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The Pacific environment, sustaining our livelihoods and natural heritage in harmony with our cultures.

Ninth 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)

Apia, Samoa

15th September 2017

Agenda Item 5.5: International cooperation, coordination and partnership

Purpose:

1. To table a report of the current international cooperation, coordination and partnerships that the Waigani Convention has and to seek the meeting's guidance and direction on how we can improve these relationships;

Background:

2. The First Conference of the Parties to the Waigani Convention in one of its decisions under Agenda Item 10 on Relationship between the Secretariats of the Basel and Waigani Conventions:
 - *Recognised the importance of the tools and expertise available under the Basel Convention for the environmentally sound management of hazardous wastes within the Pacific Region;*
 - *Further recognising the Waigani Convention as the vehicle to complement and strengthen the implementation of the Basel Convention at the regional level.*
 - *Also recognising the need to establish a regional centre for training and technology transfer for the Basel and Waigani Conventions for the Pacific Island States, encouraged the Secretariat to further strengthen its collaboration with the Basel Convention;*
3. In the same meeting under Agenda item 11 on Cooperation with other Institutions, the meeting *requested* the Secretariat of the Waigani Convention with a view to avoiding duplication and promoting synergies:
 - a. To cooperate on critical issues for the implementation of the Waigani Convention with the relevant United Nations bodies, including the relevant Offices of the United Nations Environment Programme, the International Maritime Organization, Interpol, the World Customs Organization, and other relevant international and regional organisations;
 - b. To continue and strengthen cooperation with the Secretariat of the Rotterdam Convention and the Secretariat of the Stockholm Convention on Management of Persistent Organic Pollutants (POPs);
4. In the six months since the seventh meeting of the Conference of the Parties, the Secretariat had established a working relationship and cooperated the interim Secretariat of the Minamata Convention.

5. This paper is presented to provide an update on the cooperation that the Waigani Convention currently has under this general directive.

Recommendation:

6. The Meeting is invited to:
 - **note** *the report of the Secretariat; and*
 - **direct** *the Secretariat on ways to improve these relationships and where need be, explore and establish new ones to help progress the work of the convention*

(i) BRS Conventions

The Basel, Rotterdam and Stockholm (BRS) Conventions were stand-alone conventions when they respectively entered into force. They are very much related to one another but have very specific intent in what they were established for. Over the years, their synergistic nature became more and more evident so in recognizing this, the respective Conference of the Parties (COP) meeting of the three conventions took a decision on enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions, (the "synergies decisions"), to invite the Executive Director of the United Nations Environment Programme (UNEP), in consultation with the Director General of the Food and Agriculture Organization of the United Nations (FAO), to establish joint management involving the Executive Secretaries of the Basel, Rotterdam and Stockholm conventions for joint services and joint activities through, for example, a system of rotating management or the assignment of individual joint services to a particular convention.

The UNEP Executive Director, in response, in consultation with the FAO Director General, established an informal joint management group comprising the Executive Secretaries of the three conventions. In addition, in June 2009, the Executive Director appointed an interim head of the joint services from among existing secretariat staff members, reporting to the joint management group.

The same synergies decisions, also invited the Executive Director of UNEP, in consultation with the Director General of FAO, to explore and assess the feasibility and cost implications of establishing joint coordination or a joint head of the secretariats of the three conventions. A study on the feasibility and cost implications of establishing joint coordination or a joint head was prepared and considered by the first simultaneous extraordinary meetings of the conferences of the parties in February 2010.

At their simultaneous extraordinary meetings in February 2010, the conferences of the parties to the three conventions took note of the study on the feasibility and cost implications of establishing joint coordination or a joint head and, through their respective decisions on *enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions*, (the "omnibus decisions"), decided to establish a joint head function subject to review in the context of the review arrangements to determine if the function should continue.

The rest is now history as since April 2011, the three Conventions are now administered by an Executive Secretary.

Although the Conventions still maintain their "autonomy" in terms of their objectives and intent, there are areas of work that are common to all three conventions and the works that are implemented jointly or synergistically.

