



## SUMMARY OF THE SEVENTH CONFERENCE OF THE PARTIES TO THE BASEL CONVENTION: 25-29 OCTOBER 2004

The seventh meeting of the Conference of the Parties (COP-7) to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was held from 25-29 October 2004, in Geneva, Switzerland. The meeting was attended by over 450 officials representing more than 114 Parties, four observer States, eight UN bodies and agencies, and over 24 intergovernmental, non-governmental and other organizations. COP-7 opened with a preparatory segment, from 25-27 October, followed by a high-level segment for ministers and heads of delegations, which took place from 28-29 October. Participants in the high-level segment engaged in an interactive discussion on partnerships for meeting the global waste challenge – the theme of COP-7.

The COP had before it a compilation of decisions prepared by the Open-ended Working Group (OEWG) during the intersessional period. Delegates considered decisions on a range of issues relating to the Basel Convention Regional Centers (BCRCs), the Basel Convention Partnership Programme, institutional arrangements, the Ban Amendment, and the Basel Protocol on Liability and Compensation. COP-7 also adopted decisions on definitions of hazardous wastes, hazardous waste characteristics, and a number of technical guidelines. Delegates adopted decisions on guidance elements for bilateral, multilateral or regional agreements, and follow-up to the World Summit on Sustainable Development (WSSD). After protracted negotiations, COP-7 set the budget for 2005-2006, and took decisions on the Strategic Plan and the 2005-2006 work programme for the OEWG. While the meeting achieved significant progress on the issues of ship dismantling and waste minimization, the matter of finance continues to cast a shadow over the Convention, which is in urgent need for adequate and sustainable resources to achieve its goals. Given the limited availability of resources to complete its present tasks, the question of financial resources will likely remain an increasingly contentious matter unless partnerships prove to be an effective way of mobilizing adequate and sustainable resources.

## A BRIEF HISTORY OF THE BASEL CONVENTION

The Basel Convention was adopted in 1989 and entered into force on 5 May 1992. It was created to address concerns over the management, disposal and transboundary movement of the estimated 400 million tonnes of hazardous wastes that are produced worldwide each year. The guiding principles of the Convention are: transboundary movements of hazardous wastes should be reduced to a minimum; they should be managed in an environmentally sound manner; hazardous wastes should be treated and disposed of as close as possible to their source of generation; and hazardous waste generation should be minimized at source. There are currently 162 Parties to the Convention.

Since the Convention's entry into force, Parties have continued to review its implementation and have considered additional actions through the COP, which has met seven times.

**COP-1:** The first COP was held in Piriapolis, Uruguay, from 3-4 December 1992. COP-1 requested industrialized countries to prohibit transboundary movements of hazardous wastes for final disposal to developing countries. It also noted that the transboundary movements of wastes destined for recovery and recycling should take place in accordance with the requirement that the wastes be handled in an environmentally sound manner (Decision I/22). Since Decision I/22 was not legally binding, a "pro-ban coalition," consisting of developing countries, Greenpeace and the Nordic States, urged delegates to adopt a binding amendment to

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the Convention. The issue of hazardous wastes destined for recycling and recovery was forwarded to the Technical Working Group (TWG) for further study.

**COP-2:** During the second COP, held in Geneva from 21-25 March 1994, Parties agreed on an immediate ban on the export of hazardous wastes intended for final disposal from the Organization for Economic Cooperation and Development (OECD) countries to non-OECD countries. Parties also agreed to ban, by 31 December 1997, the export of wastes intended for recovery or recycling (Decision II/12). The issue of whether or not the ban was legally binding was unclear, since Decision II/12 was not incorporated into the text of the Convention itself.

**COP-3:** At the third COP, held in Geneva from 18-22 September 1995, the ban was adopted as an amendment to the Convention (Decision III/1). The Ban Amendment does not use the OECD/non-OECD membership distinction, but bans the export of hazardous wastes for final disposal and recycling from Annex VII countries (EU, OECD and Liechtenstein) to non-Annex VII countries. The amendment thus is not in itself a barrier for non-OECD countries to retain the option of receiving OECD hazardous wastes by joining Annex VII. According to Article 17, entry into force will take place upon ratification by at least three-fourths of the Parties who accepted it, i.e. a total of 62 Parties. To date, it has been ratified by 51 Parties. COP-3 further mandated the TWG to continue its work on the characterization of "hazardous wastes" and the development of lists of wastes that are hazardous (Decision III/12).

**COP-4:** Two of the major decisions adopted at the fourth COP, held in Kuching, Malaysia, from 23-27 February 1998, related to the Ban Amendment. COP-4 considered proposals by countries seeking to join Annex VII and decided that the composition of this annex would remain unchanged until the Ban Amendment enters into force (Decision IV/8). In this decision, COP-4 also requested the Secretariat to undertake a study of issues related to Annex VII. On the question of which wastes should be covered by the Ban, COP-4 considered the proposal put forward by the TWG on List A, identifying wastes characterized as hazardous, and List B, identifying non-hazardous wastes. COP-4 decided to incorporate these lists as Annex VIII and Annex IX to the Convention, respectively.

**COP-5:** The fifth COP met in Basel, Switzerland, from 6-10 December 1999. With over 450 participants in attendance and 115 Parties represented, delegates celebrated the tenth anniversary of the Convention's adoption. They also adopted the Protocol on Liability and Compensation for damage resulting from transboundary movements of hazardous wastes and their disposal, and a "Basel Declaration" for promoting the environmentally sound management (ESM) of hazardous wastes over the next ten years, along with a decision setting the next decade's agenda. Four Parties (Botswana, Ethiopia, Syria and Togo) have ratified the Protocol on Liability and Compensation, which will enter into force upon receipt of 20 instruments of ratification.

The COP also adopted a number of decisions covering the Convention's implementation and monitoring, legal matters, prevention and monitoring of illegal traffic, technical matters, and institutional, financial and procedural arrangements.

**COP-6:** The sixth COP met in Geneva, Switzerland, from 9-14 December 2002. COP-6 emphasized the importance of the goals of the Basel Convention to sustainable development and launched a partnership programme with environmental non-governmental organizations (NGOs), industry and business. The COP adopted decisions on a range of issues relating to the implementation of the Convention, amendment of the Convention and its annexes, and

institutional, financial and procedural arrangements. COP-6 also agreed on guidance elements for the detection, prevention, and control of illegal traffic in hazardous wastes, and on technical guidelines for ESM of biomedical and healthcare wastes, plastic wastes, waste lead-acid batteries, and the dismantling of ships.

Delegates at COP-6 agreed to promote further cooperation between the Basel Secretariat and other organizations and secretariats involved in chemicals management. COP-6 set the budget for 2003-2005, agreed on a compliance mechanism for the Convention, adopted a Strategic Plan, and finalized the Framework Agreement on the legal establishment of the Regional Centres for Training and Technology Transfer.

## COP-7 REPORT

COP-7 began on Monday, 25 October, with an opening address from COP-6 President Ioan Jelev, Romania's Secretary of State for the Environment. Jelev emphasized that partnerships for meeting the global waste challenge and mobilizing resources for a cleaner future represent cornerstone activities for the future of the Basel Convention.

Basel Convention Executive Secretary Sachiko Kuwabara-Yamamoto stressed the need to effectively mobilize resources at the national and international level, and urged delegates to craft sustainable financial solutions and strengthen the role of industry, civil society and local governments.

Delegates then elected Uruguay's Minister of the Environment, Saul Irureta, as President of COP-7. Noting the central role of BCRCs in implementation, Irureta stressed the need to access new resources.

