



Eleventh Meeting of the Waigani Convention

Eleventh Meeting of the Conference of the Parties to the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and the Management of Hazardous Wastes within the South Pacific Region (Waigani Convention)

Virtual – Apia, Samoa
03 September 2021

Agenda item 6.1: Review of Waigani Convention

Purpose of paper

1. To present for consideration by the Meeting the report of the review undertaken to evaluate the effectiveness of the Waigani Convention at the national and regional levels.

Background

2. At its ninth meeting in 2017, the Conference of the Parties directed SPREP to consider ways to undertake an evaluation of the Waigani Convention to assess the effectiveness of its implementation by Parties.
3. After consulting with Parties in 2019, SPREP, in exercising its role as the Secretariat of the Waigani Convention, engaged the services of a consultant to review the Waigani Convention.
4. The report of the review was presented to the Conference of the Parties during its tenth meeting in 2019. After careful deliberations on the report, the Conference of the Parties agreed that the review be undertaken again.
5. The Secretariat re-tendered the review to be undertaken again with an amended questionnaire in 2021 incorporating input from the Parties.
6. The Parties also requested that the review consider issues of duplication between the Waigani and Basel Conventions. Key questions framing this aspect included: ‘Does the Waigani Convention provide protection, benefits or choices for Parties that the Basel Convention does not? Are options available to reduce or eliminate duplication and inefficiency in this area of governance?’
7. Consistent with the Terms of Reference and the agreed consultancy workplan, the method for the evaluation included:
 - a. Finalise and distribute the questionnaire developed by the Secretariat in consultation with interested Parties. The questionnaire was edited for brevity and clarity while maintaining the content indicated.
 - b. Undertake a literature review covering relevant regional and national planning documents (such as integrated waste management plans and state of the environment reports), COP, STAC and PRC Steering Committee meeting documents, academic publications, and other related material.

- c. Speak to representatives of each of the Parties who were willing to schedule calls covering the issues indicated in the questionnaire.
 - d. Receive written responses from Parties to the questionnaire.
 - e. Integrating the information accumulated in steps 2-4, to prepare the final report.
8. There was a total of 28 findings from the report (WP6.1 Att1) which can be found in Section 12. Key findings include:
 - a. No transboundary movement of hazardous or radioactive waste contravening Waigani Convention Article 4.1 was reported.
 - b. Exports of hazardous waste are, and will remain, a component of the hazardous waste management systems of all Pacific Island Developing Parties (PIDP)
 - c. A majority of PIDPs do not have in place legislation implementing the obligations of the Waigani and Basel Conventions in national law.
 - d. There remains an unfulfilled need for a standing advisory committee able to provide expert technical and scientific advice on matters relating to hazardous waste management in Pacific island contexts.
 - e. The five-member Steering Committee of the Pacific Regional Centre (PRC) has not been performing the functions identified in the terms of reference.
9. The report also provides 14 recommendations for the Parties and Secretariat to consider. Five noteworthy recommendations from the report include:
 - a. All Waigani Convention Parties that are yet to do so should as a priority develop, enact, and implement national legislation fulfilling Waigani and Basel Convention requirements.
 - b. SPREP to allocate more resources, specifically including more staff, to the Waigani Convention Secretariat.
 - c. The role of the STAC be reconsidered in light of any choices made regarding strategic directions: under Strategic Direction (SD) 2, STAC would be dissolved.
 - d. The role of the PRC be reconsidered in light of any choices made regarding strategic directions: under SD2, PRC may be dissolved. Even under SD1, retaining PRC seems questionable upon grounds of disuse and inefficiency. Conversely, under SD3 a reorganised PRC could fulfil its original vision of being the region's permanent institutional hub and center of excellence.
 - e. Waigani Convention Parties and Secretariat as a matter of priority commence the process of amending the Waigani Convention annexes so that they again cover precisely the same materials as the Basel Convention.

Recommendation

10. The Parties are invited to:
 - 1) **endorse** the recommendations of the review report; and
 - 2) **agree** to initiate intersessional work by STAC, facilitated by the Secretariat, to:
 - a) implement those recommendations that can be progressed on a "no regrets" basis
 - b) undertake further analysis for recommendations with major strategic implications, including whether to enhance Waigani Convention implementation, or suspend the Waigani Convention
 - c) prepare an action plan to deliver on the final recommendations, to be presented at the next STAC meeting, in February 2023