



SPREP

South Pacific Regional Environment Programme

A large, dark silhouette graphic dominates the center of the cover. It features a large sun partially obscured by a thick, dark arc, with stylized waves at the bottom and a palm tree on the right side. Three stars are positioned to the left of the main text.

**Report of the
First Meeting of the
Conference of the Parties
to the Waigani Convention**

**Majuro, Marshall Islands
20 July 2002**

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Report of the First Meeting of the Conference of the Parties to the Waigani Convention

*20 July, 2002
Majuro, Marshall Islands*

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Agenda Item 1: Official Opening

1. The First 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 Management of Hazardous Wastes within the South Pacific Region (Waigani Convention) was convened in Majuro, Republic of the Marshall Islands on 20 July, 2002. All States and Territories Members to SPREP including the Parties to the Convention were invited at the Meeting together with the CROP Organisations, Collaborating Organisations, including the Secretariat of the Basel Convention and other Institutional Focal Points.

The Meeting was attended by the representatives of the following Parties: Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, New Zealand, Papua New Guinea, Samoa and Tuvalu.

Delegates from, France, Marshall Islands, Niue, Palau, Tonga, attended the Meeting as Observers. Also in attendance as Observers were representatives from the Forum Secretariat and the World Meteorological Organization (WMO). The list of participants is attached as Annex I.

2 The Reverend Enja Enos opened the meeting in prayer and the Director of SPREP, Mr Tamari'i Tutangata, then invited Mr Philip Kabua, Chief Secretary, Government of the Republic of the Marshall Islands to make his introductory remarks.

3. Mr Kabua welcomed the delegates to the Republic of the Marshall Islands and expressed his Government's pleasure in hosting the first Meeting of the Parties to the Waigani Convention as well as the Sixth Joint Meeting of the Parties to the Apia and SPREP Conventions. Mr Kabua advised that the Marshall Islands was a Party to the SPREP Convention since 1986 – the same year that the country became an independent state. He added that his Government looked forward to the day when Parties were fully in the position to effectively regulate dumping by ships at sea in the Convention area, as well as responding to the pollution that they cause. He added that the Marshall Islands was currently in the process of depositing its instrument of accession to the Apia Convention and was also seriously considering becoming a Party to the Waigani Convention in the near future. Mr Kabua also acknowledged the importance of the Waigani Convention as a regional framework to build the capacity of countries in relation to the management of their hazardous wastes. He said that as an Observer, the Marshall Islands would view with interest the benefits to be gained, as well as the obligations to be imposed on the Parties to this Convention. The Chief Secretary also mentioned the importance of the Apia Convention, which he said, provided a useful basis to address nature conservation issues such as conservation areas and the protection of coral reef ecosystems through the establishment of links with relevant global conventions such as the Convention on Biological Diversity (CBD) and the Ramsar Convention.

4. Mr Kabua noted that there were a lot of issues to be discussed over the next two days and stated that he looked forward to a productive series of meetings. He wished the delegates a very enjoyable stay in the Marshall Islands. Mr Kabua's introductory remarks are attached as Annex II.

5. The Director of SPREP thanked Mr Kabua for his remarks and requested the Deputy Director of SPREP to deliver a message from Ms Sachiko Kuwabara-

Yamamoto, Executive Secretary of the Basel Convention Secretariat. The Executive Secretary's message is attached as Annex III.

6. In his opening remarks, the Director of SPREP recalled the goal set at the 11th SPREP Meeting (Guam, 2000) to have the Waigani Convention enter into force in 2001 and to convene the First Conference of Parties together with the SPREP Meeting of Officials in 2002. He noted with pleasure that this goal had indeed been met with the Convention entering into force in October 2001 and this, the First Conference of Parties, being convened together with the 13th SPREP Meeting of Officials. In his presentation he reminded delegates that this Conference was of critical importance as it constituted the foundation for future development and implementation of the Convention. He emphasised the need for the Convention to become a strong legal framework for coordination and the sustainability of efforts toward its implementation.

7. Mr Tutangata further highlighted SPREP's close partnership and collaboration with the Secretariat of the Basel Convention. He advised the Meeting of the Memorandum of Understanding that SPREP has with the Basel Secretariat and stressed that this was of much relevance given the fact that the Basel and Waigani Conventions have similar scopes. He added that such formal cooperation would allow for the use of expertise, experience and tools developed under the Basel Convention.

8. The Director drew the attention of the Meeting to the proposal to use SPREP to fulfill the mandate of a Joint Centre of the Basel and Waigani Conventions and noted that membership to both Conventions would need to be identical to enable ideal circumstances for cooperation and the operation of the Centre. He added that this situation has yet to be realised.

9. In concluding, the Director reiterated the importance of the Waigani Convention to addressing the specific situation of the Pacific islands in terms of limited land availability and the adverse environmental effects of hazardous wastes. The Director's opening remarks are attached as Annex IV.

Agenda Item 2: Organisation of the Meeting

a) Election of Officers

10. The meeting was invited to install New Zealand as Chair and to accept the nomination of Samoa as Vice Chair. The meeting elected from among the participants the following officers of the Meeting who will also comprise the Bureau of Parties for the period 2003-2004:

Chairperson:	Ms Jennifer MacDonald	(New Zealand)
Vice-Chair Person:	Mr Terry To'omata	(Samoa)

b) Rules of Procedures

11. The meeting agreed to apply *mutatis mutandis* the Rules of Procedure of the SPREP Meeting to govern the proceedings of this first Conference of the Parties until such time as it approved its own Rules of Procedure.

c) Organisation of work

12. English was the only working language of the Meeting and the working documents were available in the working language.

13. The Chair convened the Meeting in plenary sessions and as agreed by the meeting without the establishment of working groups.

Agenda Item 3: Adoption of the Agenda

14. The proposed agenda as adopted by the Meeting is attached as Annex V of the Report.

Agenda Item 4: Rules of Procedure of the Conference of Parties

15. The Chair introduced the Draft Rules of Procedure for Meetings 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 Management of Hazardous Wastes within the South Pacific Region (Waigani Convention).

16. The representative of Australia proposed that to expedite matters, it might be best to seek general comments rather than taking the meeting through the rules one at a time. The representative of the Cook Islands added his agreement, noting that the papers had been available to delegates for several weeks.

17. The Secretariat advised a number of proposed changes mainly of an editorial nature.

18. In response to the Secretariat's proposed change to Rule 20 (referred to as Rule 19 in the adopted Rules of Procedure) i.e to delete reference to "consensus", the representative of Australia stressed that the mechanism of consensus was important and there was a need to include somewhere in the Rules, the Chair's role in announcing a consensus. The existing wording on this was accordingly retained. The representative of Australia further requested that Rule 38 be retained as is.

19. The representative of Samoa requested clarification on the type of NGOs that were referred to under Rule 7. In response, the Secretariat stated that Rule 7 referred to international and other relevant NGOs that had a "direct interest in the transboundary movement of hazardous wastes" and that it would be at the discretion of Parties as to which NGOs would be invited.

20. Tuvalu further queried whether paragraph 2 of Rule 7 meant that the list of proposed observers was mandatory. As a result of further discussion, it was agreed that paragraph 2 of Rule 7 would be deleted and replaced with appropriate wording (on observers) proposed by the Secretariat that linked this Rule to Article 13.5 of the Convention.

21. The representatives of Australia and Tuvalu suggested that for reasons of consistency, the Rules should use, as much as possible, the words from the Waigani Convention. Hence, the word "global" was replaced with "international".

22. In reference to Rule 18, the representative of Samoa raised the question of the usefulness of credentials at meetings of Convention Parties and suggested that perhaps these were not really necessary. The representative of Fiji also agreed that the presentation of credentials had become more of a formality than a necessity and supported Samoa's

suggestion. The Meeting agreed to delete Rule 18.

Decisions

The Conference:

1. **Adopted** the Rules of Procedure which are attached as Annex VI;
2. **Requested** the Secretariat to convene the second meeting of the Conference of Parties in 2004; and
3. **Decided** that Meetings of the Conference of Parties shall take place on a biennial basis.

Agenda Item 5: Institutional Arrangements for the Implementation of the Convention: Establishment of a Subsidiary Body

23. The Chair presented Agenda Item 5 on "Institutional Arrangement for the Implementation of the Convention: Establishment of a Subsidiary Body". The establishment of such a Body to facilitate the implementation of the Convention was envisaged under Article 13 of the Convention. The Subsidiary Body would consider aspects related to the scientific, technical and legal implementation of the Convention and be comprised of experts designated by the Parties.

24. The representative of Australia proposed an amendment to paragraph 2 of the Decisions relating to this agenda item and the inclusion of an additional paragraph, 2bis. This is reflected in the Decisions as Decision 3.

Decisions

The Conference:

1. **Decided** to establish Scientific and Technical Advisory Committee (STAC) to meet as necessary in order to fulfill its tasks as mandated by the Conference of Parties subject to available resources;
2. **Requested** the Secretariat to develop no later than January 2003, Draft Terms of Reference (TOR) of STAC and to circulate such Terms of Reference for consideration by the Parties;
3. **Decided** that these TOR be revised by STAC and adopted by the Committee on an interim basis until endorsed by the Conference of the Parties (COP);
4. **Further requested** the Secretariat and the Parties to identify the necessary funds and to convene a Meeting of the STAC in 2003;
5. **Instructed** the Committee to fulfill the tasks placed on it by the decisions of this Conference and to present a report on its work to the Second Meeting of the Conference of Parties; and
6. **Decided** that notwithstanding Rule 22.3 of the Conference of the Parties (COP) Rules of Procedures, the STAC could elect its own Chairperson.

Agenda Item 6: Competent Authorities and Focal Points

25. The Chair introduced the paper relating to "Competent Authorities and Focal Points" and explained that their designation/establishment was an obligation emanating from Article 5 of the Convention.

26. The Secretariat advised the meeting that Tuvalu had also now nominated its Competent Authority and Focal Point bringing the number of designations to eight.

Decisions

The Conference:

***Recalling** Article 5 of the Waigani Convention which requires the Parties to designate or establish one Competent Authority and one Focal Point with no need to designate or establish new or separate authorities as well as to inform the Secretariat within three months of the date of entry into force of the Convention of the agencies they have designated as their Competent Authority and Focal Point;*

***Aware** of the fundamental role of Competent Authorities and Focal Points for the implementation of the Waigani Convention, including the consent or denying of permission for the transboundary movement of hazardous wastes;*

***Also aware** of the potential need to provide the necessary training to the Competent Authorities to ensure the effective and efficient use of the Control System associated with the import-export of hazardous wastes;*

1. **Requested** Parties which had not yet informed the Secretariat of the designation or establishment of their Competent Authority and Focal Point to do so at the earliest; and
2. **Encouraged** the Secretariat in collaboration with Parties to seek the necessary funds to convene a regional training workshop for Competent Authorities on the use of the control system associated with the Import-Export of hazardous wastes.

Agenda Item 7: Reporting and Transmission of Information

27. The Chair presented the Paper on "Reporting and Transmission of Information" as a key element to assist Parties in the monitoring and assessment of their implementation of the Convention. The Meeting was referred to the three Attachments appended to the working document: (1) Model Form developed under the Basel Convention to be adapted for meeting the Reporting and Transmission requirements under the Waigani Convention; (2) Movement Document Form; and (3) Notification Form.

