

Report of the Eighth Meeting of the Scientific and Technical Advisory Committee (STAC 8) 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).

Introduction

1. The Eighth Meeting of the Scientific and Technical Advisory Committee (STAC 8) 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) was held virtually on 23 June, 2021.
2. Present at the Meeting were representatives from Australia, Cook Islands, Federated States of Micronesia, Fiji, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tuvalu and Vanuatu.

Agenda Item 1: Opening of the Meeting

3. The meeting commenced at 12.10pm with the out-going Chair calling the meeting to order and inviting an opening prayer.
4. Apologies were provided on behalf of the Director General of the Secretariat of the Pacific Regional Environment Programme (SPREP). SPREP is the Secretariat of the Waigani Convention.
5. Opening remarks were made by the Hazardous Waste Management Adviser of SPREP who welcomed everyone to the very first virtual STAC meeting to be held.
6. The outgoing Chairperson welcomed delegates to the meeting, inviting the Secretariat to confirm if a quorum was reached and to explain the Rules of Procedure.
7. The Secretariat explained that the Rules of Procedure were those of the Waigani Convention and confirmed that a quorum had been reached for the meeting. The Chairperson reminded the meeting of the decision made at STAC 7 that the Chairperson would be assigned on a rotational basis in alphabetical order, for which Kiribati would be the incoming Chairperson. Kiribati was absent from the meeting so Niue would be the new Chairperson.
8. The Secretariat explained that the Vice Chairperson and Rapporteur were to be selected by STAC 8.

Agenda Item 2: Organizational Matters and Selection of Chairperson

9. Due to internet challenges, Niue declined the position of Chairperson. As the Chairperson is selected based upon alphabetical order, New Zealand was next however indicated support for Fiji to remain as Chairperson.
10. Upon seeking guidance from the Secretariat, Fiji remained as Chairperson.

11. The Chairperson sought volunteers to the Vice Chairperson and the Rapporteur for which New Zealand and Australia respectively, agreed to undertake these roles.
12. The Chair requested the Secretariat submit the Rules of Procedures to all Members.
13. A short recess was called by the Chairperson to allow for Members to receive and note documentation and prepare for the Meeting.

The Meeting:

- **Elected** Fiji as the Chairperson, New Zealand as Vice Chairperson and Australia as Rapporteur for the Meeting.

Agenda Item 2.1: Adoption of the Agenda

14. The Meeting agreed to an announcement from the Chairperson that the Agenda was to be amended based upon a request from the Secretariat. Agenda Item 4 would be followed by Agenda Item 5, and then Agenda Item 3.
15. The Secretariat confirmed this would allow for more discussion on Agenda Item 3, in response to a query from Australia.

The Meeting:

- **discussed** the provisional agenda as presented; and
- **adopted** the Agenda as amended.

Item 4: Basel Convention Plastic Waste Amendments

16. The Secretariat presented an overview of the proposed measures to adopt the Basel Convention Plastic Waste Amendments to the Waigani Convention annexes.
17. At COP 14 in 2019 the Basel Convention adopted amendments to Annexes II, VIII and IX with the objectives of enhancing the control of the transboundary movements of plastic waste and clarifying the scope of the Convention as it applies to such waste. The new entries became effective on 1 January 2021 for all Parties that did not object to them.
18. The Secretariat explained to the Meeting that there is no automatic mechanism by which amendments to Basel Convention annexes are transferred to those of the Waigani Convention. As such the Waigani Convention currently classifies plastic wastes differently to the Basel Convention that is, the amendments need to be formally adopted in the Waigani Convention to have effect.
19. Further views were sought from the Meeting by the Secretariat on the mechanism to adopt these amendments to the Waigani Convention Eleventh Conference of the Parties (Waigani COP11).
20. The Secretariat confirmed Article 18 provides a fast-track pathway to adopt Annexes from the Basel Convention to the Waigani Convention noting a submission on this will be provided for the Waigani COP 11. This was in response to a query from New Zealand as to how these measures will be incorporated into the Waigani Convention, in particular Annex VIII and IX.

21. Australia, supported by Fiji, requested the Secretariat consider amending the Waigani Convention to reference Article 1A of the Basel Convention for the hazardous wastes covered by the Waigani Convention, which would enable any changes to the Basel Convention in relation to Annexes I and VIII to apply to the Waigani Convention at the same time. For full coverage of wastes controlled under the Basel Convention, Annex II of the Basel Convention would also need to be referenced, or the “Other Wastes” would need to be listed separately in the Waigani Convention. The Secretariat agreed to explore this.
22. Fiji noted not all are parties to the Basel Convention and that work is underway to explore how Fiji can become a party to the Basel Convention.
23. The Secretariat noted the review of the Waigani Convention will be discussed during Agenda Item 3 in response to a query from Federated States of Micronesia.