Bearing in mind that the Waigani Convention was developed within the framework of Article 11 of the Basel Convention, the Waigani Convention in many ways mirrors the Basel Convention in that it compliments and strengthens its objectives at the Pacific Regional level. The relationship between the Basel and Waigani Conventions has been strengthened by a Memorandum of Understanding that has facilitated the establishment of a Pacific Regional Centre for the joint implementation of both conventions within the Pacific region. The Secretariat of the Waigani Convention (SWC) sees this initiative as a great opportunity to foster cooperation with the Secretariat of the Basel Convention (SBC) and possibly other secretariats of relevant multilateral environmental agreements, including the Stockholm and Rotterdam Conventions.

While there is no formal agreement between the Waigani Convention and the latter two conventions, the work undertaken within the Pacific Regional Centre covers many aspects of their work as well due primarily to the existing synergies with both the Basel and Waigani Convention. The Pacific Regional Centre in the recent past has assisted all three conventions in running regional awareness and training meetings and projects that deal directly with them. SPREP as the Secretariat, for example, is currently executing a regional GEFAS funded project on uPOPs involving all 14 PICs, a project specifically designed to address how the PICs manage POPs at the national level.

The meeting is invited to discuss how the Waigani Convention can extend its relationship to formally establish agreements with the Stockholm and Rotterdam Conventions based on the synergies that exist between itself and the two conventions and further to direct the Secretariat on what steps to take to establish the formal relationships.

(ii) Minamata Convention

The Minamata Convention on Mercury is a global treaty to protect human health and the environment from the adverse effects of mercury. The Convention text was agreed to at the fifth session of the Intergovernmental Negotiating Committee on mercury (INC-5) in Geneva, Switzerland on 19 January 2013 and adopted in Kunamoto, Japan on 10 October 2013 at a Diplomatic Conference (Conference of Plenipotentiaries).

Mercury being an element is naturally occurring, but has broad uses in everyday objects and is released to the atmosphere, soil and water from a variety of sources. The Convention puts in place a number of key measures, including controlling the anthropogenic releases of mercury throughout its lifecycle which has been a key factor in shaping the obligations under the Convention.

Banning new mercury mines, the phase-out of existing ones, the phase out and phase down of mercury use in a number of products and processes, control measures on emissions to air and on releases to land and water, and the regulation of the informal sector of artisanal and small-scale gold mining are among the major highlights of the Convention. It also addresses issues relating to the interim storage and its disposal once the metal has become waste; contaminated sites as well as health issues.

It entered into force on 16 August 2017 with the First Conference of the Parties scheduled to be held from the 25–29 September 2017 in Geneva, Switzerland. The Convention currently has 74 Parties and 128 signatories. Samoa and Palau are the only two parties from the Pacific Islands region.

Mercury and mercury compounds carry the code “Y29” in Annex I of the Waigani Convention under “Categories of wastes which are hazardous,” specifically under “Wastes having as constituents.” As such, it is in the interest of the Waigani Convention to be aware of how the Minamata Convention is going to manage these chemicals so that the synergies can be used to better manage them under provisions of the two conventions.

Furthermore, as the meeting noted in its last session, SPREP collaborated with the interim Secretariat of the Minamata Convention on Mercury to organize a Pacific sub-regional workshop in January 2015 to assist PICs in their process towards ratification/accession and early implementation of their obligations under the Minamata Convention on Mercury which had resulted in the development of two national projects (PNG and Samoa) and a regional project for five PICs (Cook Islands, Kiribati, Palau, Tonga and Vanuatu) in their participation in the Minamata Initial Assessment. The outcomes of the current projects will form the basis of a work program within the Secretariat to support the PICTs in the management of mercury at both the national and regional levels.

The meeting is invited to discuss how the Waigani Convention can formalise a relationship through an agreement with the Minamata Convention based on the synergies that exist between the two conventions and further to direct the Secretariat on what steps to take to establish the formal relationships.