28. With reference to the draft decisions, the representative of Tuvalu requested that the text in paragraph 2 be strengthened by including words that actively sought necessary funding. He referred to the need for considerable assistance to support capacity building in countries to enable them to fulfill the reporting and transmission of information as required under the Convention.

29. The representative of New Zealand proposed the inclusion of "Parties" in addition to "the Secretariat" in paragraph 2. After further discussion on this point, it was agreed that the existing wording of the draft decision be retained.

30. The representative of Australia proposed clarification of the Form by including the following: "for reporting and transmission of information". He also proposed an additional paragraph, 4.bis and agreed to work with the Secretariat on final wording of the draft decision before the meeting reviewed and decided on it.

Decisions

The Conference:

Taking note of the current and future activities under the SPREP Information Management Framework adopted at the 12th SPREP meeting; and

Recognising the fulfillment of obligations under Article 7 of the Convention might constitute a burden for most of the Parties:

1. **Requested** the Secretariat to provide Parties with advice for the management of information on hazardous wastes;
2. **Encouraged** the Secretariat to seek and identify the necessary funding to assist Parties upon request to set up procedures and other arrangements to facilitate the collection of their data and the preparation of inventories of hazardous wastes;
3. **Further encouraged** the Parties that were in a position to do so to collaborate with and assist the Parties in need in setting up procedures and other arrangements to facilitate the collection of data and preparation of inventories of hazardous wastes;
4. **Requested** the Secretariat to adapt the Form for reporting and transmission of information developed under the Basel Convention for meeting the requirements under the Waigani Convention, and to include any additional reporting requirements concerning radioactive wastes. In addition, the Secretariat shall update the form as necessary in line with changes made by the Basel Convention;
5. **Endorsed** in principle the Draft Notification and Draft Movement Document Forms;
6. **Decided** that the draft reporting and transmission of information, draft Notification and Draft Movement Document Forms be revised by the STAC and adopted by the Committee on an interim basis until endorsed by the Conference of the Parties (COP);
7. **Requested** the Parties to provide reports in accordance with Articles 7 and 14 for the calendar year 2004 using the draft format as endorsed by this meeting; and
8. **Further requested** the Secretariat to continue/undertake efforts in linking its regional clearinghouse with other relevant clearinghouses or databases managed by regional organisations or members, and also with other relevant Secretariats of Conventions.

Agenda Item 8: Illegal Traffic

31. The Chair introduced the paper and noted that illegal traffic remained an issue in the region. The Secretariat provided further comments and pointed out that the Convention was very specific on the matter and gave some clear indications of the roles of Parties; the Secretariat to the Waigani Convention; and also the Secretariat of the Basel Convention.

32. The representative of Papua New Guinea indicated his country's support for the proposals of the Secretariat, but suggested that the reference to "South Pacific" in the preamble should be changed to "Pacific".

33. The Secretariat provided an explanation of the differences between legal and illegal traffic in response to a question from Samoa. In response to a question from Fiji on the relevance to the Waigani Convention of the shipments of radioactive materials such as MOX (mixed oxide), the Secretariat explained that the Convention only applied to shipments to the Pacific Island Developing Parties.

34. The representative of Tuvalu noted that the Meeting was being asked to endorse a significant number of resolutions with only limited time to consider them and questioned whether the decisions could be made with provision for future review. In raising this, he noted several examples where further thought could be useful, such as the reference to “Ministerial” in draft Decision 3 and the need to expand on the type of actions that might be taken under draft Decision 7. After further discussion a revised series of decisions was prepared by the Secretariat.

Decisions

The Conference

***Recognising** that illegal traffic of hazardous wastes remains an issue of concern for the Pacific Region;*

***Convinced** that the prevention of illegal traffic requires close cooperation among States with the support of the Secretariat of the Waigani Convention, the Secretariat of the Basel Convention as well as other relevant organisations;*

1. **Requested** Parties to ensure that national legislation for the management of chemical wastes and hazardous wastes be developed to also address the issue of illegal traffic of hazardous wastes and radioactive wastes;
2. **Further requested** the Parties to incorporate in their legal systems, appropriate sanctions or penalties on all persons who have planned, carried out or assisted in illegal traffic in hazardous wastes and radioactive wastes;
3. **Strongly requested** Parties to promote at the Ministerial level, all means to prevent and penalise illegal traffic in hazardous wastes;
4. **Requested** the Secretariat to assist Parties in developing national legislation and administrative procedures for the prevention, monitoring, repression and remediation of illegal traffic;
5. **Further requested** the Secretariat in its efforts to build the capacity of Parties to ensure that prevention and monitoring of illegal traffic be duly dealt with in the training workshop for Competent Authorities on the use of the Control system associated with the import and export of hazardous wastes;
6. **Encouraged** Parties to establish informal bilateral arrangements to better target illegal traffic between their countries;
7. **Strongly encouraged** Parties to bring any cases, or, if appropriate, alleged cases of illegal traffic to the attention of the Secretariat and to provide the Secretariat with all necessary information to enable it to take any appropriate action in accordance with Article 9.6;
8. **Requested** the Secretariat to report to the second meeting of the Conference of the Parties, through the STAC as appropriate, on information received by Parties;
9. **Encouraged** the Secretariat to establish or strengthen collaboration with the Basel Convention Secretariat and the relevant international institutions in order to achieve better control and monitoring of cases of illegal traffic in hazardous wastes;
10. **Further encouraged** the Secretariat to explore ways of improving its cooperation with non governmental organisations, industries and the private sector for the prevention and monitoring of illegal traffic;
11. **Invited** Parties in their efforts to preventing, identifying and managing illegal traffic to use the Guidance Elements for Detection, Prevention and Control of Illegal traffic in Hazardous Wastes developed under the Basel Convention as an interim measure and further requested STAC to revise and amend the guidance elements for adoption by the Conference of the Parties (COP); and
12. **Also invited** Parties to use the Basel Convention form for Confirmed Cases of Illegal Traffic to report confirmed cases of illegal traffic to the Secretariat as an interim

measure and further requested STAC to revise and amend the guidance elements for adoption by the Conference of the Parties.

Agenda Item 9: Legal and Technical Assistance

35. The Chair introduced the paper on "Legal and Technical Assistance" and invited comments from the floor.

36. The representative of Kiribati asked if it was possible for this kind of assistance to be extended to other Conventions that were similar to the Waigani and Basel Conventions. The Chair recalled that this issue had been raised before and there had been some difficulties with extending this assistance beyond the scope of the Waigani Convention. The SPREP Secretariat clarified that as Secretariat for the Waigani, Apia and SPREP Conventions, the SPREP Secretariat would provide assistance to the extent of resources at its disposal. However it could not commit the Basel Convention Secretariat to provide the same because it had its own mandate.

37. The representative of Kiribati further clarified its position noting that while the legal officers were looking at this Convention, perhaps for instance in the reporting, some standardisation of reporting requirements with other regional conventions for which SPREP was Secretariat could be taken into account. In response, the SPREP Director noted that SPREP was not specifically resourced nor required to support country needs with respect to international Conventions as this was really the responsibility of the Secretariats of these international Conventions.

Decisions

The Conference:

***Recognising** the importance and potential usefulness of the tools and expertise available under the Basel Convention for the environmentally sound management of hazardous wastes within the Pacific Region;*

***Concerned** about the difficulties associated with the legal, institutional and technical capacity of Pacific Island Developing Countries to address the management of hazardous chemical and wastes;*

1. **Called upon** the Secretariat of the Basel Convention to officially inform Parties, through the Secretariat of the Waigani Convention about its short and long term planned actions within the Pacific Region.
2. **Requested** the Secretariat of the Waigani Convention, in collaboration with the Secretariat of the Basel Convention to develop technical guidelines in accordance with the work programme based on the Basel Technical Guidelines to be reviewed by the STAC.
3. **Further requested** the Secretariat of the Waigani Convention, in cooperation with the Secretariat of the Basel Convention to develop programmes of training and to conduct joint capacity building activities.
4. **Also requested** the Secretariat of the Waigani Convention, working with other related Secretariats dealing with chemical and waste issues, to undertake with them and, subject to the availability of funds, the necessary actions to develop for Parties upon request, legal and technical capacity for the management of hazardous chemicals and wastes. This could include an adaptation of the Model legislation developed under the Basel Convention or the adoption of a broader approach.

Agenda Item 10: Relationship between the Secretariats of the Basel and Waigani Conventions

38. The Chair introduced this item and noted that the main aim of the paper was to promote the development of close working relationships between the Basel and Waigani Conventions, in particular through the creation of a Basel Regional Technical Centre at SPREP. One of the proposed recommendations was for this to be considered by the 13th SPREP Meeting.

39. The Secretariat then provided further comments, noting that both the Secretariat and Parties would need significant assistance in implementing the Waigani Convention, and should look to the Basel Convention Secretariat to provide much of this. One particular option was through the creation of a Regional Technical Centre, and the Secretariat of the Basel Convention had already indicated its interest in exploring this. It was noted however, that the requirements of the Basel Convention for the creation of such centres, were not entirely compatible with the way the SPREP centre is owned and operated as well as other considerations both for SPREP and its members. The Secretariat then proposed some amendments to the decisions to provide for consideration of the full implications of a joint centre to be assessed and reported to the Parties before a final decision is taken.

40. The representative of Australia noted that there was some confusion in the Working Paper between the roles of the SPREP Secretariat and the Secretariat to the Waigani Convention. The representative of Fiji expressed his country's support for the Technical Centre concept, but expressed concern about the cost implications and the possibility that these would ultimately have to be carried by the Parties. The Secretariat responded that the intention was to have the Basel Secretariat meet most of the costs, in response to which the Chair noted that the 13th SPREP Meeting proposal to be developed under recommendation 4 would need to be worded very carefully to ensure that this was achieved.

41. The meeting then agreed on the following:

Decisions

The Conference:

Recognising 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.

1. **Encouraged** the Secretariat to further strengthen its collaboration with the Secretariat of the Basel Convention.
2. **Accepted** the principle of a joint Centre of the Basel and Waigani Conventions integrated with SPREP for their implementation.
3. **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 the SPREP capacity to perform the role of a regional centre for training and technology transfer for the management of hazardous wastes under the Waigani and the Basel Conventions and report to STAC or the next Conference of the Parties (COP) whichever meets first.

4. **Recommended** that the 13th SPREP Meeting and the Ministerial segment endorse this decision and further decided to put forward a proposal for endorsement by the sixth meeting of the Conference of Parties to the Basel Convention.

Agenda Item 11: Cooperation with other Institutions

42. The Chair introduced the document on cooperation with other institutions and invited the Secretariat to elaborate on the paper. The Secretariat noted its duty to cooperate with other institutions with similar interests, to share experiences and to ensure that it did not duplicate and compete with others but to collaborate to advance its own interest.

43. The representative of New Zealand commended the Secretariat on the collaboration that had already been entered into.

44. The representative of Australia pointed out that the most important organisation that the Secretariat needed to collaborate with was the SPREP Secretariat. The Chair sought the meeting's agreement that reference to SPREP would be inherent in references to "other organisations".