The plenary then adopted the provisional agenda of the meeting (UNEP/CHW.7/1/Add.1) without amendment.

Abdul Hameed (Pakistan), Krystyna Panek-Gondek (Poland) and Arcadio Ntagazwa (Tanzania) were elected Vice Presidents, with Mark Hyman (Australia) as Rapporteur. On Wednesday, delegates elected Ratemo Michieka (Kenya), Jürg Bally (Switzerland), Abdul Hameed (Pakistan), Ilze Donina (Latvia), and Yocasta Valenzuela (Dominican Republic) as members of the Compliance Committee. Guillermo Valles, Uruguay's Ambassador to Switzerland, acted as President on Tuesday, Wednesday and part of Friday.

In conducting their work, participants convened in plenary sessions, working groups, contact groups, and informal consultations to consider and adopt decisions on agenda items relating to the implementation of the Convention, technical guidance documents and papers, financial matters, ship dismantling, and partnerships for meeting the global waste challenge. This report is organized according to the agenda.

## IMPLEMENTATION OF THE DECISIONS ADOPTED BY COP-6

**STRATEGIC PLAN FOR THE IMPLEMENTATION OF THE BASEL CONVENTION:** This issue was considered in plenary on Monday and Friday. On Monday, Kuwabara-Yamamoto introduced the documents on progress in implementing the Strategic Plan (UNEP/CHW.7/3 and INF/4) and drew attention to the draft decision on the Strategic Plan for the Implementation of the Basel Convention (UNEP/CHW.7/2). Discussions centered on whether to delete text referring to the development of projects and requesting the OEWG to develop a resource mobilization strategy. While the European Union (EU) supported deletion of the text, many developing countries were opposed. The decision was adopted on Friday without amendment.



**Final Decision:** The decision on the Strategic Plan (UNEP/CHW.7/2) highlights the implementation role of BCRCs, requests the Secretariat to assist them in the development of projects for approval by the OEWG for implementation in 2005-2006. The decision strongly encourages recipient Parties to include projects for the implementation of the Strategic Plan in their development assistance priorities, and requests the OEWG to develop an appropriate resource mobilization strategy to strengthen the financial basis for implementing the Strategic Plan, including gaining access to multilateral financial institutions such as the Global Environment Facility (GEF) and the World Bank. It further requests the Secretariat to report to COP-8 and the OEWG on progress in implementing the Strategic Plan.

**CAPACITY BUILDING FOR IMPLEMENTATION OF THE STRATEGIC PLAN:** This issue was considered in plenary on Monday. Kuwabara-Yamamoto introduced a document on capacity building for implementation of the Strategic Plan (UNEP/CHW.7/4) and a draft decision on the issue (UNEP/CHW.7/2). Plenary adopted the decision on capacity building for implementation of the Strategic Plan without amendment.

**Final Decision:** The decision on capacity building (UNEP/CHW.7/2) requests the Secretariat to continue to raise awareness and enhance implementation of the Basel Convention, and to collaborate with UNEP Chemicals, the Rotterdam and Stockholm Conventions' Secretariats and the BCRCs in organizing capacity-building activities. It further encourages the Secretariat, in cooperation with the BCRCs and other stakeholders, to build capacity for the ESM of priority waste streams, and invites Parties and other stakeholders to provide resources for capacity building. The decision invites Parties to inform the Secretariat of capacity-building activities, and requests the Secretariat to submit a report to COP-8.

**FRAMEWORK AGREEMENTS AND BUSINESS PLANS OF THE BCRCs:** This issue was introduced in plenary on Tuesday and Friday, and discussed in a contact group on Wednesday. On Tuesday, Nelson Sabogal, Secretariat, introduced an item on framework agreements and business plans for BCRCs (UNEP/CHW.7/INF/6 and 7) and a draft decision on BCRCs (UNEP/CHW.7/2). Several developing countries emphasized the importance of increasing BCRC resources. The EU proposed removing brackets around text on host countries accepting financial responsibility for BCRCs. An informal contact group was established to draft a revised decision, which was considered in plenary on Friday (UNEP/CHW.7/CRP.24). Argentina proposed compromise text on the responsibility of host governments to provide resources to BCRCs, which refers to more general support rather than specifically to financial resources. The EU agreed, on the condition that equal urgency be given to the responsibility of host governments to provide support for BCRCs, as to the request for resources for the Technical Cooperation Trust Fund (TCTF). Delegates adopted the decision, as amended by the EU and Argentina.

**Final Decision:** The decision on this issue (UNEP/CHW.7/CRP.24) requests the BCRCs to ensure effective implementation of projects and, with the Secretariat and the Parties, to develop a funding strategy. It urges Parties, signatories, intergovernmental organizations and stakeholders to contribute to the TCTF and BCRCs, and host countries to provide support to BCRC activities. The decision requests the BCRCs to revise their business plans, and to carry out capacity-building activities. It ends by requesting the BCRCs to evaluate technology transfer to date, and the Secretariat to report to COP-8 on this issue.

**ESTABLISHMENT OF A BCRC IN TEHRAN:** This issue was addressed in plenary on Wednesday. Acting President Valles introduced a document on this issue (UNEP/CHW.7/CPR.11), which was adopted without amendment.

**Final Decision:** The decision (UNEP/CHW.7/CPR.11) requests the Secretariat to conclude a framework agreement with Iran to establish a BCRC in Tehran. It also calls upon the future BCRC to establish a regular line of communication and cooperate with neighboring BCRCs to utilize their expertise.

**COLLABORATION WITH THE SOUTH PACIFIC REGIONAL ENVIRONMENT PROGRAMME:** This issue was addressed in plenary on Wednesday. Sabogal introduced a background note on the collaboration between the Basel Secretariat and the South Pacific Regional Environmental Programme (UNEP/CHW.7/7), and referred delegates to the relevant framework agreement (UNEP/CHW.7/INF/7) and business plan (UNEP/CHW.7/INF/6.Add.1). Delegates took note of the documents.

**IMPLEMENTATION OF THE ENVIRONMENT INITIATIVE OF THE NEW PARTNERSHIP FOR AFRICA'S DEVELOPMENT AS IT RELATES TO HAZARDOUS WASTES AND OTHER WASTES:** This issue was addressed in plenary on Tuesday. Executive Secretary Kuwabara-Yamamoto introduced a document (UNEP/CHW.7/30) and a corresponding draft decision (UNEP/CHW.7/2). The decision was adopted without amendment.

**Final Decision:** The decision (UNEP/CHW.7/2) encourages Parties and other stakeholders to contribute resources to the implementation of the Basel Convention in Africa, and requests the Secretariat to obtain additional financial support for projects submitted to the African Ministerial Conference on the Environment (AMCEN). It requests the Secretariat to continue to collaborate with the secretariats of AMCEN and the New Partnership for Africa's Development in the implementation of the Basel Convention's Strategic Plan and Declaration on ESM. It further requests the Secretariat to report on progress at COP-8.

**IMPLEMENTATION OF DECISION III/1 ON AMENDMENT OF THE BASEL CONVENTION:** This issue was addressed in plenary on Tuesday and Friday. On Tuesday, Donata Rugarabamu, Secretariat, introduced a draft decision on the implementation of Decision III/1 (UNEP/CHW.7/2), noting that it was intended to expedite the process of ratification, acceptance, formal confirmation or approval of the Ban Amendment. The Basel Action Network (BAN) drew attention to confusion concerning the number of ratifications required for the Ban Amendment to enter into force, following the Secretariat's receipt of a letter from the UN Office of Legal Affairs stating that ratification by three-fourths of current Parties is required, rather than three-fourths of the Parties that accepted the Ban Amendment at COP-3. A revised draft decision (UNEP/CHW.7/CRP.28) was introduced in plenary early on Saturday morning. The EU, supported by Canada, Japan, Nigeria and the US, proposed the deletion of a paragraph requesting the Secretariat to clarify the interpretation of Article 17, concerning the requirements for entry into force of amendments to the Convention. The decision was adopted as amended.