(iii) Oceania Customs Organisation

The Oceania Customs Organisation (OCO) is the Pacific's Regional Organisation that provides a forum for promoting harmonised and simplified customs procedures, introducing new methods, exchanging information and for generally improved communication between Member administrations. It began as a meeting of the Heads of Oceania's Customs administrations from 1986 onwards under the name “Customs Heads of Administration Regional Meeting” (CHARM). By the early 1990's CHARM had a charter and had the makings of an organisation rather than an annual meeting. By the mid to late 1990's, with twenty-three Members looking for more assistance than the existing structure and arrangements were able to provide, the notion of a regional organisation became very apparent.

The OCO was born out of changes proposed and passed at what proved to be the final CHARM, held in Tonga in August 1998. An external evaluation of the successes of CHARM was initiated in the late 1998 and results were considered at the first OCO Annual Conference of Customs Heads, which was held in Niue in 1999.

The OCO Headquarter is based on Suva and provides technical support to all member organisations around the region.

The Waigani Convention like the global Basel Convention, has at its heart a prior informed consent procedure with strict requirements that controls of transboundary movements and the environmental management of hazardous wastes. The transboundary movement of the hazardous materials require an effective international co-operation and shared responsibility mechanism to make sure that these material are handled properly.

Customs and border-protection officers responsible for controlling trade across borders have an important role in protecting the national and global environment. They play a vital role in this control system because they are empowered to exercise control over goods entering or leaving their country or economic space. While much of their work is centred around the normal customs functions, their role in the enforcement of the relevant provisions of the Waigani Convention is key to the successful implementation of the Convention at the national level, especially at the border.

In their work, not only do raw materials and live animals and plants pass through Customs control, but also products that include certain chemicals and derivatives, that are controlled (inter)nationally, thus it is vitally important that they also have a good understanding about the Conventions. It is a complex task and large responsibility to verify shipments and their documentation, and to verify compliance with national and international laws and to take action when violations occur.

The Basel Convention works with the World Customs Organisation (WCO), in addressing areas of cooperation which include, among others:

- The identification of Harmonized System Codes (HS codes) for several wastes streams covered by the Basel Convention and for chemicals or groups of chemicals listed in Annex III to the Rotterdam Convention

or listed in the annexes to the Stockholm Convention through the WCO Harmonized System Committee (HSC) and other related committees.

- Activities aiming at preventing and combating the illegal traffic in hazardous chemicals and wastes under the Basel, Rotterdam and Stockholm conventions, e.g. through the Green Customs Initiative and other existing enforcement networks.
- WCO is an observer in the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE) established by the Conference of the Parties of the Basel Convention at its eleventh meeting. The mission of ENFORCE is through a network of relevant experts, to promote parties' compliance with the provisions of the Basel Convention pertaining to preventing and combating illegal traffic in hazardous wastes and other wastes through the better implementation and enforcement of national law.

In much the same manner, the Waigani Convention and the Oceania Customs Organisation can replicate similar cooperation in the Pacific Region. The meeting is thus invited to discuss how the Waigani Convention can formalise a relationship through an agreement with the Oceania Customs Organisation based on the areas of cooperation that are mutually beneficial to both entities and further to direct the Secretariat on what steps to take to establish the formal relationships.

(iv) Tsinghua University

The Tsinghua University is the host of two very important regional centre: the Basel Convention Regional Centre for Asia and the Pacific (BCRC China), established in 1997 pursuant to the decision of the third meeting of the Conference of the Parties to the Basel Convention; and the Stockholm Convention Regional Centre (SCRC) for Capacity Building and the Transfer of Technology, pursuant to the decision of the fourth meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants. It is generally referred to as Basel and Stockholm Convention Regional Centre for the Asia and Pacific Region in China (BCRC-SCRC China).

As such the regional centre performs responsibilities for both Basel Convention and Stockholm Convention, in assisting developing countries and countries in transition to achieve the aims of the both conventions. The countries that are served by the BCRC-SCRC China are Bahrain, Bangladesh, Cambodia, China, Cook Islands, India, Lao's People's Democratic Republic, Maldives, Micronesia (Federated States of), Mongolia, Nepal, Niue, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Sri Lanka, Thailand and Viet Nam.