45. The representative of Kiribati referred to her intervention in the previous agenda item (Item 9) where she asked for SPREP assistance as was her right as a member of SPREP.

46. The representative of Tuvalu noted the need to amend paragraph 1.c to reflect that it was the Waigani Convention that was being referred to.

Decisions

The Conference:

***Recalling** the role of the SPREP Secretariat in mobilising resources and promoting cooperation to build the capacity of Pacific Islands Countries;*

***Aware** of the cost involved and expertise needed for the implementation of the Waigani Convention and the availability of expertise and tools within other institutions which could be called on for its implementation;*

***Mindful** of the Conventions and agreements concluded under the auspices of the IAEA, including the Code of Practice on the International Transboundary Movement of Radioactive wastes and the Convention on the Safe Management of Nuclear Waste;*

***Noting** with appreciation the substantive and constructive working relations with the Secretariat of the Stockholm Convention on Management of Persistent Organic Pollutants (POPs; the Secretariat of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; and the International Maritime Organization (IMO);*

1. **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);
 - c. To submit a report thereon to the next Meeting of the Conference of Parties to the Waigani Convention.
2. **Further requested** the Secretariat to cooperate with the IAEA on the harmonisation and implementation of the provisions concerning the safety of management of radioactive wastes and to report thereon to the next meeting of the Conference of the Parties.

Agenda Items 12 & 13: Financial Arrangement for the Administration of the Waigani Convention and its Work Programme and Budget

47. These two agenda items were taken together because the topic for item 12 (financial rules) was directly linked to item 13 (work programme and budget). The Chair opened the discussion by asking for comments on the proposed financial rules.

48. The representative of Fiji asked for clarification of the frequency and timing of contributions, and noted that it was important for this to be made clear, for the purposes of financial planning by both the Secretariat and the Parties. The Secretariat explained that contributions were to be made once every two years, and preferably at the start of each biennium. Australia expressed some concern about the proposed scale of contributions given in Annex VII (a), but subsequently noted that this could be addressed separately from the endorsement of the rules.

49. The Secretariat then put forward some minor editorial changes, while also noting that there was a discrepancy between the proposed 3-months advance dispatch required for budgets under Rule 4, compared to the 6-week dispatch specified in Rule 11 of the Rules of Procedures for the Conference of the Parties. It was later agreed that Rule 4 should be changed to allow for a 6-week notification period, and Tuvalu noted that this timing should also apply to the auditors reports covered under Rule 9. The Secretariat also advised, in response to a question from Fiji, that the proposed scale of contributions was based on that used in other regional conventions such as the Apia and SPREP Conventions.

50. The representative of New Zealand noted that it would be preferable for the rules to be considered in more detail by STAC and to submit a report for consideration by the second Conference of the Parties. The representative of Australia questioned whether there was any mandate in either the Convention or the Rules of Procedure, for the use of assessed contributions. He also noted the need to distinguish between regular and operational budgets, and the need for this to be clarified in the wording of some of the rules. It was also suggested by Australia that the Meeting might consider deferring any decisions on sources of funding, while at the same time approving an overall budget.

51. The discussion then shifted to item 13, at which point the representative of New Zealand expressed his strong concerns about the proposed work programme and budget. It would be preferable for the work programme to be dealt with as an integral part of the

SPREP work programme. The Secretariat noted that while this was a laudable approach, it should be recognised that significant resources would be needed over the next two years to ensure that the Convention was implemented, and that this could not be adequately provided through existing SPREP funding. The Parties were urged to look closely at the proposed work programme and then decide on what work should be done and how best to pay for it. Once the Secretariat had a mandate from the Meeting it would be in a better position to seek donor funding for the proposed activities.

52. It was proposed by New Zealand that the budget should be addressed as two different components, core Secretariat functions, such as the Conference of the Parties (COP) meetings, and other operational activities. The costs of the core budget should be met by the Parties, while funding for all other activities should be sought from donors and other possible contributors such as the private sector and dealt with as part of the broader SPREP work programme.

53. The representatives of Australia, Fiji, Samoa and Tuvalu supported the concept of separate core funding. It was noted by the representative of Fiji that other SPREP Members should be urged to ratify the Convention, thereby spreading the financial burden over a greater number of Parties. He also noted the continuing difficulties experienced by SPREP in collecting member contributions, and that this did not augur well for any additional Waigani funding. Fiji was keen to see the Convention get off to a good start, but at the same time cautioned that there was a need to be realistic about funding possibilities.

54. The representative of Australia proposed that the core budget should cover the meeting of the STAC and also the Conference of the Parties (COP) 2, which would take place in the second half of the biennium. All other proposed activities should be examined carefully and prioritised by the STAC, before endorsement by the Conference of the Parties (COP) 2. This approach was also supported by the representative of the Federated States of Micronesia.

55. The representative of Tuvalu stated his support for the core funding proposal and also echoed the sentiments of Fiji on the need to be realistic. He felt that it was too early to commit to most of the proposed activities until these had been further considered by STAC. The representative also supported the principle of integrating the Convention activities with those of SPREP, as covered under Agenda Item 11.

56. The Secretariat advised that the estimated costs for the suggested core functions would be around US\$43,000, assuming support for only one participant from each Party at the STAC meeting. It was also noted that there would be some timing difficulties if all decisions on the work programme and budget were left to either the STAC or Conference of the Parties (COP) 2. This could leave the Secretariat in the position of not being able to implement any of the proposed activities for up to two years.

57. It was proposed by the representative of Australia that the Meeting should adopt the proposed work programme in principle, but it should not endorse any specific budget. The work programme should then be referred to the STAC, while noting the need for a much longer-term view than that currently covered in the proposals. It was proposed by the Chair that the Meeting should adopt the proposed core budget comprised of convening the Second Conference of the Parties, and a scaled down STAC meeting of one representative per Party. The Secretariat noted that it would seek voluntary contributions from Parties, other SPREP Members and the international donor community to fund the

proposed activities. The voluntary contribution approach was supported by Australia, New Zealand and Samoa.

58. With regard to financial arrangements for the administration of the Waigani convention, the Meeting decided as follows:

Decisions

The Conference:

1. **Adopted** the Financial Rules for the administration of the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region as contained in Annex VII. The adoption of the above rules is without prejudice to any decision that may later be adopted in relation to the scale of contributions;
2. **Noted** the proposed scale of contributions as included in Annex VII (a);
3. **Asked** Parties to consider the proposed scale of contributions and to provide comments on this proposed scale to the Secretariat for further consideration by the STAC prior to the Second Meeting of the Conference of the Parties.
4. **Also requested** the 13th SPREP Meeting to consider the projects under the Waigani Convention as part of the broader SPREP Work Programme where appropriate;
5. **Invited** the Director of SPREP to establish a Trust Fund for the Waigani Convention, in accordance with Financial Rule 5 for the administration of the Waigani Convention; and
6. **Encouraged** Parties and non-Parties to make voluntary contributions into the Trust Fund as soon as possible to ensure the smooth implementation of the decisions of the Conference.

59. With regard to the Work Programme and Budget, the Meeting decided as follows:

Decisions

The Conference

Noting the proposed work programme and estimated costs and their relation to the Activity Plan endorsed by the Governing Council at its 12th Meeting,

1. **Requested** the Secretariat to develop draft terms of reference of projects in the indicative work programme attached as Annex VIII for review by the subsidiary body of the Convention;
2. **Further requested** the Secretariat to include in any project, where appropriate, a component on communication and education to increase awareness of policy makers, governments, industry and the community to the aims of the Convention and the relevance of the Project to that country;
3. **Encouraged** the Secretariat to implement other activities for the implementation of the Convention where funds became available;
4. **Adopted** the core budget as contained in Annex IX to be funded by voluntary contributions by the Parties, non-Parties and others.

Agenda Item 14: Other Business

60. A statement was made by the representative of the Forum Secretariat and is attached as Annex X.

Agenda Item 15: Date and Venue of the Next Meeting

61. The Meeting agreed that the next meeting be held alongside the 2004 SPREP Meeting.

Agenda Item 16: Adoption of the Report

62. The Meeting adopted its Record of Proceedings.

Agenda Item 17: Closure of the Meeting

63. In closing, the Chair thanked all delegations for their active participation and acknowledged the work of the Secretariat in organising the Meeting.

Annex I: Participants' List

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**Annex II: Introductory Remarks by Mr Phillip Kabua, Chief Secretary of
the Republic of the Marshall Islands to COP 1 of the Waigani
Convention**

Distinguished Chairperson,
Distinguished Representatives of the Contracting Parties;
Director Tamari'i
Distinguished heads of international and regional organisations
Observers,
Ladies and Gentlemen

Yokwe

On behalf of the Government of the Republic of the Marshall Islands, I would like to extend a very warm welcome to you all today.

The Government of the Republic of the Marshall Islands is honoured and proud to host the very first Meeting of the Parties to the Waigani Convention, as well as the Sixth Joint Meeting of the Parties to the Apia and SPREP Conventions.

The Marshall Islands is a Party to the SPREP or Noumea Convention which entered into force in 1990. As you may be aware, we signed this Convention in 1986. This was also the same year that we became an independent State. My Government looks forward to the day when Parties are fully in the position to effectively regulate dumping by ships at sea in the Convention area, as well as responding to the pollution that they cause.

We are pleased to announce that we are in the process of depositing our instrument of accession to the Apia Convention. We are also seriously considering becoming a Party to the Waigani Convention in the very near future.

The Republic of the Marshall Islands acknowledges the Waigani Convention as an important regional framework to build the capacity of countries in relation to the management of their hazardous waste. As an Observer at this stage, we consider the First Meeting of the Parties as an important opportunity to better understand the next practical steps to be taken towards the implementation of this Convention. We will view with interest, the benefits to be gained, as well as the obligations to be imposed on the Parties to this Convention.

The Apia Convention also provides a similarly useful basis to address nature conservation issues such as conservation areas and the protection of coral reef ecosystems. We strongly view this framework as having the potential to establish the necessary link with relevant global conventions also of importance to the Pacific Islands region, such as the Convention on Biological Diversity and the Ramsar Convention.

Distinguished delegates, I realise that we have a lot of issues to discuss and two very busy days of Meetings ahead of us.

My Government looks forward to a productive series of meetings and wish you all a very enjoyable stay.

Kummul Tata

Annex III: Message from Dr Sachiko Kuwabara-Yamamoto, Executive Secretary of the Secretariat of the Basel Convention

Distinguished delegates, ladies and gentlemen,

It gives me a great pleasure to send this message of cooperation and support from the Secretariat of the Basel Convention to the first meeting of the Conference of the Parties to the Waigani Convention. I would like to congratulate all Parties on their resolve to put into effect a strong regional regime for the control and management of hazardous and radioactive wastes. Let me assure you that the Secretariat of the Basel Convention, together with its 151 Parties, are fully committed to working together with the Parties to the Waigani Convention and all countries in the South Pacific region toward the environmentally sound management of hazardous wastes through the effective implementation of the two Conventions.

