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# Waigani Convention

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## Terms of Reference

### Working Group on the Adoption of the 2019 Basel Convention Plastic Waste Amendments

February 2022

#### 1. Background and context

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 wastes. The new entries became effective on 1 January 2021 for all Parties that did not object to them.

The above amendments have an impact on the Waigani Convention as there is no automatic mechanism by which amendments to Basel Convention annexes are transferred to those of the Waigani Convention. As of 1 January 2021, there is disjuncture between the materials covered by the two Conventions.

Realizing the potential impacts that the disconnect in scope of the convention may pose for the Pacific region, the Secretariat proposed at the eighth meeting of the Scientific and Technical Advisory Committee (STAC-8), that the Waigani Convention be amended to adopt the Basel Convention Plastic Waste Amendments of 2019. The STAC agreed for the Secretariat to prepare a proposal to amend the Waigani Convention and have it presented to Parties at the next meeting of the Conference of the Parties (COP).

At its eleventh meeting of the COP to the Waigani Convention (COP11), held on 3 September 2021, the Secretariat informed Parties of the Basel Convention Plastic Waste Amendments of 2019. The Secretariat presented a process for Parties to progress the amendments it had prepared as agreed to by STAC-8.



Australia volunteered to lead the implementation of the proposal made by the Secretariat to amend the Waigani Convention to adopt the Basel Convention Plastic Waste Amendments of 2019 intersessionally, working with Parties and the STAC. Australia also proposed to investigate mechanisms to automatically update the Waigani Convention to cover future amendments to the Basel Convention.

The meeting therefore agreed, under Decision 6.2, for Australia to lead with New Zealand, Papua New Guinea, and Samoa, to undertake intersessional work in adopting the Basel Convention Plastic Waste Amendments before the next COP and to explore approaches to adopt other amendments to Basel Convention Annexes as they occur.

## **2. Purpose and composition**

The Working Group is an advisory body to the STAC of the Waigani Convention to support the implementation of Decision 6.2 of COP11 as well as future amendments to the Basel Convention and other technical inputs, where applicable.

The composition of the Working Group was decided by COP11 and is therefore set. However, the Working Group may call on experts within their jurisdictions to support their work.

## **3. Responsibilities of the Working Group**

The role and responsibilities of the Working Group includes:

- a) reviewing and adopting its Terms of Reference
- b) preparing its workplan outlining how it will undertake its work and the timeframe needed
- c) drafting a report of its work including the proposed amendments
- d) ensuring requirements of Article 16 and Article 18 of the Waigani Convention on amending the convention are met, noting time required for Parties to be notified of proposed amendments
- e) advising and reporting its progress to the STAC and Secretariat.

## **4. Responsibilities of Working Group Members**

The role of the individual member of the Working Group includes:

- a) participating in Working Group meetings
- b) undertaking tasks assigned to them by the Working Group
- c) providing inputs to and reviewing written outputs prepared for the amendments
- d) consulting with other Parties to seek and include their views
- e) supporting and contributing to Secretariat's communication and outreach efforts to promote and keep Parties updated
- f) writing 1 or 2 papers (as appropriate) with the support of the Secretariat on the proposed amendments to be presented to the STAC.

## **5. Responsibilities of the Secretariat**

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# SPREP

Secretariat of the Pacific Regional  
Environment Programme

The Secretariat for the Working Group is provided by SPREP. The Secretariat will be responsible for:

- a) facilitating STAC ad-hoc meeting to approve TOR of the Working Group
- b) organizing the meetings of the Working Group
- c) organizing and facilitating consultations with other Parties, so they understand their obligations if the plastic amendments are agreed
- d) reviewing the final report of the Working Group
- e) disseminating the outcomes of the work of the Working Group to Parties and relevant stakeholders of the Waigani Convention 6 months before the COP
- f) providing legal advice and assistance to the Working Group.

## 6. Responsibilities of the STAC

- a) providing consultation for the TOR
- b) approving the TOR of the Working Group
- c) approving the final report of the Working Group
- d) providing guidance on how to amend the Waigani Convention to adopt the Basel Convention Plastic Waste Amendments
- e) providing guidance and advice on if the Waigani Convention will be amended to automatically adopt other amendments to Basel Convention Annexes as they occur
- f) taking recommendations of the findings of the proposal/s to the COP for decision.

## 7. Working Group Meetings

Working Group meetings are to be held at least once in 2022, or when major milestones are reached. It is anticipated that the Working Group will not meet more than three times over the period May 2022 – March 2023. Due to the COVID-19 pandemic and travel restrictions, all meetings of the Working Group will be held virtually. Virtual calls will be held as needed during this time frame. Careful attention should be given to the scheduling and timing of the Working Group meetings in light of the expected busy calendar related to the many chemicals and waste related upcoming international events and conferences. The meetings must also be scheduled to satisfy the time requirements for amendments as provided by Article 16 of the Waigani Convention. Working Group meetings will be moderated by Australia, or its appointed experts identified in consultation with the Secretariat. Moderators may include members of the Working Group.

## 8. Amendments Milestones

Date	Milestone
14 April 2022	Working Group TOR finalized
April 2022	Ad-hoc STAC Meeting to endorse TOR
June 2022	First meeting of the Working Group
September 2022	Second meeting of the Working Group

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# SPREP

Secretariat of the Pacific Regional  
Environment Programme

January 2023	Report of the Working Group
Feb 2023	STAC endorsement of the final proposal to take to the COP
Feb 2023	Notice to amend convention to PIFs
September 2023	Proposal taken to the COP

## 9. Members of the Working Group

Title	Country
<b>Governments</b>	
<ol style="list-style-type: none"> <li><b>Katrina Spinaze</b> Senior Policy Officer Hazardous Waste Section, Department of Agriculture, Water and the Environment.</li> <li><b>Lana Barbour</b> Assistant Director Hazardous Waste Section, Department of Agriculture, Water and the Environment.</li> <li><b>Jason Dunn</b> A/g Director Hazardous Waste Section, Department of Agriculture, Water and the Environment.</li> </ol>	Australia
<ol style="list-style-type: none"> <li><b>Mariska Wouters</b> Senior Policy Advisor Ministry for the Environment,</li> <li><b>Nikki McKenzie</b> Senior Advisor Environmental Protection Authority.</li> </ol>	New Zealand
<ol style="list-style-type: none"> <li><b>Veari Kula</b> Manager - Infrastructure, Utilities and Convention Conservation and Environment Protection Authority</li> <li><b>Patricia Torea</b> MIA Project Officer Infrastructure, Utilities and Convention Conservation and Environment Protection Authority</li> </ol>	Papua New Guinea
<b>TBA</b>	Samoa