**Final Decision:** The decision (UNEP/CHW.7/CRP.28) welcomes recent ratifications on the Ban Amendment in Decision III/1, and appeals to Parties to expedite the process of ratification of the amendment, and non-Parties to ratify the Convention.

**ANALYSIS OF ISSUES RELATED TO ANNEX VII:** This issue was considered in plenary on Tuesday and Friday. On Tuesday, Rugarabamu introduced a document on this item



(UNEP/CHW.7/12) and a corresponding draft decision (UNEP/CHW.7/2). Australia, New Zealand and India said the current membership criteria for Annex VII, which depend on membership of the EU or the OECD, are arbitrary and discriminatory. Norway, with the EU and Egypt, said discussions on Annex VII should not be re-opened until the Ban Amendment enters into force. Canada, with the US, said a number of developing countries have developed the capacity to ensure ESM of hazardous wastes since the adoption of Decision III/1, and they should not be prevented from competing in the recycling market.

**Final Decision:** The decision (UNEP/CHW.7/2) takes note of the final report of the OEWG on the analysis of issues related to Annex VII, and invites Parties that have not ratified Decision III/1 to do so, and States that are not Parties to the Basel Convention to consider doing so.

**DESIGNATION OF COMPETENT AUTHORITIES AND FOCAL POINTS:** This issue was addressed in plenary on Tuesday. Rugarabamu introduced a *List of Competent Authorities and Focal Points* (UNEP/CHW.7/INF/3) and a corresponding draft decision (UNEP/CHW.7/2), which was adopted without amendment.

**Final Decision:** The decision (UNEP/CHW.7/2) calls on Parties to designate competent authorities and focal points for the Convention, and urges them to submit information on designations to the Secretariat. It also invites non-Parties and interested organizations to identify contact persons and submit the relevant information to the Secretariat. The decision further requests the Secretariat to maintain a list of competent authorities and focal points and post them on the Convention's website.

**BASEL PROTOCOL ON LIABILITY AND COMPENSATION:** On Wednesday in plenary, Rugarabamu introduced a document containing country comments, a draft manual on implementation of the Protocol (UNEP/CHW.7/INF/11, INF/11/Add.1 and INF/12), and a corresponding draft decision on the item (UNEP/CHW.7/2). As a number of delegates noted the need for further work on the manual, the UK proposed reflecting this in the decision. Canada suggested adding language to mandate the OEWG to approve and adopt the manual, allowing time for its improvement. The decision was adopted in plenary on Wednesday with the amendments proposed by the UK and Canada.

**Final Decision:** The preamble of the decision (UNEP/CHW.7/2) calls for further work on the manual. The operative paragraphs of the decision call on all Parties and organizations to make financial or in-kind contributions for the organization of workshops to address the obstacles to the ratification of the Basel Protocol. It requests the Secretariat to continue its work on this matter, report to the OEWG on options available for the requirement of insurance, bonds, or other guarantees and financial limits under the Protocol, and provide legal and technical assistance to Parties who require it. The decision also requests the Secretariat to update the manual, requests the OEWG to improve and adopt the manual, and invites Parties to make use of it.

**MECHANISM FOR PROMOTING IMPLEMENTATION AND COMPLIANCE:** This item was introduced in plenary on Wednesday and reconsidered on Friday, following informal consultations between interested Parties. On Wednesday, the Committee's Chair, Roy Watkinson (UK) introduced the report of the Committee for Administering the Mechanism for promoting implementation and compliance, and Rapporteur Akiho Shibata (Japan) introduced a draft decision and a draft 2005-2006 work programme (UNEP/CHW.7/20). Following consideration of amendments to the deci-

sion and the draft work programme proposed by Japan (UNEP/CHW.7/CRP.8), delegates agreed to include a reference to the Committee's obligation to undertake a review of general issues of compliance and implementation following the terms of reference contained in the decision (Decision VI/12). On Friday, Acting President Valles introduced a revised draft decision on the issue (UNEP/CHW.7/CRP.18), noting that it incorporates delegates' comments, and reflects the amendments proposed by Japan on Wednesday. The plenary adopted the revised decision without amendment.

**Final Decision:** The decision on the mechanism for implementation and compliance (UNEP/CHW.7/CRP.18) recalls Decision VI/12, and approves the 2005-2006 work programme of the Committee for Administering the Mechanism for promoting implementation and compliance, contained in the annex to the decision. It further requests the Committee to establish priorities, methods and schedules regarding its work programme, and to report to COP-8 on work carried out. Recognizing the need to provide the Committee with sufficient resources, the decision calls on Parties to make use of the mechanism, and requests the Secretariat to compile Parties' priorities relating to compliance and implementation.

#### **GUIDANCE ELEMENTS FOR BILATERAL, MULTILATERAL OR REGIONAL AGREEMENTS OR ARRANGEMENTS:**

This issue was addressed in plenary on Wednesday. Rugarabamu introduced a draft decision on the guidelines (UNEP/CHW.7/23) and outlined an amendment proposed by Germany. The decision was adopted in plenary on Wednesday, as amended by Germany.

**Final Decision:** The decision (UNEP/CHW.7/23), as amended by Germany, requests the Secretariat to finalize a checklist to guide the preparation of national legislation for the implementation of the Basel Convention, taking into account the possibility that national legislation may implement the Basel, Rotterdam and Stockholm Conventions concurrently. It requests the OEWG to finalize the guidelines for bilateral, multilateral or regional agreements or arrangements, and submit them for consideration by COP-8. It further requests the Secretariat to continue providing advice and organizing regional or subregional training workshops in collaboration with BCRCs, and urges Parties and organizations to provide resources. The decision encourages Parties to provide the Secretariat with relevant information on national legislation and requests the Secretariat to compile this information and make it available on the Convention's website.

#### **AMENDMENT TO RULE 29 OF THE RULES OF PROCEDURE:**

The issue was addressed in plenary on Tuesday. Rugarabamu introduced a draft decision on an amendment to Rule 29 of the Rules of Procedure (UNEP/CHW.7/2), which opens meetings of the COP and the working groups to the public unless otherwise stipulated by those bodies, as well as a document summarizing relevant rules from other MEAs (UNEP/CHW.7/INF/15). On text referring to meetings to which the public would have access, Ethiopia proposed adding committee meetings. The decision was adopted on in plenary Tuesday, as amended by Ethiopia.

**Final Decision:** The decision (UNEP/CHW.7/2) provides that the meetings of the COP and its committees and working groups shall be open to the public, unless otherwise decided by these bodies.



### INTERIM GUIDELINES FOR THE IMPLEMENTATION OF DECISION V/32:

The interim guidelines for the implementation of Decision V/32 on enlargement of the scope of the Trust Fund to Assist Developing and Other Countries in Need of Assistance in the Implementation of the Basel Convention were discussed in plenary on Tuesday, and adopted in plenary on Friday. On Tuesday, Rugarabamu introduced a draft decision on the enlargement of the scope of the Trust Fund to provide for an emergency fund (UNEP/CHW.7/2). The EU, supported by New Zealand, proposed deleting text referring to the establishment of a new mechanism for providing assistance, as provided for in Decision VI/14. A number of developing countries opposed the deletion. Following informal consultations between interested Parties, the plenary was presented with a compromise draft decision on Friday (UNEP/CHW.7/CRP.13). The decision was adopted in plenary on Friday, without amendment.