As of today, eight SPREP member governments and seven member governments of the Waigani Convention are also Parties to the Basel Convention. As an essential step towards promoting effective cooperation between the Basel and Waigani Conventions, I would like to urge all countries in the region which are not yet Parties to the Basel Convention to accede to the Convention, its Amendment and its Protocol on Liability and Compensation.

The two Conventions stand to gain from cooperating closely in activities to advance their implementation. Through the development of necessary national legislation, administrative structures and national waste management plans, the implementation of the Waigani Convention will promote the application of the provisions of the Basel Convention at the regional level. In turn, the Basel Convention could offer its 10 years of experience in establishing an international system of control of the transboundary movements of hazardous wastes and providing technical training and knowledge for the environmentally sound management of such wastes, including the minimization of the quantity and hazardousness of the wastes generated.

Cooperation between the Secretariat of the Basel Convention (SBC) and SPREP has been substantial. Already in 1996 a Memorandum of Understanding (MOU) was signed between SBC and SPREP by which both secretariats agreed to cooperate in providing technical and legal assistance for the implementation of the provisions of the Basel and Waigani Conventions. This agreement was reconfirmed by a new MOU signed on 3rd March 2000.

In 1999, SBC assisted the SPREP secretariat in assessing the administrative and financial implications to perform the functions of the secretariat of the Waigani Convention. The representatives of the SPREP secretariat attended several meetings of the Basel Convention and a representative of the SBC visited the South Pacific Region in April 2000 to promote the ratification of the Basel Convention. The two secretariats cooperated in organizing the Sub-Regional Awareness Raising Workshop on Prior Informed Consent Procedure, Persistent Organic Pollutants and the Basel/Waigani Conventions in Cairns, Australia in April 2001. Most recently, SBC and the secretariat of SPREP organized a Joint Workshop in Apia, Samoa on 10-14 June 2002 to assist countries in the region in the implementation and ratification of the Waigani Convention and accession to the Basel Convention and the preparation of the first COP of the Waigani Convention.

One possible area of future cooperation between the two secretariats is to promote and expand activities of the Basel Convention Regional Centres in the South Pacific region. I am pleased to note that a proposal to this effect is before the Conference and I hope that it will take a positive decision in this respect.

As you are already aware, twelve Basel Convention Regional Centres have been established so far. In the Asia and Pacific region, there are two Regional Centres, one in China and the other in Indonesia. The role of the Basel Convention Regional Centres may be expected to grow in the future as a possible mechanism to facilitate the coordinated implementation of the Basel, Waigani Conventions and other related conventions and programmes, such as the Stockholm and Rotterdam Conventions and SPREP.

In view of the vastness of the South Pacific region and its special needs, SPREP could provide an excellent institutional basis for cooperation between the Basel and Waigani Conventions. The main purpose of such cooperation will be to assist countries in the region in meeting their technical and legal requirements for the effective implementation of both the Basel and Waigani Conventions.

I look forward to a very fruitful cooperation with the Waigani Convention and with SPREP. With a view to consolidating our joint efforts for the future of the Waigani and Basel Convention, I would like to welcome all countries of the South Pacific region to the sixth meeting of the Conference of the Parties (COP6), which will be held in December this year. COP6 will consider for adoption, among other things, a mechanism for compliance and implementation of the Convention, guidance elements for the prevention and monitoring of illegal traffic of hazardous wastes and Interim Guidelines for addressing emergencies, compensation and assistance in capacity building to developing countries and countries with economies in transition, a Framework Agreement for the establishment of the Basel Convention Regional Centres, and a Strategic Plan for the Basel Convention for the next ten years.

I wish you all a very successful meeting.

I thank you.

Annex IV: Opening Remarks by Tamari'i Tutangata, Director of SPREP

Rev. Enja Enos, President, National Council of Churches
Mr Phillip Kabua, Chief Secretary, Republic of Marshall Islands
Distinguished delegates and Observers, Ladies and Gentlemen,

It is a real pleasure for me to join Chief Secretary Kabua welcome all of you to this First Meeting of the Conference of Parties to the Waigani Convention.

To begin with, allow me to recall the Eleventh SPREP Meeting of Officials in Guam, 2000 where the following statement was made:

"The ideal scenario would be for the Waigani Convention to enter into force in 2001 enabling the convening of the First Conference of Parties together with SPREP Meeting of Officials in 2002."

It should be a source of pride and satisfaction to all of you distinguished delegates, that:

- The Convention entered into force on 21 October, 2001;
- We are here today to take part in the First Meeting of the Conference of Parties and to decide on the necessary measures and actions to be undertaken towards the implementation of the Convention.

We should be happy to note that this Conference is a "premiere" in that it is the First Meeting of regional Conventions developed under the Basel Convention to be convened in the World.

This First Conference of Parties is of critical importance given the fact that it constitutes the foundation for the successful implementation of the Convention itself.

Issues that you will need to consider include:

- The rules of procedure for the conduct of this Conference and related meetings;
- The establishment of a scientific, technical and legal body to guide the implementation of the Convention;
- Determining the best approach to meet the reporting and information requirements under the Convention;
- Illegal traffic;
- The strengthening of collaboration with relevant organizations including the Basel Secretariat;
- Deciding on the most appropriate financial mechanism for the operation of the Convention and on priority activities for its implementation.

In partnership with you, the Secretariat will make every effort to ensure that this legal framework will become a strong tool for the sustainability, coordination and implementation of activities related to waste management in our region.

Developments to date towards this end are most encouraging.

For instance, let me refer to our close partnership and collaboration with the Secretariat of the Basel Convention as important elements to fulfill the goal of the Convention.

Just after the adoption of the Waigani Convention in 1995, a Memorandum of Understanding between the Basel Secretariat and SPREP was signed in November of the same year. Another MOU signed between SPREP and UNEP in 2000 also provides for

the strengthening of cooperation between both Secretariats in the provision of legal and technical assistance to Pacific Island Countries.

These MOUs are of much relevance given the fact that the Basel and Waigani Conventions have similar scope while the latter takes into consideration the specific situation of Pacific Island Countries. In other words, the Waigani Convention should serve as the instrument to implement aims shared with the Basel Convention at the regional level.

There is no doubt that we need to maintain and, indeed, intensify our cooperation with the Basel Convention Secretariat as we have much to gain from the expertise, experience and tools available under the Basel Convention.

In pursuance of this objective, I would like to draw your attention to one of the important issues to be examined during this Conference: the proposal to use SPREP to fulfill the mandate of a Joint Centre of the Basel and Waigani Conventions.

As a prerequisite, identical membership between the two Conventions is necessary in order to provide the ideal circumstances for cooperation with the Basel Secretariat towards the effective operation of the Centre.

As of today eight Parties to the Waigani Convention are also Parties to the Basel Convention and two SPREP Members are Parties to the Basel Convention but not to the Waigani Convention.

Distinguished representatives, please note that all documents tabled in this fora have already been reviewed by legal and technical experts from Parties during a workshop held in June 2002 in Samoa.

The Basel Secretariat provided financial and other support for the workshop and I would like to reiterate my thanks to the Basel Secretariat for their support.

In closing, let me reiterate the importance of this meeting and the significance of the Convention itself as it addresses our specific situation in terms of limited land availability and the adverse environmental effects of hazardous wastes.

The Waigani Convention, with the active cooperation of Parties will allow for:

- the off-island disposal of hazardous wastes into countries having the capacity to dispose of such wastes; and
- the development of recycling and recovery schemes as well as the minimisation of hazardous wastes.

No less important is the mechanism provided by the Convention to prohibit the importation of hazardous and radioactive wastes into Pacific Island Developing Parties.

I should again like to encourage countries which have yet to do so, to become a Party to the Conventions at the earliest opportunity as full membership will provide for a strong and unified voice from our region to be projected globally.

I sincerely hope that the decisions you make at this Conference will send out a strong message of the commitment of all Parties to work together towards the implementation of the Waigani Convention. Thank you for your attention.

Annex V: Provisional Agenda

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Agenda Item 2	Organisational Matters
Agenda Item 3	Adoption of the Agenda
Agenda Item 4	Rules of Procedure of the Conference of Parties
Agenda Item 5	Institutional Arrangements for the Implementation of the Convention: Establishment of a Subsidiary Body
Agenda Item 6	Designation of Competent Authorities
Agenda Item 7	Reporting and Transmission of Information
Agenda Item 8	Illegal Traffic
Agenda Item 9	Legal and Technical Assistance
Agenda Item 10	Relationship between the Secretariat of the Basel Convention and SPREP
Agenda Item 11	Cooperation with other Institutions
Agenda Item 12	Financial arrangement for the Administration of the Waigani Convention to Ban the Importation into Forum Island Countries of Hazardous Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region
Agenda Item 13	Work Programme and Budget
Agenda Item 14	Other Business
Agenda Item 15	Date and Venue of the Next Meeting
Agenda Item 16	Adoption of the Report
Agenda Item 17	Closure of the Meeting

Annex VI: Approved Rules of Procedures

Rules of Procedure for Meetings 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 Management of Hazardous Wastes within the South Pacific Region (Waigani Convention)

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I. INTRODUCTION

Scope

Rule 1

These rules of procedure shall apply to any meeting of the Conference of the Parties and *mutadis mutantis*, to any subsidiary bodies to the Convention to Ban the Importation into Forum Islands Countries of Hazardous and Radioactive Wastes, and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region convened in accordance with Article 13 of the Convention.

Definitions

Rule 2

For the purposes of these rules:

1. "Convention" means the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region, adopted at Waigani, Papua New Guinea on the 16th September 1995, also known as the Waigani Convention.
2. "Parties" means Parties to the Convention.
3. "Conference of the Parties" means the Conference of the Parties established by Article 13 of the Convention.
4. "Decision" means that which is set out in Rule 32.
5. "Meeting" means any ordinary or extraordinary meeting of the Conference of the Parties.
6. "Chairperson" means the Chairperson of the Conference of the Parties elected in accordance with Rule 18 of these rules of procedure.
7. "Secretariat" means the South Pacific Regional Environment Programme designated as Secretariat of the Convention in accordance with paragraph 3 of Article 14 of the Convention.
7. "Parties present and voting" means Parties present at the sitting at which voting takes place and casting an affirmative or negative vote. Parties which abstain from voting are considered as not voting.

II. MEETINGS

Place of meetings

Rule 3

At each ordinary meeting, the Conference of the Parties shall decide on the venue of the next ordinary meeting to be hosted by one of the Members or by the Secretariat. In unforeseen circumstances, the Secretariat may in consultation with the Chairperson and the Parties, change the venue of the next ordinary meeting.

Dates of meetings

Rule 4

1. Ordinary meetings of the Conference Parties shall be convened once every other year unless the Parties decide otherwise, to coincide where possible with the ordinary meetings of Contracting Parties to the Convention on Conservation of Nature in the South Pacific (Apia Convention) and to the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region and related Protocols (SPREP Convention) and the SPREP Meeting.
2. At each ordinary meeting, the Conference of the Parties shall decide on the date and duration of the next ordinary meeting.
3. Extraordinary meetings of the Conference of the Parties shall be convened at such times as may be deemed necessary by a meeting of a Conference of the Parties, or at the written request to the Secretariat of any Party, provided that within six months of the request being communicated to the Parties by the Secretariat, it is supported by at least a two thirds majority.
4. In case of an extraordinary meeting convened at the written request of a Party, it shall be convened no later than ninety days after receipt by the Secretariat of the request as mentioned in paragraph 3 of this rule and supported by at least a two thirds majority.

