. The Secretariat noted that the SPREP Audit Reports will be presented to the SPREP Meeting for consideration, and that the Meeting may note the audit reports and consider endorsement of the Income and Expenditure reports for the Waigani Convention for the 2021 and 2022 financial years.
49. Australia noted that it has not been presented with the SPREP Audit Reports as part of the official meeting documentation. The Secretariat clarified that all of the information referenced including the SPREP Audit Reports was updated on the SPREP website earlier this week.

The Meeting:

- 1) **Noted** the audited reports for SPREP;
- 2) **Adopted** the Income and Expenditure reports for the Waigani Convention for the 2021 and 2022 financial years; and
- 3) **Committed** to urgent clearance of outstanding contributions.

Agenda item 9: Regional Waste Data Collection, Monitoring and Reporting Framework

50. Parties were informed of the newly created Regional Data Collection, Monitoring, and Reporting Framework. The Secretariat requested Parties adopt the framework and undertake actions to report against this for annual data monitoring and reporting activities.
51. Australia noted the National Waste Report is not the same as the Hazardous Waste Report, the latter is used for the Waigani and Basel Conventions. Australia requested endorsement in a more appropriate forum.
52. New Zealand expressed concern that Parties did not have sufficient time to consider the Report. Appreciation was extended to the Secretariat for the work undertaken and identified the potential for further information on Waigani and Basel reporting to be included in this Report. New Zealand undertook to share work being undertaken nationally on this area, regarding a reporting framework.
53. The Secretariat noted the feedback received and will further enhance the work to ensure relevance to the Pacific region.

The Meeting:

- 1) **Noted** the Regional Waste Data Collection, Monitoring, and Reporting Framework for Pacific Islands.
- 2) **Noted** the Core KPIs and appropriate Supplemental KPIs in National data collection activities, and provide annual reports to SPREP for collation and reporting against the Clean Pacific 2025 Strategy.
- 3) **Noted** further engagement will be undertaken by the Secretariat to discuss the content of the Data Framework.

Agenda item 10: Regional Recycling

54. Parties were informed of the opportunities a Circular Economy approach can have for waste management, resource efficiency, and greener growth opportunities in Pacific island countries and territories.
55. Information was also shared about the work undertaken to establish the Regional Recycling Hub in Fiji.
56. Papua New Guinea commended the Secretariat on the work reported, and highlighted illegal trading, such as the movement of used oil between boundaries continues to be an issue that the proposed regional recycling hub can help address in the region. Papua New Guinea supported the Regional Recycling Hub for the region.
57. Australia supported the Regional Recycling Hub for the region. Australia highlighted to the Parties the Small Intersessional Working Group for prior informed consent under the Basel Convention that discuss issues that may be suitable for the region. This Working Group is held to Geneva timelines and time zone difference continues to be a significant barrier for participation. Australia will participate in this Working Group and can report to the Parties on progress in this space that can be adopted by the Waigani Convention to improve current processes.
58. New Zealand encouraged Parties to ensure documentation to be as complete as possible when applications are made for the transboundary movement of waste, for timely processing. The New Zealand Environmental Protection Authority has published guidance on import applications that can be shared with all parties.

The Meeting:

- 1) **Noted** the opportunities a Circular Economy have for the Pacific Region;
- 2) **Encouraged Members to support** an effective and efficient transboundary movement of wastes in the Pacific Region through an improved turnaround of responses for the Prior-Informed Consent requested by member countries.

Agenda item 11: Consideration and adoption of the Business Plan for the Pacific Regional Centre

59. The 2024-2025 Business Plan for the Pacific Regional Centre was presented for consideration and approval by the Meeting.
60. Australia requested clarification on funding. The Secretariat responded that total contributions at present amounts to USD 58,000 and the increase is for a one-off increase to USD 83,000 to fund the work of the Review.
61. New Zealand expressed concern regarding the budget and proposed increase and sought to understand from the Secretariat what the new costs are for. It was shared that the increase of USD 10,000 for New Zealand is a challenge, noting foreign exchange rates and limited budget for international subscriptions. Noting the cash reserves, New Zealand sought to understand why there is a request for an increase?