**Final Decision:** The decision on interim guidelines for the implementation of Decision V/32 (UNEP/CHW.7/CRP.13) recalls the decision and the possibilities for improving the existing mechanism, or establishing a new mechanism for providing assistance in cases of emergency and compensation for damage arising from transboundary movements of hazardous wastes in the preambular paragraph. The operative paragraphs of the decision invite developing countries and countries with economies in transition that are Party to the Basel Convention to propose projects for capacity building to prevent and respond to such accidents. The decision urges Parties to contribute to the TCTF, requests the Secretariat to collate information on accidents and on the effectiveness of the mechanism in providing compensation.

**ILLEGAL TRAFFIC:** This issue was considered in plenary on Tuesday and Friday. On Tuesday, Rugarabamu introduced guidance elements for a draft manual on illegal traffic (UNEP/CHW.7/24), and a corresponding draft decision (UNEP/CHW.7/2).

Delegates commented on the substance of the manual, and agreed to forward it to the OEWG for improvement. A draft decision reflecting this request was presented by Acting President Valles in plenary on Friday (UNEP/CHW.7/CRP.17). Germany proposed an amendment regarding the time period over which Parties are able to comment on the manual. The decision was adopted, as amended by Germany.

**Final Decision:** The decision on illegal traffic (UNEP/CHW.7/CRP.17) requests the Secretariat to revise the draft training manual, taking into account Parties' comments received prior to, during and after COP-7, but not later than 31 December 2004. It further requests the Secretariat to forward the draft manual to the OEWG for its approval on behalf of the COP. The decision agrees to include the approved manual as an appendix to the Guidance Elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Wastes, and make the manual available on the Convention's website. It requests the OEWG to update the guidance elements as appropriate, and the Secretariat to assist countries in their implementation, in particular through training seminars in developing countries. The decision concludes by calling on Parties and organizations to provide resources for these training seminars.

**TRANSMISSION OF INFORMATION, INCLUDING IMPLEMENTATION OF DECISION II/12:** This issue was addressed in plenary on Wednesday. Rugarabamu introduced the draft decision (UNEP/CHW.7.2), which was adopted with a minor amendment proposed by Cuba.

**Final Decision:** The decision (UNEP/CHW/7.2) requests Parties to report on the implementation of Articles 13 (transmission of information) and 16 (Secretariat functions) during 2003 before the end of 2004. It also requests the Secretariat to compile this information, make it available to Parties and non-Parties, and prepare a consolidated report on the implementation of Decision II/12 (Ban Amendment) for consideration at COP-8. It further requests the Secretariat to continue providing training to developing countries, and to submit a report on the development of a set of indicators to the OEWG by 2005.

### STATUS OF IMPLEMENTATION OF DECISION VI/39 RELATING TO THE LOGO OF THE BASEL CONVENTION:

This issue was addressed in plenary on Wednesday. Ibrahim Shafii, Secretariat, explained that the Convention's logo is protected under intellectual property laws, as reflected in the report on the status of implementation of Decision VI/39 on the logo (UNEP/CHW.7/INF/14). Delegates took note of the report on the status of implementation of Decision VI/39 on the logo.

### NATIONAL DEFINITION OF HAZARDOUS WASTES:

This issue was addressed in plenary on Tuesday. Rugarabamu introduced the draft decision (UNEP/CHW.7/2), which was adopted by the plenary without amendment.

**Final Decision:** The decision (UNEP/CHW.7/2) adopts a standardized reporting format for the notification of national definitions or significant changes to national definitions of hazardous wastes, pursuant to Article 3 of the Convention (National Definitions of Hazardous Wastes). The standardized reporting format is annexed to the decision. It requests Parties that have not provided information to do so no later than six months after the COP. The decision also requests the Secretariat to assist Parties in ensuring that information is clear and updated, and to publish it on the Convention's website.

**DISMANTLING OF SHIPS:** This issue was introduced in plenary on Monday, when a working group was established to draft decisions on ship dismantling. The group met throughout the week to discuss ESM of ship dismantling (UNEP/CHW.7/22), the legal competence of the Joint Working Group (JWG) of the International Labor Organization (ILO), the International Maritime Organization (IMO) and the Basel Convention on ship scrapping, and the abandonment of ships. The three decisions drafted by the working group were adopted in plenary on Friday without amendment.

**Final Decisions:** The preamble of the decision on ESM of ship dismantling (UNEP/CHW.7/CRP.21) recognizes, *inter alia*, that many ships and other floating structures contain hazardous materials that can become hazardous wastes under the Basel Convention, and highlights the importance of ESM of ship dismantling. The decision reminds Parties to fulfill their obligations under the Basel Convention, in particular with respect to prior informed consent (PIC), minimization of transboundary movements of hazardous wastes and ESM. It invites Parties, other States, ship owners and other stakeholders to assist in the improvement of ESM of ship dismantling worldwide, and Parties, especially developed States, to encourage the establishment of domestic ship recycling facilities.

It further encourages Parties to participate in the deliberations of the Joint Working Group (JWG) of the IMO, ILO and Basel Convention, and invites the IMO to continue to consider the establishment of mandatory requirements that ensure an equivalent level of control to that established under the Basel Convention, and requests the OEWG to consider all aspects of ships dismantling and to present any proposals on a legally-binding solution to COP-8.



The decision on the JWG of ILO, IMO and the Basel Convention (UNEP/CHW.7/CRP.22) sets the terms of reference and working arrangements of the JWG, provides for regular JWG meetings and appoints China, the Gambia, the Russian Federation, Jamaica and the UK as participants in the JWG. It further invites the JWG to: propose a practical approach that provides guidance to be considered by the three organizations; promote ESM of ship dismantling; discuss the responsibility of flag States in that context; and consider developing a reporting system for ships destined for dismantling.

The decision also declares that the JWG shall not take precedence over the work of the COP or other activities of the Basel Convention regarding ship dismantling, requests the Secretariat to report to OEWG and COP sessions on JWG meetings, and to place this matter on the COP-8 agenda.

The decision on the abandonment of ships (UNEP/CHW.7/CRP.23) invites Parties to provide information regarding the abandonment of ships on land or in ports to the Secretariat, which is requested to forward it to the OEWG. It further requests the OEWG to consider the information submitted with a view to taking relevant actions, and the Secretariat to consult with the IMO secretariat on this issue.

**TECHNICAL GUIDELINES ON POPS:** On Monday, in plenary, President Irureta introduced *General Technical Guidelines for ESM of Wastes Consisting of, Containing or Contaminated with POPs* (UNEP/CHW.7/8/Add.1), technical guidelines on PCBs, PCTs and PBBs (UNEP/CHW.7/8/Add.2), and draft guidelines on wastes arising from the production of a number of pesticides (UNEP/CHW.7/INF/21). A working group chaired by Michael Ernst (Germany) met from Monday to Thursday to revise the guidelines. Participants discussed the definition of "low POP content wastes," which, according to the Stockholm Convention, should be disposed of in such a way that the POP content is destroyed or irreversibly transformed. While some participants supported the levels proposed by the OEWG, others supported higher levels on the basis that a lower level would entail high regulatory costs and be difficult to enforce. The outcome of the working group was presented in plenary on Friday, in the form of a draft decision (UNEP/CHW.7/CRP.6). Greenpeace stated that the final level represents a setback from the original OEWG proposal, and does not respond to health or environmental considerations. The decision was adopted in plenary on Friday without amendment.