Notification of meetings

Rule 5

The Secretariat shall notify all parties of the dates and venue of Ordinary and Extraordinary meetings at least ninety days before the meetings.

III. OBSERVERS

Participation of non-Parties

Rule 6

- 1 The Secretariat shall invite as an observer, any other government which is a member of SPREP to any meeting.
- 2 Such observers, upon invitation of the Chairperson and with the consent of Parties at the meeting, may participate without a vote in the deliberations of the meeting. They shall be permitted to speak on any other matter only after the Parties wishing to do so have spoken.

Participation of United Nations, other International Organisations, Specialized
Agencies, Regional Organisations

Rule 7

1. The participation of observers or advisers will be governed by Article 13 paragraph 5 of the Convention.
2. Such observers and advisers may, upon invitation of the Chairperson and with the consent of the meeting, participate without vote in the deliberations of the meeting. They shall be permitted to speak on any other matter only after the Parties wishing to do so have spoken.

IV. SESSIONS OF MEETINGS

Plenary Sessions, ad hoc Meetings and Working Groups.

Rule 8

- 1 Plenary sessions of the meetings shall be open to those invited to attend, unless the Parties at the meeting decide on closed sessions.
- 2 Sessions of ad hoc meetings and working groups of the meetings shall be held in private, unless the Parties at the meeting decide otherwise.

V. AGENDA

Preparation of Provisional Agenda

Rule 9

In cooperation with the Chairperson, the Secretariat shall prepare the provisional agenda of each meeting.

Inclusion of Items in Provisional Agenda for Ordinary Meetings

Rule 10

1. The provisional agenda of each ordinary meeting shall include:
 - a) Items arising from the articles of the Convention, including those specified in its article 13 and Rule 16;
 - b) Items the inclusion of which has been decided at a previous meeting;
 - c) A report by the Secretariat on the work undertaken or achieved as part of the work programme since the last ordinary meeting and containing proposals and other activities to be undertaken in the forthcoming biennium;
 - d) The provisional budget as well as all questions pertaining to the Convention accounts and financial arrangements; and
 - e) Any item proposed by a Party and received by the Secretariat before the provisional agenda is circulated.

Distribution of Provisional Agenda

Rule 11

The invitations, provisional agenda and supporting documents for each ordinary meeting shall be distributed in English by the Secretariat to the Parties and to entities referred to in Rules 6 and 7 at least six weeks before the opening of the meeting.

Supplementary Items

Rule 12

The Secretariat shall, in consultation with the Chairperson, include any Item that is proposed by a Party and has been received between the dispatch of the provisional agenda and the opening of the meeting in a supplementary provisional agenda. The meeting shall examine the supplementary provisional agenda together with the provisional agenda.

Addition, Deletion, Deferment or Amendments of Items

Rule 13

When adopting the agenda for an ordinary meeting, the Conference of the Parties may decide to add, delete, defer or amend any item.

Agenda for Extraordinary Meeting

Rule 14

The provisional agenda for an extraordinary meeting shall consist only of those items proposed for consideration in the request for holding of the extraordinary meeting. The agenda shall be transmitted to the Parties at the same time as the invitation to the extraordinary meeting.

Report on Administrative and Budgetary Implications

Rule 15

The Secretariat shall report to the meeting on the administrative and financial implications of all substantive agenda items before they are considered by the meeting.

Incomplete Consideration of Items

Rule 16

Any Item of the agenda of an ordinary meeting, consideration of which has not been completed at the meeting, shall be included automatically in the provisional agenda of the next ordinary meeting, unless otherwise decided by the Parties.

VI. REPRESENTATION

Composition of Delegation

Rule 17

Each Party participating in a meeting shall be represented by a delegation consisting of a head of delegation and such other representatives, alternate representatives and advisers as it may require.

VII. OFFICERS

Election of Officers

Rule 18

1. At the commencement of the first session of each ordinary meeting, a Chairperson, a Vice Chairperson and a Rapporteur are to be elected from among the representatives of the Parties by a simple majority vote. These officers will constitute the bureau of the conference.
2. The Chairperson, Vice Chairperson and Rapporteur shall remain in office until such successors are elected at the next ordinary meeting and shall serve in that capacity at any intervening extraordinary meetings.
3. The Chairperson, Vice Chairperson and Rapporteur may also exercise the rights of a representative, including the right to vote, unless there is an alternate representative of the same Party present.
4. At the first session of each ordinary meeting, the Chairperson of the previous ordinary meeting, or in his/her absence, the Vice Chairperson, shall preside until the meeting has elected a Chairperson for the Meeting.

General Powers of the Chairperson

Rule 19

1. In addition to exercising the powers conferred upon him/her elsewhere by these rules, the Chairperson shall declare the opening and the closing of the meeting, preside at the sessions of the meeting, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce consensus and decisions resulting from that vote. The Chairperson shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat.
2. The Chairperson may propose to the Conference of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.

Interim Chairperson
Rule 20

1. The Chairperson, if temporarily absent from a meeting or any part thereof, shall designate the Vice-Chairperson to act as Chairperson.
2. A Vice-Chairperson acting as Chairperson shall have the powers and duties of the Chairperson.

Replacement of Officer
Rule 21

If the Chairperson, Vice Chairperson or Rapporteur is unable to complete the term of office, a representative shall be named by the same Party to fulfill the remainder of the term of office.

VIII. SUBSIDIARY BODIES

Working Groups and Committees
Rule 22

1. The Conference of the Parties may establish, in accordance with Article 13, paragraph 4(f) of the Convention, such, working groups, Committees or agencies as are deemed necessary for the effective implementation of the Convention.
2. The meeting may decide that such working groups, or committees may meet in the period between ordinary meetings.
3. Unless otherwise decided, the meeting shall elect a Chairperson for each such working group or committee and shall determine the terms of reference of each such working group or Committee. Each working group or committee shall elect its own officers other than the Chair.

IX. SECRETARIAT

Duties and Functions of the Secretariat
Rule 23

SPREP shall act as the Secretariat of any meeting and shall be responsible for the arrangements and administration of meetings. In addition to the functions specified in the Convention, in particular Article 14, the Secretariat shall in accordance with these rules:

- a) ensure the receipt, and circulation of documents of the meeting, its committees and working groups;
- b) publish and circulate the decisions, reports and relevant documentation of the meeting;
- c) arrange for the custody and preservation of the documents of the meeting in the archives; and

- d) generally perform all other work that the meeting may require.

X. CONDUCT OF BUSINESS

Quorum Rule 24

Two-thirds of the Parties shall constitute a quorum for all meetings, working groups or committees.

Procedures for Speaking Rule 25

1. No one may address a meeting without having previously obtained the permission of the Chairperson. The Chairperson shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall maintain a list of speakers. The Chairperson may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.
2. The Conference of the Parties may, on a proposal from the Chairperson or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the Chairperson shall call the speaker to order without delay.

Points of Order Rule 26

During the discussion of any matter, a Party may question the procedure being followed by raising a point of order, on which the Chairperson shall immediately rule in accordance with these rules. A representative may appeal against the ruling of the Chairperson. The appeal shall be put to the meeting for immediate decision and the ruling shall stand unless overruled by the decision of the meeting. A Party may not, in raising a point of order, speak on the substance of the matter under discussion.

Motions and Amendments to Motions Rule 27

Motions and amendment to motions, to be discussed or put to the meeting for decision, shall normally be introduced in writing by the Parties and handed to the Secretariat, which shall circulate copies to representatives before the meeting at which they are to be considered. Unless any representative calls for a postponement, the Chairperson may permit the discussion and consideration of such motions and amendments without previous circulation.

Order of Procedural Motions
Rule 28

- 1 Subject to rule 25, the following motions shall have precedence, in the order indicated below, over all other proposals or motions:
 - a) to suspend a sitting;
 - b) to adjourn a sitting;
 - c) to adjourn the debate on the question under discussion; and
 - d) for the closure of the debate on the question under discussion.
- 2 Permission to speak on a motion falling within 1 (a) to (d) above shall be granted only to the proposer and, in addition, to the one speaker in favour of and two against the motion, after which it shall be put to the meeting for an immediate decision.

Withdrawal of Proposals or Motions
Rule 29

A proposal or motion may be withdrawn by its proposer at any time before a decision has been reached or voting has begun, provided that the proposal or motion has not been amended. A proposal or motion thus withdrawn may be reintroduced by any other Party.

Reconsideration of Proposals
Rule 30

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Conference of the Parties, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover, and one other supporter, after which it shall be put to the meeting for immediate decision.

XI. DECISION

Right to Vote
Rule 31

Each Party shall have one vote.

Consensus or Majority Required
Rule 32

- 1 The Parties shall make every effort to reach an agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall, as a last resort, be taken by a two-thirds majority vote of the Parties present and voting, unless otherwise provided by the Convention, by the financial rules referred to in Article 13 paragraph 2 of the Convention or by these rules of procedure.

- 2 Decisions of a meeting on procedural matters shall be decided by a simple majority vote of the Parties present and voting. If a vote is equally divided, a second vote shall be taken. If this vote is equally divided, the proposal shall be regarded as rejected.
- 3 Any question as to whether a matter is one of procedure or substance shall be decided by a simple majority vote of the Parties present and voting.

Voting on Proposals

Rule 33

If two or more proposals relate to the same question, the Conference of the Parties, unless it decides otherwise, shall decide on the proposals in the order in which they have been submitted.

Division of Proposals and Amendments

Rule 34

- 1 Any representative may request that parts of a proposal or of an amendment be decided separately. If objection is made to the request for division, the Chairperson shall permit two representatives to speak, one in favour, and the other against. The request shall then be put to the meeting for decision.
- 2 If the request referred to in Paragraph 1 is allowed or adopted, those parts of a proposal or of an amendment to a proposal that are approved shall then be decided as a whole. If all operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to be rejected as a whole.

Amendment to a Proposal

Rule 35

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises part of that proposal. An amendment shall be decided before the proposal to which it relates is decided and if the amendment is adopted, the amended proposal shall then be decided.

Order of Decision on Amendments to a Proposal

Rule 36

If two or more amendments are moved to a proposal, the meeting shall first decide on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom, and so on, until all amendments have been decided. The Chairperson shall determine the order of decision on the amendments under this rule.

Methods of Voting

Rule 37

Voting, except for election, shall normally be by show of hands. A roll-call vote shall be taken if one is requested by any Party. It shall be taken in the English alphabetical order of the names participating in the meeting, beginning with the Party whose name

is drawn by lot by the Chairperson. However, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question.

Conduct during Voting
Rule 38

After the Chairperson has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The Chairperson may permit the Parties to explain their votes, either before or after the voting. The Chairperson may limit the time to be allowed for such explanations. The Chairperson shall not permit the proposer of a proposal or of an amendment to a proposal to explain his/her vote on his/her own proposal or amendment, except if it has been amended.