The core functions of BCRC-SCRC China include training, technology transfer, information, consulting, and awareness-raising. In November 2010, the Ministry of Environmental Protection of the People's Republic of China and Tsinghua University jointly signed Cooperation Agreement on Developing National Hazardous Waste Management Training and Strategic Research (Cooperation Agreement). BCRC-SCRC China is responsible for the implementation of Cooperation Agreement, conducting national hazardous waste management training and research on hazardous waste management framework and policy, with the aim of improving China's hazardous waste management capacity and management framework research level. This technical assistance also been extended to a number of countries in the Asia-Pacific region that is covered by the centre.

After nearly twenty years of development, BCRC China has gradually formed its advantage in research on management policy and technology, capacity building and information exchange in chemicals and waste, consisting of over thirty full-time staff with doctorate or masters' degrees, and part-time technical team formed by tens of professors and experts. With the unrelenting efforts of all the staff, the global influence of BCRC China is gradually increasing.

SPREP is the host of the Pacific Regional Centre (BCRC SPREP) whose establishment came about following the acceptance in principle by COP-1 of the Waigani Convention. In its decision VII-3, the meeting requested the Secretariat to conduct jointly with the Secretariat of the Basel Convention, a survey of SPREP facilities in order to assess the full implications of this venture as well as SPREP's capacity to perform such a role.

This request was endorsed by the Environment Ministers' Forum, held on 26 July 2002, in Majuro, Marshall Islands, which further agreed to put forward a proposal for the joint Regional Training Centre for endorsement by the Sixth Meeting of the Conference of Parties to the Basel Convention held on 9-13 December 2002 in Geneva, Switzerland.

In its decision VI/8, COP-6 of the Basel Convention considered this proposal and welcomed the establishment in principle of a Pacific Joint Regional Centre for the countries in the Pacific region within SPREP and operating under the joint authority of the Parties to the Basel and Waigani Conventions. The same meeting in its decision VI/3 also adopted a core set of elements for a framework agreement, endorsed the mechanism of establishing the Basel Convention Regional Centres by signing the framework agreement, and mandated the Secretariat of the Basel Convention to negotiate and conclude the agreement in the name of the Conference of the Parties with the regional or international organizations which will perform the functions of the Basel Convention Regional Centres.

The Agreement establishing the Pacific Regional Centre was signed by the Director of SPREP, Mr. Asterio Takesy and the Executive Secretary of the Secretariat of the Basel Convention, Dr. Sashiko Kubawara-Yamamoto on the 18 December 2003 in Geneva, Switzerland.

In July 2013, the BCRC China and the BCRC SPREP entered into a Memorandum of Understanding to strengthen cooperation to promote the joint implementation of the Basel and Waigani Conventions, in particular on the following provisions:

1. To cooperate in activities in the field of environmentally sound management of hazardous wastes and other wastes and their minimization, according to relevant provisions of the Basel and Waigani Conventions. The cooperatives efforts are to be associated with, but not limited to:
 - a) Seek support from the Pacific Island country parties to the Basel Convention for BCRC-China's application to become the Basel Convention Coordinating Centre for the Asia-Pacific region;
 - b) Cooperate in the publishing of a BCRC China newsletter;
 - c) Invite and sponsor BCRC SPREP staff and nominated officials from the Basel and Waigani Convention parties in the Pacific region to participate in technical internships and the BCRC China organised International Conference on Waste Management and Technology (ICWMT), subject to availability of resources;
 - d) Collaborate on training, workshops and other activities carried out by both centres relating chemical and waste management and treatment;
 - e) Jointly develop and apply for bilateral, regional and multinational projects in areas relevant to chemical and waste management and treatment in the Asia-Pacific region;
 - f) Attend and participate where possible in the BCRC SPREP's council meetings and Steering Committee meetings of the BCRC China; and
 - g) Cooperate in other areas as mutually agreed upon whenever such opportunities arise.

As reported in previous COP meetings, a number of these activities have been implemented and has seen SPREP staff and nominated officials from the Basel and Waigani Convention parties in the Pacific region participate at the ICWMT and SPREP has hosted two student interns from the Tsinghua University in the area of hazardous waste management.

This paper is presented to invite the meeting to discuss how the current agreement can be strengthened and to direct the Secretariat on what steps to accomplish this.