62. The Secretariat clarified that the increased core budget of USD 83,000 incorporates activities including a 15-person STAC meeting over 3 days in Nadi, and the extraordinary COP Meeting in Palau to deliberate the amendments currently before the COP for which it also plans to assist Parties with their participation; and the engagement of specialised external consultancies and service providers for implementation of the work program.
63. Australia noted the response from the Secretariat. It highlighted the Waste Management Pollution Control section of the Audit Report, where it is noted that there is an underspend of 60 percent in the budget. The Secretariat responded that all of the unspent funds remain committed to projects, with only a shift in timeframes. The Secretariat further noted on the existing balance of the Waigani Convention budget to be used for the next biennium – the Secretariat will come back on this matter.
64. Australia suggested contributions be made on an annual basis rather than on a biennial basis. With respect to the Agenda Item 11 recommendation, it was suggested that it be reworded to note that it is a one-off increase not an ongoing increase.
65. New Zealand suggested that the workplan budget shows the costs to deliver the implementation of the review of the Waigani Convention as agreed to in Agenda Item 7.2. The Secretariat responded that they seek guidance from the Parties.
66. Australia sought the inclusion of negotiations training be included in the work plan as requested by Samoa from the SCPRC-8 meeting.
67. New Zealand noted the core budget expenditure total of USD 83,000 where the breakdown of the costs is not presented and needs to be transparent. The Secretariat responded that they would need to do further work on the costings of the Business Plan and will come back to the Parties.
68. As it appeared that a decision could not be taken at this meeting, Australia suggested that this matter may be considered by an Extraordinary COP Meeting to deal with this agenda item, or to suspend the Meeting if a decision cannot be met.
69. Papua New Guinea shared that there is a need for more information on the workplan, as this is linked to the needs of the countries. The proposal from Australia to discuss this at an Extraordinary COP Meeting provides further time for Parties to consider the matter and enables the Secretariat to provide more information with Parties input.
70. Kiribati thanked Australia and Papua New Guinea for their interventions. The Extraordinary COP Meeting was duly noted, and it was suggested that there needs to be consideration of a preparatory meeting for the next Meeting, similar to what has been done for international conventions to enable a stocktaking process for the Convention to be undertaken. The issue of additional costs was also noted.
71. Australia noted the intervention from Kiribati and suggested a hybrid component to the Extraordinary COP Meeting, to strengthen participation. The Secretariat confirmed that virtual participation will be enabled.
72. Kiribati and Papua New Guinea backed the proposal from Australia for the 'Consideration and adoption of the Business Plan for the PRC' to be discussed in an Extraordinary COP Meeting to be held in Palau on 13 October 2023.

73. The President noted all of the interventions, and it was agreed that the decision be deferred to the Extraordinary COP Meeting in Palau as called for by Parties Australia, Kiribati and Papua New Guinea. The Secretariat committed to providing the information requested by Parties four weeks in advance of the Meeting, on the matter of 'Consideration of the Business Plan for the Pacific Regional Centre'.

Agenda item 12: Other business

74. The floor was open for any other business pertaining to the implementation of the Waigani Convention.

75. As agreed to under Agenda Item 3 an item was presented by Australia on the development of electronic prior informed consent project.

76. This project is in its initial stages, and supported by the global information technology group (ITI) to develop a platform for the region. The Secretariat will circulate the summary of the project to Parties.

77. Kiribati noted the points raised during the side event at this Meeting on the potential establishment of the national recycling facility and regional hub. Kiribati requested potential consideration in the current design of the regional facility hub operations, for quicker and efficient responses to receiving countries, especially through Fiji for clearance. The presentation and information shared by Australia was noted as a good idea however, Kiribati needed more time to consider as it has limited IT, financial, as well as technical support. It was viewed as a great opportunity for the Parties as this would make work easier for the Competent Authorities and Focal Points to make efficient, prompt decisions and clearances in a timely manner for prior informed consent.

78. Papua New Guinea commented on the potential importance and benefits for countries in meeting their obligations and reporting requirements. One of the issues is internet access, which is a problem in Papua New Guinea, and noted that the work should take into account the Basel review of prior informed consent. Papua New Guinea can see the long-term benefits and notes short term issues.

79. New Zealand queried how this work might fit under Agenda item 9 under the reporting and monitoring framework and whether there is any potential for synergies with existing work and platforms such as the Inform portal.

80. The Secretariat noted the interest and opportunities to make it efficient, prompt and accessible. Existing platforms can be used and needs to be checked of how current systems can be used to support countries' access through the Inform Project, that has the capability to house information.

81. The Secretariat informed Parties that the Inform Project finished in June 2023. The Secretariat will look at the contents of the paper and see the possible linkages. All Parties have their own national portal established under the Inform Project.

82. Kiribati queried on the State of the Environment Report, which is an important mandate embedded in the Environment portfolio and whether this can be considered in the pilot project and linked to national environmental databases and into the Inform portal, which will feed back to countries.

83. The Secretariat confirmed that as the Pacific Regional Centre, it was approached by ITI and they offered to do a presentation for Parties. However, the Secretariat viewed this needed to be discussed with Parties first and could be included in future COPs. ITI are looking for opportunities to do side events with Parties, the Extraordinary COP Meeting in Palau may provide this opportunity.

84. The President noted the proposal presented by Australia for further discussion.

The Meeting:

- 1) **Noted** other business that Parties may have with regards to the implementation of the Waigani Convention.

Agenda item 13: Date and venue of the next Meeting

85. The Meeting:

- 1) **Confirmed and endorsed** the Thirteenth Conference of the Parties Meeting to be hosted in Samoa in 2025 after the Eighteenth Conference of the Parties Meeting to the Noumea Convention and prior to the Thirty-Second SPREP Meeting.

Agenda item 14: Adoption of the Meeting Record

86. The Meeting:

- 1) **Adopted** the draft report of the Twelfth Conference of the Parties meeting.

Agenda item 15: Closure of the Meeting

87. The Meeting ended at 5.30pm with words of appreciation from Solomon Islands as President of the Meeting to the Secretariat and all Parties for engaging in meaningful discussions. The Secretariat also expressed gratitude to all for their support and work to implement the Waigani Convention. The Meeting closed with a prayer from Tuvalu.

1 September 2023