XII. REPORTS

Adoption and Distribution of Report
Rule 39

The report adopted by the meeting shall be distributed by the Secretariat at the end of the meeting and where necessary as soon as possible after the meeting.

XIII. LANGUAGES

Interpretation
Rule 40

A representative of a Party may speak in a language other than the official language of the meeting, if he or she provides for interpretation, and the costs thereof, into the official language and has provided prior notice to the Secretariat.

XIV. OVERRIDING AUTHORITY OF THE CONVENTION

Precedence of the Convention
Rule 41

In the event of any conflict between any provision of these rules and any provision of the Convention, the Convention shall prevail.

XV. AMENDMENTS TO THE RULES OF PROCEDURE

Rule 42

These rules of procedure shall remain in force until amended by the Parties.

Annex VII: Approved Financial Rules

Financial Rules for the Administration of the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region (Waigani Convention)

Purpose

Rule 1

These rules shall govern the financial administration of the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region. In respect of matters not specially provided for by these rules, the Financial Regulations of the South Pacific Regional Environment Programme shall apply.

Definitions

Rule 2

In these Regulations, unless the contrary intention appears:

‘Convention’ means the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region also referred to as the Waigani Convention.

‘Parties’ means countries who are Parties to the Convention.

‘Expenditure’ means costs directly associated with the convening of meetings of the Parties and implementing an agreed work programme for the Convention.

‘Budget’ means a statement of income and expenditure relating to the convening of meetings of the Parties and the operations of the Convention.

‘Director’ means the Director of the South Pacific Regional Environment Programme (SPREP).

Financial period

Rule 3

The financial period of the Convention shall consist of two consecutive calendar years beginning on 1 January of the first year and concluding on 31 December of the Second Year.

Budget

Rule 4

1. The Secretariat shall prepare the budget proposal for the following biennium and shall dispatch it to all Parties to the Convention at least six weeks before the

opening of the meeting of the Conference of the Parties at which the budget is to be adopted.

2. The budget proposal shall be arranged in such form and in such Parts, Heads and Sub-Heads as the Parties may from time to time direct.

The budget proposal shall include the following documents:

- (a) A detailed statement dealing with each sub-head separately of estimated income and expenditure for the following two years and the basis of computation;
 - (b) A comparative table dealing with each sub-head separately, of actual income and expenditure during the last two fiscal years and of estimated income and expenditure for the following two years;
 - (c) A detailed statement showing the estimated financial position of the Convention; and
 - (d) Any other documents which the Parties may deem necessary and useful.
3. The Conference of the Parties shall consider the budget proposal and adopt a budget prior to the commencement of the financial period that it covers.
4. The budget for a biennium reflecting the work plan for the same period, as approved by the Meeting of the Conference of the Parties, shall constitute the authorisation to the Director to incur commitments and make payments within the allocations approved by the Meeting, provided always that, unless specifically authorised by the Conference of the Parties, commitments are covered by related income.
5. The Director may transfer within the budget, anticipated savings under any Part, Head or sub-head to meet anticipated expenditure under any other Part, Head or Sub-Head.

Funds

Rule 5

A Trust Fund for the Convention shall be established and managed by the Director. Contributions made pursuant to Rule 6 paragraph 1 (a), (b), (c), (d) shall be credited to this fund. All budget expenditures that are made pursuant to Rule 4, paragraph 4 above shall be charged to the Trust Fund.

Contributions

Rule 6

1. The resources for the financial operation of the Convention shall comprise:
- (a) The contributions made each biennium by Parties based on a scale adopted by consensus of the Parties. Such contributions shall be due on the first day of the relevant biennium;
 - (b) Contributions made by the Parties in addition to those made pursuant to paragraph (a) above, by other States, as well as governmental, intergovernmental and non-

governmental organisations and from other sources. Such contributions shall be used in accordance with such terms and conditions, consistent with the objectives of the Convention and the financial regulation for the financial administration of SPREP, as may be agreed by the Director and the contributor;

(c) The uncommitted balance of appropriations from previous financial periods; and

(d) Miscellaneous income.

2. All contributions shall be paid in United States Dollars. However, the Director is empowered to accept, at his discretion, the total or partial payment of contributions by a Party in currencies other than US dollars which are necessary for the functioning of the Convention.

3. The Director shall acknowledge promptly the receipt of all pledges and contributions and shall inform the Parties, every year, of the status of pledges and payments of contributions.

4. Contributions not immediately required shall be invested in interest bearing deposits at the discretion of the Director. The resulting income shall be credited to the Trust fund.

5. All funds shall be provided by contributions by the Parties to the Convention or by any other States or Organisations referred to in paragraphs 1 (a) and 1 (b) of this rule.

Audit

Rule 7

Unless decided otherwise by the Parties, the accounts and financial management of all funds governed by these rules shall be subject to internal and external audit process of SPREP.

Internal Control

Rule 8

1. The Director shall:

- (a) Establish detailed financial rules and procedures in order to ensure effective financial administration and the exercise of economy;
- (b) Cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the services or goods have been received, and the payments have not previously been made;
- (c) Designate the officer(s) who may receive monies or incur obligations on behalf of the Convention and disburse Convention funds;
- (d) Maintain an internal financial control which shall provide for an effective current examination and/or review of financial transactions, in order to ensure:
 - (i) The regularity of receipt, custody and disposal of all funds and other financial resources of the Convention; and

- (ii) The conformity of commitments and expenditure with the appropriations or other financial provisions approved by the Parties, or with the purposes and rules relating to the Trust Fund and Special Purpose Accounts.
 - (e) Take all precautionary measures necessary to safeguard the property, equipment and supplies of the Parties; and
 - (f) Arrange for the adequate protection of funds and property by insurance.
2. The Director may, after full investigation, authorise the writing off of losses of cash and other assets, provided that the value of all such items written off shall be reported to the meeting of the Parties.
3. Rules governing quotations and tendering procedures for procurement and disposal of equipment and supplies shall be established by the Director.

External Audit

Rule 9

1. The financial statements shall be submitted by the Director to the Auditor as soon as possible following the end of each fiscal year.
2. All liabilities in respect of the financing of assets shall be incorporated in the budget estimates and biennial financial statements.
3. The Auditors shall:
- (a) Conduct their audit in accordance with generally accepted international auditing standards;
 - (b) Prepare a report expressing an opinion as to the fairness of the Convention's financial statement; and
 - (c) Conduct, at the request of the Parties, additional specific examinations and submit separate reports on the results of their examinations.
4. The Auditors shall submit their report to the Director as soon as possible following the end of the fiscal period to which they relate. The Director shall circulate the full report of the Auditors including comments on the financial operations of the Convention and accounts, together with such remarks as the Director may wish to offer to Parties six weeks prior to the next meeting of the Parties.

General Provisions

Rule 10

1. These Financial Rules are to apply to all financial activities of the Convention irrespective of the source of funds.

Rule 11

2. When the position of the Director is vacant, the Director's functions and powers shall be exercised by the Deputy Director in collaboration with the Chairperson of the Parties.

3. In the absence from SPREP headquarters, or during the incapacity, of the Director, the functions and powers of the Director as provided in these rules shall, during such periods, devolve on the Deputy Director. In the event that the Director and Deputy Director are both absent, an officer of the Director's choice shall be designated Officer-in-Charge with such functions and power as determined by the Director.

Rule 12

4. These rules shall enter into force immediately after their approval by the Parties. These rules may be amended by consensus of the Parties at any Ordinary Meeting with immediate effect.

Annex VII: Approved Financial Rules

Financial Rules for the Administration of the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region (Waigani Convention)

Purpose

Rule 1

These rules shall govern the financial administration of the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region. In respect of matters not specially provided for by these rules, the Financial Regulations of the South Pacific Regional Environment Programme shall apply.

Definitions

Rule 2

In these Regulations, unless the contrary intention appears:

‘Convention’ means the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region also referred to as the Waigani Convention.

‘Parties’ means countries who are Parties to the Convention.

‘Expenditure’ means costs directly associated with the convening of meetings of the Parties and implementing an agreed work programme for the Convention.

‘Budget’ means a statement of income and expenditure relating to the convening of meetings of the Parties and the operations of the Convention.

‘Director’ means the Director of the South Pacific Regional Environment Programme (SPREP).

Financial period

Rule 3

The financial period of the Convention shall consist of two consecutive calendar years beginning on 1 January of the first year and concluding on 31 December of the Second Year.

Budget

Rule 4

1. The Secretariat shall prepare the budget proposal for the following biennium and shall dispatch it to all Parties to the Convention at least six weeks before the

opening of the meeting of the Conference of the Parties at which the budget is to be adopted.

2. The budget proposal shall be arranged in such form and in such Parts, Heads and Sub-Heads as the Parties may from time to time direct.

The budget proposal shall include the following documents:

- (a) A detailed statement dealing with each sub-head separately of estimated income and expenditure for the following two years and the basis of computation;
- (b) A comparative table dealing with each sub-head separately, of actual income and expenditure during the last two fiscal years and of estimated income and expenditure for the following two years;
- (c) A detailed statement showing the estimated financial position of the Convention; and
- (d) Any other documents which the Parties may deem necessary and useful.

3. The Conference of the Parties shall consider the budget proposal and adopt a budget prior to the commencement of the financial period that it covers.

4. The budget for a biennium reflecting the work plan for the same period, as approved by the Meeting of the Conference of the Parties, shall constitute the authorisation to the Director to incur commitments and make payments within the allocations approved by the Meeting, provided always that, unless specifically authorised by the Conference of the Parties, commitments are covered by related income.

5. The Director may transfer within the budget, anticipated savings under any Part, Head or sub-head to meet anticipated expenditure under any other Part, Head or Sub-Head.

Funds **Rule 5**

A Trust Fund for the Convention shall be established and managed by the Director. Contributions made pursuant to Rule 6 paragraph 1 (a), (b), (c), (d) shall be credited to this fund. All budget expenditures that are made pursuant to Rule 4, paragraph 4 above shall be charged to the Trust Fund.

Contributions **Rule 6**

1. The resources for the financial operation of the Convention shall comprise:
 - (a) The contributions made each biennium by Parties based on a scale adopted by consensus of the Parties. Such contributions shall be due on the first day of the relevant biennium;
 - (b) Contributions made by the Parties in addition to those made pursuant to paragraph (a) above, by other States, as well as governmental, intergovernmental and non-governmental organisations and from other sources. Such contributions shall be used in accordance with such terms and conditions, consistent with the objectives

of the Convention and the financial regulation for the financial administration of SPREP, as may be agreed by the Director and the contributor;

- (c) The uncommitted balance of appropriations from previous financial periods; and
- (d) Miscellaneous income.

2. All contributions shall be paid in United States Dollars. However, the Director is empowered to accept, at his discretion, the total or partial payment of contributions by a Party in currencies other than US dollars which are necessary for the functioning of the Convention.

3. The Director shall acknowledge promptly the receipt of all pledges and contributions and shall inform the Parties, every year, of the status of pledges and payments of contributions.

4. Contributions not immediately required shall be invested in interest bearing deposits at the discretion of the Director. The resulting income shall be credited to the Trust fund.