The Meeting:

- **recommended** that the Secretariat develop a proposal to adopt the Basel Convention plastics amendments in the Waigani Convention, to be presented to WC COP-11

Agenda Item 5: Work Programme for 2022 – 2023

24. The Secretariat presented the work program of the Scientific and Technical Advisory Committee for the biennium 2022–2023 to the meeting.
25. The 2022-2023 Work Plan for the Waigani Convention will be part of the joint implementation of the Waigani and Basel Conventions and will also form the basis for the Business Plan for the Pacific Regional Centre which administers the implementation of the activities contained in the Plan.
26. The budget for the 2022-2023 work program is USD 3,520,000 of which 100% is secured funding.
27. Samoa requested that on-site training be provided to help identify Asbestos Containing Material, handle asbestos and materials, as well as support the provision of appropriate equipment to handle asbestos.
28. At this juncture, New Zealand undertook the role of Chair, as Fiji had to be excused from the meeting.
29. Papua New Guinea, supported by Federated States of Micronesia and Samoa, requested the Secretariat consider inserting an additional column in the workplan which specifies work relating to the various parts of the Waigani Convention. This was noted by the Secretariat.
30. The Secretariat agreed that Waigani Convention reporting is an ongoing issue noting financial support to assist with this is dependent upon available funding. This was in response to requests from Papua New Guinea, supported by Samoa, seeking financial assistance to address the challenge of reporting.
31. Australia commended the Secretariat for the workplan, noting that Australia would be available to follow-up training it delivered in 2020 to manage hazardous waste in the Pacific with in-country training in partnership with SPREP, once COVID-19 related issues are resolved and if there is interest from Parties. Federated States of Micronesia indicated their support to Australia for this

and requested they be considered to participate in the training. The Secretariat expressed thanks to Australia for their offer of assistance.

32. Australia also offered to assist preparing Parties for the Basel Convention Conference of the Parties (Basel COP), through conducting consultations to discuss key issues to be raised at the Basel COP if there is sufficient interest from Pacific Parties. The Secretariat expressed thanks to Australia for their offer of assistance.
33. On Item 1a on the Strategic Framework of the draft work programme for the STAC from 2022 – 2023, New Zealand outlined two tiers of decision making that would need to be made depending on how the recommendations of the Waigani Convention review are implemented. The first tier being the strategic direction of the Convention (whether to continue as business as usual, suspend the Convention, or improve the Convention), and then subsequently the additional recommendations in the review to improve the Convention (subject to strategic decisions).
34. Federated States of Micronesia and New Zealand requested clarification on the updating of guidelines. New Zealand supported by Australia, queried the process for selecting guidelines to be updated, further requesting guidelines specific to the Pacific islands be prioritised, to avoid duplication with those of the Basel Convention. Federated States of Micronesia queried if there would be a group under the STAC that would assist in guideline development.
35. The Secretariat confirmed it will be guided by Members noting that earlier feedback from Parties indicated that some guidelines are not suited to the Pacific setting, also noting the establishment of working groups will be considered to update the guidelines with involvement from the STAC.

The Meeting

- **noted** the draft work programme of the STAC for 2022–2023; and
- **requested** the Secretariat to revise the draft work program, in consultation with the Chairperson, Vice Chairperson, and taking into account the discussions.

Agenda Item 3: Review of the Waigani Convention

36. The Secretariat presented an overview of the report of the Review of the Waigani Convention. The review was undertaken in May 2021 and resulted in a series of 28 Findings and 14 Recommendations.
37. Australia, New Zealand, and Papua New Guinea welcomed the review report and commended the consultants and the Secretariat for a substantive review that addressed the key issues and included recommendations supported by the evidence collected in the review, to help guide the future of the Convention.
38. New Zealand noted some key points that stood out from their initial reading of the report. These include that the majority of Pacific Island countries are both parties to the Basel and Waigani Convention, that there are challenges relating to implementing international law, and that the reviewer thought that legal counsels would likely advise against recommendations on tacit consent.
39. New Zealand also noted that COP11 would not be expected to make decisions due to its online nature and that it would be useful to provide opportunities for parties to engage on the report through written comments and an online discussion.

40. New Zealand suggested Members should be invited to provide written feedback followed by online discussion with the possibility of including the author of the report. This request was supported by Australia, Papua New Guinea, Samoa and Vanuatu.
41. Papua New Guinea noted resourcing was needed for the Secretariat to administer the Convention specifically including dedicated staff and a strong implementation plan.
42. Australia, supported by the Secretariat, recommended that all parties, including those that did not respond to the review questionnaire be involved in presenting feedback on the review of the Waigani Convention as there may be decisions that bind them.
43. In support of the Parties, the Secretariat proposed a schedule for written responses to the Waigani Convention Review and subsequent online discussion to meet the schedule for the Waigani COP 11.
44. The Secretariat will facilitate the seeking of comments online from Parties to be submitted by 9 July, with an online discussion with Parties to take place by 16 July.
45. The contract with the consultant to develop the report is now completed. The consultant will therefore need to be re-engaged if there are further amendments required for the review report.

The Meeting:

- **considered and discussed** the report on the Review of the Waigani Convention findings and recommendations; and
- **provided guidance on progressing** the finalisation of the Waigani Convention Review Report.

Agenda Item 6: Date and Venue of next meeting

46. In principle the next Meeting of the STAC will be held in two years' time in Vanuatu subject to COVID-19 considerations.
47. The next meeting of the STAC will be prior to the next Conference of the Parties. It will be a face-to-face event but will adapt to an online event if necessary.

The Meeting:

- **discussed** and **confirmed** the date and venue of the STAC-9 Meeting, taking into account the resources needed to host such a meeting and the COVID-19 pandemic.