**Final Decision:** The decision (UNEP/CHW.7/CRP.6) adopts general technical guidelines for ESM of wastes consisting of, containing or contaminated with POPs, and technical guidelines on PCB, PCT and PBB wastes. It also requires the Secretariat to submit both guidelines to COP-1 of the Stockholm Convention, invites Parties and others to use the guidelines, and requests the OEWG to review and, if appropriate, prepare proposals for updating the guidelines.

**PREPARATION OF TECHNICAL GUIDELINES ON THE ENVIRONMENTALLY SOUND RECYCLING/ RECLAMATION OF METALS AND METAL COMPOUNDS:** This issue was addressed in plenary on Monday, when Irureta introduced a draft decision on the guidelines (UNEP/CHW.7/2). The decision was adopted by the plenary with an amendment by the US.

**Final Decision:** The decision (UNEP/CHW.7/2) adopts the technical guidelines and requests the Secretariat to disseminate them to Parties and stakeholders. The decision further invites Parties to use the guidelines and report back to COP-8.

## TECHNICAL GUIDELINES ON THE ENVIRONMENTALLY SOUND MANAGEMENT OF WASTES

**RESULTING FROM SURFACE TREATMENT OF METALS AND PLASTICS:** In plenary on Monday, Rugarabamu introduced a draft decision on the guidelines (UNEP/CHW.7/2), which the plenary adopted without amendment.

**Final Decision:** The decision (UNEP/CHW.7/2) requests the OEWG to finalize the technical guidelines on the ESM of wastes resulting from surface treatment of metals and plastics, with a view to their interim adoption at OEWG-4. It also invites Parties and other stakeholders to provide comments to Australia by 31 January 2005.

**WORK ON HAZARD CHARACTERISTICS:** On Tuesday in plenary, Shafii introduced work on hazardous characteristics (UNEP/CHW.7/11), draft guidance papers on H6.2 (infectious substance), H11 (chronic or delayed toxicity) (UNEP/CHW.7/11/Add.1 and 2), interim guidelines on hazardous characteristic H13 (leachate) (UNEP/CHW.7/11/Add.3), and a draft decision on work on hazardous characteristics (UNEP/CHW.7/2). Delegates agreed to hold further consultations on the draft guidance papers in two informal working groups, which met on Tuesday, Wednesday and Thursday. The draft guidance papers and interim guidelines were presented in plenary on Friday, and adopted, with a corrigendum to the interim guidelines (UNEP/CHW.7/11/Add.3/Corr.1) indicating that new information will be added by Australia.

On Friday in plenary, Shafii proposed amendments to the draft decision, following informal consultations between the Secretariat and the Netherlands. He explained that reference to the Netherlands had to be replaced by one to the Secretariat, since that country no longer had the financial means to carry out the work on a guidance paper on hazard characteristic H10 (liberation of toxic gases). Germany reported that a small group on the partnership work programme had decided to prioritize activities that have already commenced, and suggested deleting text inviting Parties to contribute to the initiation of new projects. The decision was adopted in plenary on Friday, with the amendments presented by the Secretariat and Germany.

**Final Decision:** The decision on hazardous characteristics (UNEP/CHW.7/2) decides to adopt three guidance papers on the hazard characteristics H6.2, H11 and H13, and invites Parties to use these guidance papers and submit reports on their experience on application of the guidelines to COP-8. It further requests Parties to contribute to the guidance paper on hazard characteristic H10 prepared by the Secretariat. It requests the OEWG to establish a working relationship with the UN Subcommittee of Experts on the Globally Harmonized System of Classification and Labeling of Chemicals, and the Secretariat to present to the OEWG at its first session in 2005 possible options for establishing a relationship with that Subcommittee.

**HARMONIZATION OF LISTS OF WASTES AND RELATED PROCEDURES:** This issue was addressed in plenary on Wednesday and Friday. On Wednesday, Shafii introduced a draft decision on revised versions of notification forms and the movement document for the control of transboundary movements of hazardous waste and their disposal under the Basel Convention (UNEP/CHW.7/18). Following consultations between interested Parties, a draft decision was presented to the plenary on Friday (UNEP/CHW.7/CRP.14). In response to a concern raised by Germany regarding the deadline for the submission of comments



on the revised forms, the deadline was extending to just prior to the next session of the OEWG. The decision was adopted in plenary on Friday with this amendment.

**Final Decision:** The decision on the harmonization of lists of wastes and related procedures (UNEP/CHW.7/CRP.14) requests the OEWG to revise the forms for notification and movement document, invites Parties and others to submit comments by 31 March 2005, and requests the Secretariat to revise the forms and related instructions for consideration by the OEWG at its next session, with a view to adoption by COP-8.

#### **NATIONAL CLASSIFICATION AND CONTROL PROCEDURES FOR THE IMPORT OF WASTES**

**CONTAINED IN ANNEX IX:** On Wednesday in plenary, Shafii introduced a consolidated report and analysis of questionnaires on this item (UNEP/CHW.7/17) and the corresponding draft decision (UNEP/CHW.7/16). The decision was adopted without amendment.

**Final Decision:** The decision (UNEP/CHW.7/16) invites Parties having difficulties with national classification or control procedures relating to the import of wastes contained in Annex IX to submit this information to the Secretariat, requests the Secretariat to update the OEWG on the current situation, and requests the OEWG to prepare specific proposals to address this issue to be forwarded for consideration at COP-8.

#### **APPLICATION FOR PLASTIC COATED CABLE**

**SCRAP FROM INDIA:** This issue was considered in plenary on Tuesday. Acting President Valles introduced a document presented by India (UNEP/CHW.7/15), and a corresponding draft decision with bracketed text (UNEP/CHW.7/2). A contact group chaired by Germany was formed to draft a decision, which was adopted in plenary on Friday.

**Final Decision:** The decision (UNEP/CHW.7/CRP.19) amends Annexes VIII and IX of the Basel Convention by adding a new entry (A1190) in Annex VIII for waste metal cables coated or insulated with plastics containing or contaminated with coal tar, PC, lead, cadmium, and other organohalogen compounds or other Annex I constituents to an extent that they exhibit Annex III characteristics, as well a new entry (B1115) in Annex IX excluding such cables destined for Annex IV A operations or any other disposal operations involving, at any stage, uncontrolled thermal processes.

**REVIEW OF SCIENTIFIC INFORMATION ON THE DISPOSAL OF PVC WASTES:** This issue was considered in plenary on Wednesday. Shafii introduced a decision on the review of scientific information on the disposal of PVC wastes (UNEP/CHW.7/10). Delegates agreed to delete a reference to PVC-coated cables in the preambular paragraph, following an objection by India to the connection made between ongoing work on hazardous characteristics H10, 11 and 13 and the classification of PVC wastes. Germany proposed an amendment responding to India's concern. The decision was adopted, as amended by Germany.

**Final Decision:** The decision (UNEP/CHW.7/10) agrees to include the review of scientific information on the disposal of PVC wastes and PVC-coated cable in the 2005-2006 work programme of the OEWG. It requests the Secretariat to prepare a paper based on the comments made at COP-7, and the OEWG to submit recommendations for a decision on the status of PVC wastes to COP-8.

**IMPLEMENTATION OF EXISTING TECHNICAL GUIDELINES:** This issue was addressed in plenary on Wednesday. Acting President Valles introduced the draft decision

(UNEP/CHW.7/9), which was adopted by the plenary with an amendment extending the deadline for the submission of comments.

**Final Decision:** The decision (UNEP/CHW.7/9) invites Parties to report on implementation of existing technical guidelines on ESM of hazardous wastes and report on difficulties experienced by July 2005. The decision further requests the Secretariat to compile the comments for consideration by COP-8.