5. All funds shall be provided by contributions by the Parties to the Convention or by any other States or Organisations referred to in paragraphs 1 (a) and 1 (b) of this rule.

Audit **Rule 7**

Unless decided otherwise by the Parties, the accounts and financial management of all funds governed by these rules shall be subject to internal and external audit process of SPREP.

Internal Control **Rule 8**

1. The Director shall:

- (a) Establish detailed financial rules and procedures in order to ensure effective financial administration and the exercise of economy;
- (b) Cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the services or goods have been received, and the payments have not previously been made;
- (c) Designate the officer(s) who may receive monies or incur obligations on behalf of the Convention and disburse Convention funds;
- (d) Maintain an internal financial control which shall provide for an effective current examination and/or review of financial transactions, in order to ensure:
 - (i) The regularity of receipt, custody and disposal of all funds and other financial resources of the Convention; and

- (ii) The conformity of commitments and expenditure with the appropriations or other financial provisions approved by the Parties, or with the purposes and rules relating to the Trust Fund and Special Purpose Accounts.
 - (e) Take all precautionary measures necessary to safeguard the property, equipment and supplies of the Parties; and
 - (f) Arrange for the adequate protection of funds and property by insurance.
2. The Director may, after full investigation, authorise the writing off of losses of cash and other assets, provided that the value of all such items written off shall be reported to the meeting of the Parties.
3. Rules governing quotations and tendering procedures for procurement and disposal of equipment and supplies shall be established by the Director.

External Audit

Rule 9

1. The financial statements shall be submitted by the Director to the Auditor as soon as possible following the end of each fiscal year.
2. All liabilities in respect of the financing of assets shall be incorporated in the budget estimates and biennial financial statements.
3. The Auditors shall:
- (a) Conduct their audit in accordance with generally accepted international auditing standards;
 - (b) Prepare a report expressing an opinion as to the fairness of the Convention's financial statement; and
 - (c) Conduct, at the request of the Parties, additional specific examinations and submit separate reports on the results of their examinations.
4. The Auditors shall submit their report to the Director as soon as possible following the end of the fiscal period to which they relate. The Director shall circulate the full report of the Auditors including comments on the financial operations of the Convention and accounts, together with such remarks as the Director may wish to offer to Parties six weeks prior to the next meeting of the Parties.

General Provisions

Rule 10

1. These Financial Rules are to apply to all financial activities of the Convention irrespective of the source of funds.

Rule 11

2. When the position of the Director is vacant, the Director's functions and powers shall be exercised by the Deputy Director in collaboration with the Chairperson of the Parties.

3. In the absence from SPREP headquarters, or during the incapacity, of the Director, the functions and powers of the Director as provided in these rules shall, during such periods, devolve on the Deputy Director. In the event that the Director and Deputy Director are both absent, an officer of the Director's choice shall be designated Officer-in-Charge with such functions and power as determined by the Director.

Rule 12

4. These rules shall enter into force immediately after their approval by the Parties. These rules may be amended by consensus of the Parties at any Ordinary Meeting with immediate effect.

Annex VII (a): Scale of Contributions

Parties	Percentage
Australia	40.0%
Cook Islands	2.5%
Federated States of Micronesia	2.5%
Fiji	2.5%
Kiribati	2.5%
New Zealand	40.0%
Papua New Guinea	2.5%
Samoa	2.5%
Solomon Islands	2.5%
Tuvalu	2.5%
Total	100%

Annex VIII: Indicative Work Programme 2003—2004

Focus Areas and Objective	Output	Performance Measures	Activity	Budget estimated (USD)	Source of funding
Effective Secretariat support for the Waigani Convention	Development of adequate national legislation on the management of hazardous wastes	Five Parties provided with adequate national legislation on the Management of Hazardous wastes	Review of national legislation Consultation with relevant national Agencies and SBC Awareness raising Drafting of legislation	50,000	
	Information effectively managed, disseminated and exchanged	Information needs assessment completed and information and communication tools developed	Surveys of information needs Development of information systems Training (workshop/ attachment)	70,000	
	Training of competent Authorities for the effective use of the control system associated with the Import-export of hazardous wastes	Ten Competent Authorities in knowledge of the Control System	Regional training workshop on the control System Development of a manual	30,000	
	Relevant stakeholders effectively facilitating the implementation of the Convention	Government (custom, police, port and legal officers) and industries institutions trained in five countries	National workshops in five countries Party to the Waigani Convention	50,000	
	Promotion of ratification and implementation to the Waigani/Basel Conventions	Six more ratifications to the Waigani Convention	Development of fact sheets, briefings papers, booklets, press kit... Development of a Waigani CD Handbook	20,000	
	Collaboration with the Basel Convention and relevant institutions	Formal working relationships with relevant Secretariat established and existing tools identified or used	Development of MOUs. Identification and adaptation of existing tools	1,000	
				US\$221,000	

Annex IX: Approved Core Budget for the Biennium 2003—2004

Core Budget

	USD
Second Conference of the Parties:	18,000
(a) Secretariat Support, Communications, Photocopying/Stationery, etc \$10,000	
(b) Technical/Secretariat Support to members \$8,000	
Scientific and Technical Advisory Committee	\$25,000
	US\$43,000

Contributions

Parties	Percentage	Value
Australia	40.0%	\$ 17,200
Cook Islands	2.5%	\$ 1,075
Federated States of Micronesia	2.5%	\$ 1,075
Fiji	2.5%	\$ 1,075
Kiribati	2.5%	\$ 1,075
New Zealand	40.0%	\$ 17,200
Papua New Guinea	2.5%	\$ 1,075
Samoa	2.5%	\$ 1,075
Solomon Islands	2.5%	\$ 1,075
Tuvalu	2.5%	\$ 1,075
Total	100.0%	\$ 43,000

Annex X: Statement by the Pacific Islands Forum Secretariat to the First Conference of the Parties to the Waigani Convention

Distinguished Delegates,
Ladies and Gentlemen,

It gives me great pleasure to make a brief statement, on behalf of the Forum Secretariat, at this First Conference of the Parties to the Waigani Convention. The Forum Secretariat is particularly pleased to participate at this First Conference of the Parties because of its historical association with the Waigani Convention.

At the Pre-Forum Officials Committee Meeting in July 1992, the Government of Papua New Guinea submitted to the Forum Officials Committee a proposal for a Regional Convention on Hazardous Wastes. In noting the proposal, the Forum Officials Committee agreed that the proposal be raised formally by the Government of Papua New Guinea as an agenda item for the SPREP Intergovernmental Meeting in 1992. The Forum subsequently welcomed the proposal and agreed that it be forwarded to SPREP for technical evaluation and comment.

At the Fifth SPREP IGM in 1992, in Apia, it was agreed that a Technical Working Group be established to make a technical evaluation and comment on the Papua New Guinea proposal. The Report of the Technical Working Group was submitted to the 1993 Forum by SPREP. The 1993 Forum endorsed the proposal and agreed that technical consultations and negotiations on a regional convention complementary to the relevant global regimes should commence by March 1994, with the aim of concluding by the 1995 Forum.

The Working Group to draft the regional convention met four times. It was chaired by Hon Resio Moses, Secretary for External Affairs of the Federated States of Micronesia and assisted by representatives of the Basel Convention from Geneva and SPREP. The Secretariat would like to acknowledge the significant contribution of the Deputy Director of SPREP to the work of the Working Group. The Working Group managed its work in an informal way, making it possible for concerned Non-Governmental Organisations to attend and contribute to the Working Group. The Working Group also welcomed contributions from SPREP members which were not members of the Forum, in recognition of the key role which was envisaged for SPREP in the draft convention. The United States and France as the metropolitan powers with territories in the Convention area also attended meetings of the Working Group.

The draft convention was concluded at the fourth and final meeting of the Working Group (3-7 April 1995) and the Secretariat was tasked with editing the draft.

The Working Group had as its principle objective the inclusion of articles which were consistent with the relevant international regime and the Basel Convention, in particular. The Working Group sought to achieve a balance between obligations compatible with the global instrument and the needs and capacities of Forum Island Countries. As you will all be aware, the Convention seeks to:

- (i) ban the importation of all hazardous and radioactive wastes from outside the Convention Area to Pacific Island Developing Countries; and
- (ii) ensure that any transboundary movements of hazardous wastes within the Convention Area are completed in a controlled and environmentally sound manner.

The Working Group also recommended that the most appropriate regional organisation to act as Secretariat of the Convention, given its mandate and existing technical capabilities, was SPREP. This recommendation was endorsed by the full SPREP membership. It was also

recommended that the Secretary General of the Forum Secretariat be the depositary of the Convention.

In adopting the Waigani Convention, the 1995 Forum noted that the Convention was an important milestone, in banning the importation of all hazardous and radioactive wastes from outside the Convention area to Pacific Island Developing Parties, and ensuring that any transboundary movements of hazardous wastes within the Convention area were completed in a controlled and environmentally sound manner. The Forum thanked the Working Group of officials, and the Secretariat, for the intensive work put into completing the Convention since the 1994 Forum. The Forum urged all members to sign and ratify the Convention expeditiously, to bring it into effect as soon as possible, in accordance with their national processes.

The Waigani Convention is a credit to Papua New Guinea for taking the initiative and proposing that such a regional convention be negotiated (and providing the first drafts) and those countries and organisations who participated in the negotiations. The Convention was more or less finalised in four very intensive meetings over a period of only eighteen months and was adopted on 16 September 1995 and came into force six years after it was adopted on 26 October 2001. Congratulations are due to members and SPREP for ensuring that the Convention came into force within a relatively short period of time.

Not long after the Waigani came into force, it was tested with the proposal to ship toxic wastes to the Solomon Islands. Thankfully, the Waigani Convention withstood the test. The Secretariat encourages Parties to the Convention to implement the Convention and encourages non-Parties to ratify or accede to the Convention. Only when all members are parties, can we ensure the protection of the region by: the minimisation of hazardous wastes and their disposal by environmentally sound methods; prohibiting the importation of hazardous and radioactive wastes; and managing the disposal of hazardous wastes.

The Secretariat has been happy to participate in this First Conference of the Parties and to lend its political and moral support to the Parties and to SPREP as they begin the important process of implementing the Convention.

Pacific Islands Forum Secretariat,
Suva, Fiji.
15 July 2002

**Annex XI: List of Decisions Adopted by the First Meeting of the
Conference of the Parties to the Waigani Convention**

DECISION I

RULES OF PROCEDURE OF THE CONFERENCE OF PARTIES

The Conference:

1. **Adopted** the Rules of Procedure which are attached as Annex VI;
2. **Requested** the Secretariat to convene the second meeting of the Conference of Parties in 2004; and
3. **Decided** that Meetings of the Conference of Parties shall take place on a biennial basis.

