



South Pacific Regional Environment Programme (SPREP)

Report of the

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

20 July, 2002
Majuro, Marshall Islands

Introduction

1. The First Conference of the Parties to the Convention to Ban the Importation into Forum Islands Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement of Hazardous Wastes within the South Pacific Region (Waigani Convention) was convened in Majuro, Republic of the Marshall Islands on 20 July, 2002.

Membership to the Convention comprises Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, New Zealand, Papua New Guinea, Samoa, Solomon Islands and Tuvalu.

The Meeting had the objective to examine issues as required by the Convention and decide on the necessary actions towards the fulfillment of its aim. These are related to:

- Adoption of Rules of procedure of the Conference of Parties to the Convention;
- Establishment of a Subsidiary Body comprising scientific and technical experts to consider practicalities of the implementation of the Convention;
- Designation/establishment of Competent Authorities and Focal Points to facilitate the implementation of the Convention;
- Implementation of the reporting and transmission of information requirements under the Convention;
- Illegal traffic of Hazardous wastes;
- Collaboration with other Institutions which might be needed for the implementation of the Convention in a cost effective manner;
- Financial mechanism for the administration of the Convention: adoption of financial rules, establishment of a Trust Fund and determination of scale of contribution;
- Adoption of a Work Programme and Budget for the Biennium 2003-2004 to begin the implementation of the Convention.

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 attended.

Delegates from, France, Marshall Islands, Nuie, Palau, Tonga, attended the Meeting as Observers.

Also in attendance as Observers were representatives from the Forum Secretariat (ForSec) and World Meteorological Organisation (WMO). The list of participants is attached as Annex I.

Agenda Item 1: Opening of the Meeting

2 The Reverend Enja Enos opened the meeting in prayer and the Director of SPREP, Mr Tamari'i Tutangata, then invited Mr Phillip 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 caused. 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 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 speech is 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 (SBC). 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 the future development and implementation of the Convention. He emphasized 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 had with the Basel Secretariat and stressed that this was of much relevance given the fact that the Basel and Waigani Conventions had 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 the ideal circumstances for cooperation and operation of the Centre. He added that this situation was 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 speech is 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 **Toomata** (Samoa)

b) Rules of Procedures

11. The meeting agreed to apply *mutatis mutandis* the Rules of Procedure of the SPREP of Officialsto 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 in 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 Islands Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement of Hazardous Wastes 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 (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 it 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 NGO's 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 Arrangement 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 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 8.

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;

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 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).

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 standardization 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) which ever 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 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 to in 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 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.

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 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 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 organizing the Meeting.