**INTERNATIONAL COOPERATION:** This issue was addressed in plenary on Wednesday. Shafii introduced a draft decision on international cooperation (UNEP/CHW.7/2), noting that Australia had submitted an amended document (UNEP/CHW.7/CRP.2). The decision was adopted, as revised by Australia.

**Final Decision:** The decision as amended by Australia (UNEP/CHW.7/2 and 7/CRP.2) requests the Secretariat to strengthen cooperation with the secretariats of chemicals-related and other relevant MEAs, as well as UNEP and the Food and Agriculture Organization and others. On the dismantling of ships, the decision requests stronger collaboration with the IMO, ILO, London Convention, and UN Convention on the Law of the Sea. The decision calls for increased cooperation with the World Health Organization on the development of hazardous characteristics, and with the World Customs Organization on the identification of wastes in its Harmonized Commodity Description and Coding System. It further requests the Secretariat to report on cooperation to COP-8.

#### **BASEL CONVENTION PARTNERSHIP PROGRAMME:**

**Basel Convention Partnership Programme:** This issue was addressed in plenary on Wednesday. Milton Catelin, Secretariat, introduced a document containing a draft decision on the Basel Convention Partnership Programme (UNEP/CRP.7/13). On Friday, a revised draft decision was introduced (UNEP/CHW.7/CRP.27), which makes implementation of the work plan subject to available resources. The decision was adopted without amendment.

**Final Decision:** The decision on the Basel Convention Partnership Programme (UNEP/CHW.7/CRP.27) adopts the 2005-2006 work plan annexed to the decision, and requests the Secretariat to implement the plan, subject to available resources, and to report on progress to the OEWG and the COP. It encourages stakeholders to participate in partnerships and with Parties and signatories, to provide resources.

**Mobile Phone Partnership Initiative:** This issue was considered in plenary on Wednesday, when Switzerland introduced a draft decision on the Mobile Phone Partnership Initiative (UNEP/CHW.7/CRP.4/Rev.1). The decision was adopted without amendment in plenary on Wednesday.

**Final Decision:** The decision on the Mobile Phone Partnership Initiative (UNEP/CHW.7/CRP.4/Rev.1) requests the Mobile Phone Working Group to finalize the guidance document on ESM of end-of-life mobile phones and submit it to the OEWG, to be considered for adoption as a Basel Convention guidance document by COP-8. It encourages BCRCs to participate in the initiative, and invites comments on the guidance document. It invites Parties to implement the guidance document and provide resources, and requests the Secretariat to coordinate activities.

**FOLLOW-UP TO THE WSSD:** This issue was addressed in plenary on Wednesday. Shafii introduced a draft decision on WSSD follow-up (UNEP/CHW.7/2), which was adopted by the plenary without amendment.

**Final Decision:** The decision (UNEP/CHW.7/2) welcomes the support expressed at WSSD for Type II partnerships, and acknowledges the call in the Plan of Implementation for cooperation among



MEAs. It requests that the Secretariat pursue cooperation of stakeholders on the Plan of Implementation and Type II partnerships, and report to COP-8 on progress and deliverables.

**DRAFT WORK PROGRAMME OF THE OEWG FOR 2005-2006:** This issue was considered in plenary on Wednesday and Friday. On Wednesday, Acting President Valles introduced a document containing a draft decision and work programme (UNEP/CHW.7/14). Noting that the scope of the work programme depends on resource availability, a decision was deferred, pending conclusion of the discussion on financial matters. A revised decision was considered in plenary on Friday (UNEP/CHW.7/CRP.26). Germany proposed the inclusion of a reference to work on the practical and technical aspects of ship dismantling, and urged deletion of a reference to the deletion of a set of indicators for hazardous wastes and other wastes. The work programme was adopted, as amended by Germany.

**Final Decision:** The decision (UNEP/CHW.7/CRP.26) adopts the 2005-2006 work programme of the OEWG and requests the OEWG to arrange its activities at its fourth session.

**INSTITUTIONAL ARRANGEMENTS:** A draft decision asking Parties to submit comments on the functioning of subsidiary bodies for consideration by COP-8 (UNEP/CHW.7/25) was introduced in plenary on Wednesday. The decision was adopted without amendment.

**Final Decision:** The decision (UNEP/CHW.7/25) invites Parties to submit comments to the Secretariat on the functioning of the subsidiary bodies, and requests the Secretariat to make them available at COP-8.

#### FINANCIAL MATTERS

**FINANCIAL MATTERS:** This issue was addressed in plenary on Monday and Friday and discussed in a working group throughout the week. The working group, chaired by Jean-Louis Wallace (Canada), discussed a draft budget for the Basel Convention Trust Fund (BCTF) and the TCTF for the biennium 2005-2006 (UNEP/CHW/OEWG/3/23). The working group was dissolved on Thursday evening and informal consultations continued within the Expanded Bureau throughout the day on Friday. A draft decision was discussed in plenary in a night session that ran until early Saturday morning.

Discussions focused on addressing the concern of many delegates about over-expenditure for the biennium. The main points of contention were: the proposed new posts for resource mobilization and partnerships; travel and daily subsistence allowances; and the scale of assessments.

On the personnel component, the Latin American and Caribbean Group (GRULAC), supported by Japan, the EU, the Russian Federation and others, supported creating a P5 post on resource mobilization and partnership to be funded by the TCTF and reconsidered it at COP-8. The draft decision incorporates GRULAC's proposal and creates a consultancy line in the BCTF for resource mobilization and partnerships.

On the component on travel and daily subsistence allowance costs of participants at OEWG meetings, developing countries opposed reducing the number of participants or transferring this item from the BCTF to the TCTF, as suggested by developed countries. The draft decision reduces the number of participants but maintains the budget line in the BCTF.

On the scale of assessments, developing countries argued that they should not have to contribute to the BCTF as their hazardous waste generation is minimal, and called for the application of the polluter pays principle. India, Nigeria, Uganda, El Salvador,

Ecuador and others stated that the scale of assessments should not adversely affect developing countries and countries with economies in transition. The EU, supported by other developed countries, argued that the Convention is facing a financial crisis and said all Parties should contribute within their financial capabilities.

Early on Saturday morning, in order to move forward, President Irureta suggested adopting the draft decision prepared by the Expanded Bureau with a declaration recognizing that all Parties accept for the first time to contribute to the BCTF and that this commitment will be accompanied by an effort from developed countries to substantially increase their contributions to the TCTF. The declaration further states that the scale of assessments does not reflect the responsibility of Parties in the production and export of hazardous wastes and that after the biennium, any change in the scale of assessments will be made by consensus and upon a proposal received at least 90 days before the COP. The decision was adopted in plenary on Friday without amendment, with the declaration to be included in his report of the meeting.

**Final Decision:** The decision on financial matters (UNEP/CHW.7/CRP.29) approves the budget of the BCTF amounting to US\$4,286,090 for 2005 and US\$4,404,740 for 2006, which represents an increase of 2% and 2.8%, respectively. It authorizes the Executive Secretary to utilize an amount not exceeding US\$1,000,000 in 2005 and US\$600,000 in 2006 from the reserve and fund balance of the BCTF to meet expenditures in the approved budget. It further decides that: Parties' contributions make a total of US\$3,286,090 for 2005, and US\$3,804,740 for 2006, which represents an increase of 9.5% and 15.8%, respectively; and the contributions of Parties shall be based on the current UN General Assembly scale of assessments, modified so that no Party contributes less than 0.001%, or exceeds 22% of the total, and no contribution from a least developed Party exceeds 0.001% of the total. It also decides to maintain the level of the working capital reserve at 15% of the estimated annual planned expenditures in 2005-2006, and urges all Parties to pay their contributions promptly and in full.