DECISION II

**INSTITUTIONAL ARRANGEMENT FOR THE IMPLEMENTATION OF THE
CONVENTION: ESTABLISHMENT OF A SUBSIDIARY BODY**

The Conference:

1. **Decided** to establish Scientific and Technical Advisory Committee (STAC) to meet as necessary in order to fulfill its tasks as mandated by the Conference of Parties subject to available resources;
2. **Requested** the Secretariat to develop no later than January 2003, Draft Terms of Reference of STAC and to circulate such Terms of Reference for consideration by the Parties;
3. **Decided** that these TOR be revised by STAC and adopted by the Committee on an interim basis until endorsed by the Conference of the Parties (COP);
4. **Further requested** the Secretariat and the Parties to identify the necessary funds and to convene a Meeting of the STAC in 2003;
5. **Instructed** the Committee to fulfill the tasks placed on it by the decisions of this Conference and to present a report on its work to the Second Meeting of the Conference of Parties; and
6. **Decided** that notwithstanding Rule 22.3 of the Conference of the Parties (COP) Rules of Procedures, the STAC could elect its own Chairperson.

DECISION III:

COMPETENT AUTHORITIES AND FOCAL POINTS

The Conference:

***Recalling** Article 5 of the Waigani Convention which requires the Parties to designate or establish one Competent Authority and one Focal Point with no need to designate or establish new or separate authorities as well as to inform the Secretariat within three months of the date of entry into force of the Convention of the agencies they have designated as their Competent Authority and Focal Point,*

***Aware** of the fundamental role of Competent Authorities and Focal Points for the implementation of the Waigani Convention, including the consent or denying of permission for the transboundary movement of hazardous wastes,*

***Also aware** of the potential need to provide the necessary training to the Competent Authorities to ensure the effective and efficient use of the Control System associated with the import-export of hazardous wastes,*

1. **Requested** Parties which had not yet informed the Secretariat of the designation or establishment of their Competent Authority and Focal Point to do so at the earliest; and
2. **Encouraged** the Secretariat in collaboration with Parties to seek the necessary funds to convene a regional training workshop for Competent Authorities on the use of the control system associated with the Import-Export of hazardous wastes.

DECISION IV

REPORTING AND TRANSMISSION OF INFORMATION

The Conference:

***Taking note of** the current and future activities under the SPREP Information Management Framework adopted at the 12th SPREP meeting,*

***Recognising** the fulfillment of obligations under Article 7 of the Convention might constitute a burden for most of the Parties,*

1. **Requested** the Secretariat to provide Parties with advice for the management of information on hazardous wastes;
2. **Encouraged** the Secretariat to seek and identify the necessary funding to assist Parties upon request to set up procedures and other arrangements to facilitate the collection of their data and the preparation of inventories of hazardous wastes;

3. **Further encouraged** the Parties that were in a position to do so to collaborate with and assist the Parties in need in setting up procedures and other arrangements to facilitate the collection of data and preparation of inventories of hazardous wastes;
4. **Requested** the Secretariat to adapt the Form for reporting and transmission of information developed under the Basel Convention for meeting the requirements under the Waigani Convention, and to include any additional reporting requirements concerning radioactive wastes. In addition, the Secretariat shall update the form as necessary in line with changes made by the Basel Convention;
5. **Endorsed** in principle the Draft Notification and Draft Movement Document Forms;
6. **Decided** that the draft reporting and transmission of information, Draft Notification and Draft Movement Document Forms be revised by the STAC and adopted by the Committee on an interim basis until endorsed by the Conference of the Parties (COP);
7. **Requested** the Parties to provide reports in accordance with Articles 7 and 14 for the calendar year 2004 using the Draft Format as endorsed by this meeting; and
8. **Further requested** the Secretariat to continue/undertake efforts in linking its regional clearinghouse with other relevant clearinghouses or databases managed by regional organisations or members, and also with other relevant Secretariats of Conventions.

DECISION V

ILLEGAL TRAFFIC

The Conference:

***Recognising** that illegal traffic of hazardous wastes remains an issue of concern for the Pacific Region,*

***Convinced** that the prevention of illegal traffic requires close cooperation among States with the support of the Secretariat of the Waigani Convention, the Secretariat of the Basel Convention as well as other relevant organisations,*

1. **Requested** Parties to ensure that national legislation for the management of chemical wastes and hazardous wastes to be developed also addressed the issue of illegal traffic of hazardous wastes and radioactive wastes;
2. **Further requested** the Parties to incorporate in their legal systems, appropriate sanctions or penalties on all persons who have planned, carried out or assisted in illegal traffic in hazardous wastes and radioactive wastes;
3. **Strongly requested** Parties to promote at the Ministerial level, all means to prevent and penalise illegal traffic in hazardous wastes;

4. **Requested** the Secretariat to assist Parties in developing national legislation and administrative procedures for the prevention, monitoring, repression and remediation of illegal traffic;
5. **Further requested** the Secretariat in its efforts to build the capacity of Parties to ensure that prevention and monitoring of illegal traffic be duly dealt with in the training workshop for Competent Authorities on the "Use of the Control System Associated with the Import and Export of Hazardous Wastes";
6. **Encouraged** Parties to establish informal bilateral arrangements to better target illegal traffic between their countries;
7. **Strongly encouraged** Parties to bring any cases, or, if appropriate, alleged cases of illegal traffic to the attention of the Secretariat and to provide the Secretariat with all necessary information to enable it to take any appropriate action in accordance with Article 9.6;
8. **Requested** the Secretariat to report to the second meeting of the Conference of the Parties, through the STAC as appropriate, on information received by Parties;
9. **Encouraged** the Secretariat to establish or strengthen collaboration with the Basel Convention Secretariat and the relevant international institutions in order to achieve better control and monitoring of cases of illegal traffic in hazardous wastes;
10. **Further encouraged** the Secretariat to explore ways of improving its cooperation with non governmental organisation, industry and the private sector for the prevention and monitoring of illegal traffic;
11. **Invited** Parties in their efforts to preventing, identifying and managing illegal traffic to use the Guidance Elements for Detection, Prevention and Control of Illegal traffic in Hazardous Wastes developed under the Basel Convention as an interim measure and further requested STAC to revise and amend the guidance elements for adoption by the Conference of the Parties (COP); and
12. **Also invited** Parties to use the Basel Convention Form for Confirmed Cases of Illegal Traffic to report confirmed cases of illegal traffic to the Secretariat as an interim measure and further requested STAC to revise and amend the guidance elements for adoption by the Conference of the Parties (COP).

DECISION VI

LEGAL AND TECHNICAL ASSISTANCE

The Conference:

***Recognising** the importance and potential usefulness of the tools and expertise available under the Basel Convention for the environmentally sound management of hazardous wastes within the Pacific Region,*

***Concerned** about the difficulties associated with the legal, institutional and technical capacity of Pacific Island Developing Countries to address the management of hazardous chemical and wastes,*

1. **Called upon** the Secretariat of the Basel Convention to officially inform Parties, through the Secretariat of the Waigani Convention about its short and long term planned actions within the Pacific Region.
2. **Requested** the Secretariat of the Waigani Convention, in collaboration with the Secretariat of the Basel Convention to develop technical guidelines in accordance with the work programme based on the Basel Technical Guidelines to be reviewed by the STAC.
3. **Further requested** the Secretariat of the Waigani Convention, in cooperation with the Secretariat of the Basel Convention to develop programmes of training and to conduct joint capacity building activities.
4. **Also requested** the Secretariat of the Waigani Convention, working with other related Secretariats dealing with chemical and waste issues, to undertake with them and, subject to the availability of funds, the necessary actions to develop for Parties upon request, legal and technical capacity for the management of hazardous chemicals and wastes. This could include an adaptation of the Model legislation developed under the Basel Convention or the adoption of a broader approach.

DECISION VII

RELATIONSHIP BETWEEN THE SECRETARIATS OF THE BASEL AND WAIGANI CONVENTIONS

The Conference:

***Recognising** 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 State,*

1. **Encouraged** the Secretariat to further strengthen its collaboration with the Secretariat of the Basel Convention;
2. **Accepted** the principle of a joint Centre of the Basel and Waigani Conventions integrated with SPREP for their implementation;
3. **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 the SPREP capacity to perform the role of a regional centre for training and technology transfer for the management of hazardous wastes under the Waigani and the Basel Conventions and report to STAC or the next Conference of the Parties (COP) whichever meets first;
4. **Recommended** that the 13th SPREP Meeting and the Ministerial segment endorse this decision and further decided to put forward a proposal for endorsement by the Sixth meeting of the Conference of Parties to the Basel Convention.

DECISION VIII

COOPERATION WITH OTHER INSTITUTIONS

The Conference:

***Recalling** the role of SPREP Secretariat in mobilising resources and promoting cooperation to build the capacity of Pacific Islands Countries,*

***Aware** of the cost involved and expertise needed for the implementation of the Waigani Convention and the availability of expertise and tools within other institutions which could be called upon for its implementation,*

***Mindful** of the Conventions and agreements concluded under the auspices of the International Agency Energy Atomic (IAEA), including the Code of Practice on the International Transboundary Movement of Radioactive wastes and the Convention on the Safe Management of Nuclear Waste,*

***Noting** with appreciation the substantive and constructive working relations with the Secretariat of the Stockholm Convention on Management of Persistent Organic Pollutants (POPs), the Secretariat of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and the International Maritime Organization (IMO),*

1. **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 Organizations;

- 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); and
 - c) To submit a report thereon to the next Meeting of the Conference of Parties to the Waigani Convention.
2. **Further requested** the Secretariat to cooperate with the IAEA on the harmonisation and implementation of the provisions concerning the safety of management of radioactive wastes and to report thereon to the next meeting of the Conference of the Parties.

DECISION IX

FINANCIAL ARRANGEMENT FOR THE ADMINISTRATION OF THE CONVENTION

The Conference:

1. **Adopted** the Financial Rules for the administration of the Convention to Ban the Importation into Forum Islands Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the Pacific Region as contained in Annex VII. The adoption of the above rules is without prejudice to any decision that may later be adopted in relation to the scale of contributions;
2. **Noted** the proposed scale of contributions as included in Annex VII (a);
3. **Asked** Parties to consider the proposed scale of contributions and to provide comments on this proposed scale to the Secretariat for further consideration by the STAC prior to the Second Meeting of the Conference of the Parties;
4. **Also requested** the 13th SPREP Meeting to consider the projects under the Waigani Convention as part of the broader SPREP Work Programme where appropriate;
5. **Invited** the Director of SPREP to establish a Trust Fund for the Waigani Convention, in accordance with Rule 5 of the financial rules for the administration of the Waigani Convention; and
6. **Encouraged** Parties and non-Parties to make voluntary contributions into the Trust Fund as soon as possible to ensure the smooth implementation of the decisions of the Conference.

DECISION X

WORK PROGRAMME AND BUDGET

The Conference

Noting the proposed work programme and estimated costs and their relation to the Activity Plan endorsed by the Governing Council at its 12th Meeting,

1. Requested the Secretariat to develop draft terms of reference of projects in the indicative work programme attached as Annex VIII for review by the subsidiary body of the Convention;
2. Further requested the Secretariat to include in any project, where appropriate, a component on communication and education to increase awareness of policy makers, governments, industry and the community to the aims of the Convention and the relevance of the Project to that country;
3. Encouraged the Secretariat to implement other activities for the implementation of the Convention where funds became available;
4. Adopted the core budget as contained in Annex IX to be funded by voluntary contributions by the Parties, non-Parties and others.