**RESOURCE MOBILIZATION:** Early on Saturday morning in plenary, a draft decision on resource mobilization was circulated (UNEP/CHW.7/CRP.25), but due to time constraints and the lack of interpretation, the COP decided to refer the matter to the OEWG for its consideration.

#### PARTNERSHIP FOR MEETING THE GLOBAL WASTE CHALLENGE

On Monday, in plenary, Kuwabara-Yamamoto introduced a note by the Secretariat on *Partnership for Meeting the Global Waste Challenge* (UNEP/CHW.7/27), and a *Proposed Ministerial Statement or Possible Elements for a Decision* (UNEP/CHW.7/27/Add.1), intended as a foundation for interactive discussions during the high-level segment. A contact group was formed to consider the item, chaired by André Corrêa Do Lago (Brazil). The group met from Tuesday to Thursday. Delegates agreed on the need for a ministerial statement to attract possible donors, but could not reach agreement on the need for a decision. While developing countries strongly supported the adoption of a decision, as it would signal a real commitment by Parties to meet the global waste challenge, developed countries felt a decision was unnecessary.

**Final Outcome:** The ministerial statement (UNEP/CHW.7/CRP.16) emphasizes the urgency of meeting the global waste challenge and the global benefits of achieving the Basel Convention's key goals. The statement calls for more efforts to be devoted to, *inter alia*: building sustainable partnerships between Parties and all stakeholders; strengthening the BCRCs; identifying cleaner



production methods that reduce or eliminate hazardous waste generation; and mobilizing new and additional resources, including by using existing multilateral financial institutions and mechanisms.

#### **OTHER MATTERS**

##### **ANNEXES TO THE BASEL CONVENTION AND RELATED PROCEDURES: FRENCH LANGUAGE**

**VERSION OF THE LIST OF WASTES:** On Friday in plenary, Shafii introduced a document on the French language version of the lists of wastes (UNEP/CHW.7/CRP.15/Rev.1). He outlined a number of minor amendments to the document and the decision was adopted.

**Final Decision:** The decision (UNEP/CHW.7/CRP.15/Rev.1) incorporates the modifications contained in the annex to the decision in the French language version of the list of wastes contained in Annexes VIII and IX. It decides to make a number of additional changes to the language, and requests the Secretariat to communicate them to the Depositary.

**SMALL ISLAND DEVELOPING STATES:** This issue was addressed briefly on Wednesday and a draft decision was presented by Mauritius in plenary on Friday. Trinidad and Tobago suggested replacing a reference to the UN Commission on Sustainable Development with one to the UN Department of Economic and Social Affairs (DESA), which is organizing the international meeting to review the implementation of the Barbados Programme of Action (BPOA) for the sustainable development of small island developing States (SIDS) (International Meeting). Germany expressed concern over the financial implications of the decision for the work of the Secretariat and proposed specifying that the Secretariat would carry out work on this issue as part of its capacity-building effort. The decision was adopted in plenary on Friday with the amendments proposed by Trinidad and Tobago and Germany.

**Final Decision:** The decision (UNEP/CHW.7/CRP.12) draws attention to the participants to the International Meeting on the need to give due consideration to the issue of ESM of hazardous wastes. It requests the Secretariat, as part of its work on capacity building, to cooperate closely with DESA and other relevant stakeholders, including the BCRCs, in the development and implementation of specific activities targeted for SIDS that support the Basel Declaration on ESM, the Strategic Plan for the Implementation of the Basel Convention, and the follow-up to the BPOA.

**DATE AND VENUE OF COP-8:** On Friday afternoon, the plenary decided to hold the eighth meeting of the COP in Nairobi, Kenya, from 27 November to 1 December 2006.

**SHARING EXPERIENCES ON HAZARDOUS WASTE MINIMIZATION ACTIVITIES:** On Saturday morning, Acting President Valles introduced a proposed draft decision by Norway, New Zealand, Sri Lanka and Canada, inviting Parties to initiate hazardous waste minimization activities and share experiences (UNEP/CHW.7/CRP.9/Rev.1). Germany proposed an amendment on the use of the internet for making information available to Parties. The plenary adopted the decision, as amended by Germany.

**Final Decision:** The decision (UNEP/CHW.7/CRP.9/Rev.1) calls on Parties and other States to increase efforts to reduce the generation and transboundary movement of hazardous waste and other wastes subject to the Basel Convention. It encourages Parties to select at least one hazardous waste stream and prepare regional pilot projects, in the interest of sharing experiences, and to support partnerships, and requests the Secretariat to make the information available at COP-8.

#### **PROPOSAL BY THE AFRICAN GROUP ON THE ESTABLISHMENT OF A FINANCIAL MECHANISM FOR THE IMPLEMENTATION OF THE BASEL CONVENTION:**

This proposal was presented by Nigeria in plenary on Thursday, and a draft decision was discussed in plenary early on Saturday. Japan suggested replacing a reference in the preamble to the principle of common but differentiated responsibilities with a reference to the principles of the Rio Declaration. The EU, supported by Canada, opposed language calling for the establishment of a financial mechanism, preferring softer language, and opposed requesting President Irureta to initiate negotiations to establish the GEF as the financial mechanism of the Basel Convention. The decision was adopted in plenary on Saturday morning, as amended by Japan, the EU and Canada.

**Final Decision:** The decision (UNEP/CHW.7/CRP.10) requests the OEWG to examine Article 14 of the Basel Convention with a view to determining the feasibility of appropriate and predictable financial mechanisms for the Convention, and to report on the results of its findings at COP-8.

#### **HIGH-LEVEL SEGMENT**

The high-level segment took place from 28-29 October. Ministers and high-level government representatives participated in an interactive dialogue on partnerships for the global waste challenge and on mobilizing resources for a cleaner future.

**OPENING REMARKS:** On behalf of UN Secretary-General Kofi Annan, Sergei Ordzhonikidze, Director-General of the UN Office in Geneva, urged Parties to: minimize hazardous waste generation at source; adopt the life-cycle approach; provide resources for capacity building; strengthen BCRCs; and enhance cooperation at all levels. President Irureta called for strengthening BCRCs, increasing available resources, and minimizing hazardous waste generation at source. He called for the coordinated implementation of the Basel, Stockholm and Rotterdam Conventions.

Klaus Töpfer, UNEP Executive Director, said the Basel Convention faces important challenges, in particular the need to: reduce waste generation at source; decouple economic development from waste generation; and change consumption and production patterns from a "waste" to a "recycling" culture. He called for increased cooperation among all stakeholders, as well as coordination with the SAICM process.

Kuwabara-Yamamoto urged delegates to work with existing and new partners, including the secretariats of the Rotterdam and Stockholm Conventions.

Arcado Ntagazwa, Tanzania's Minister of State, was appointed Chair of the high-level segment. He urged delegates to develop a plan of action for resource mobilization and to establish meaningful partnerships. Drawing attention to economic growth in Asia, Takashi Kosugi (Japan) stressed the need to promote application of the "3Rs" (reduce, reuse, recycle) in order to minimize waste generation.

**THE PARTNERSHIP FOR THE MEETING THE GLOBAL WASTE CHALLENGE:** COP-6 President, Ioan Jelev, Romania's Secretary of State for the Environment, introduced a document on partnership for meeting the global waste challenge (UNEP/CHW.7/27). He noted that the goals of promoting the reduction, reuse and recycling of wastes are linked with the issue of resource mobilization. He urged delegates to adopt the ministerial declaration and/or draft decision on partnerships, to send a clear political message and to set the future direction of the Basel Convention.



Peter Hinchcliffe (UK) presented on the link between hazardous waste minimization and the life-cycle approach to chemicals and waste management. He identified an upward trend in global hazardous waste generation linked to economic growth, and stressed that the decoupling of waste production from economic growth is feasible.

Delegates then engaged in an interactive discussion on hazardous waste minimization and the life-cycle approach. Several developing countries stressed the need for sustainable financing and for capacity building. A number of countries stressed the need to address the problem of hazardous waste generation at source in developed countries, and called on developed countries to lead by example on this issue, through the adoption of legally binding targets. Belarus called for the transfer of low-waste and clean technologies to developing countries and countries with economies in transition, and Japan and Sweden stressed industry's responsibility to minimize waste generation. Burkina Faso, Uganda, Sweden and Egypt called for strengthening the BCRCs and a number of countries highlighted synergies with the Rotterdam and Stockholm Conventions.

Switzerland called for partnerships to address waste management, and Uganda and Egypt called for responsibility, transparency, and accountability in partnerships.

Ashok Khosla (India) presented on integrated waste management and a regional approach, and urged focusing on cleaner production and consumption patterns. Tom Conway, Resources Future International, presented on the Basel Convention Resource Mobilization Strategy's objectives and components, namely capacity building, synergies with other MEAs, and cooperation with major funding agencies.

Steve Gorman, World Bank, urged countries seeking funding for implementation of Basel Convention activities to integrate them into national development assistance strategies.

A number of developing countries emphasized the importance of managing e-waste. Several countries called for the development of synergies between chemicals-related MEAs. The African Group called for a financial mechanism to support the implementation of the Basel Convention. A number of countries expressed support for the development of regional and global partnerships to manage hazardous wastes. Several countries called for the active participation of industry in waste management, while others called for the diffusion of cleaner technologies and waste minimization at source. On Friday morning, the high-level segment adopted the declaration on the Partnership for meeting the Global Waste Challenge.

### **CLOSING PLENARY**

The closing plenary session ran intermittently from Friday evening to early Saturday morning, with protracted discussions interrupted by consultations in informal contact groups on financial matters and on the African Group's proposal on the establishment of a financial mechanism. Approximately one fifth of COP-7's more resilient delegates reconvened in the plenary early Saturday morning to consider the report of the meeting (UNEP/CHW.7/L.1/Add.1 and Add.2). After proceeding through a paragraph-by-paragraph reading of the report of the meeting and making a number of technical and editorial amendments, the COP adopted the report. Noting the late hour, Acting President Valles thanked delegates for their endurance and spirit of compromise in reaching a decision on financial matters, and formally gavelled COP-7 to a close at 2:25 am on Saturday, 30 October.

## **A BRIEF ANALYSIS OF COP-7**

### **BASEL AT A CROSSROADS**

With a significant number of issues and draft decisions on the table before delegates, COP-7 entailed protracted discussions that only drew to a close early Saturday morning. Besides adopting some key decisions that will enhance the implementation of the Convention, such as a mechanism for promoting implementation and compliance and a number of technical guidelines, the meeting achieved significant progress on the ongoing themes of ship dismantling and waste minimization. Less progress was achieved in urging the prompt ratification of the Ban Amendment, with ongoing efforts by some Parties to delay its entry into force. Similarly, financial matters continued to cast a shadow over the Convention's future, with the apparent unwillingness of Parties to commit any significant additional resources to the Convention's implementation. This issue is all the more pressing given that additional resources will be needed to implement the proposed shift of focus from the environmentally sound management (ESM) and control of transboundary movements of hazardous wastes, toward the minimization of hazardous wastes generation at source. Given the limited availability of resources to cope with its present tasks, the question of finance will likely remain an increasingly contentious matter unless partnerships prove to be an effective solution to the challenge of mobilizing adequate and sustainable financial resources.

### **WASTE SHIPS?**

Although scandals about cargo ships dumping hazardous wastes in developing countries led to the adoption of the Basel Convention in 1989, the issue of decommissioned ships themselves being classified as hazardous waste has only recently been put on the Convention's agenda. Many ships' parts, including steel, engines, electrical equipment, furniture, pumps and valves, can be profitably recycled. The dismantling of a large vessel, however, can involve the removal of many tonnes of hazardous wastes, including PCBs, mercury, lead, and asbestos, posing great risks to human health and the environment, particularly in the developing countries where ship dismantling is currently centered.

In order to address this problem, the Parties to the Basel Convention adopted technical guidelines for the environmentally sound management (ESM) of dismantling ships at COP-6. However, the decision kept legal aspects of ship dismantling on the agenda, leaving open the possibility that the International Labor Organization (ILO) and the International Maritime Organization (IMO), which have adopted guidelines on health and safety in ship breaking, and on ship recycling, respectively, could eventually supersede the Basel Convention.

COP-7 achieved significant progress on clarifying these legal matters. After animated discussions, the COP adopted a comprehensive decision on the ESM of ship dismantling, which clearly confirms that this issue falls under the scope of the Basel Convention, despite the protestations of a non-Party. While it recognizes the work of IMO on this issue, the decision confirms that a ship can become waste, and calls on Parties to fulfill their obligations under the Basel Convention, including on prior informed consent, ESM, and minimization of transboundary movements. Further, the decision ensures that the future work of the IMO will conform to the level of control of the Basel Convention.

The positive outcome of these deliberations is in part the consequence of the close cooperation between the IMO, ILO and Basel Convention Secretariat within the Joint Working Group, created by



the OEWG at its third session to propose practical solutions to guide the three organizations to promote environmentally sound management for the dismantling of ships. The success of this inter-agency cooperation is reflected in a second decision adopted by COP-7 on the Joint Working Group's future work and terms of reference. Through their adoption of these two decisions, Parties have sent a clear signal about their willingness to tackle this issue in a serious manner, including through the adoption of legally-binding solutions under the auspices of the IMO, ILO or Basel Convention.

#### **MINIMIZING WASTE AT SOURCE OR BUSINESS-AS-USUAL?**

While thus far the focus of the Basel Convention has been on controlling transboundary movements of hazardous wastes from developed to developing countries and on promoting ESM of such wastes, one of the Convention's key provisions is the minimization of waste generation. According to Article 4.2(a) of the Convention, Parties must take all practicable steps to ensure that the generation of hazardous and other wastes is reduced to a minimum, taking into account social, technological and economic aspects. In accordance with this key obligation, Parties decided to make the issue of waste minimization one of the guiding themes of COP-7.

Although COP-7 participants appeared to agree on the importance of waste minimization, discussions soon revealed a divergence in the interpretation of this concept. While a number of developed countries, including Germany, Switzerland and the Netherlands, view waste minimization as a reduction in the total volume of hazardous wastes destined for final disposal, many participants interpret it as a reduction in the total volume of wastes generated. At the end of COP-7 these differences of interpretation remained unresolved. However, the final approach Parties decide to adopt will be of paramount importance in setting the future scope of the Basel Convention. It will also determine the potential of the Convention to meet the global waste challenge by minimizing waste generation at source, at a time when global waste generation continues to demonstrate an upward trend.

Many delegates stressed the need for countries to implement cleaner production methods, with some participants suggesting that hazardous waste generators in the developed world take the lead on this issue by adopting binding targets and by transferring clean technologies to other Parties. COP-7 may have moved a step forward in this direction by adopting a decision calling upon Parties to increase their efforts to reduce the generation of hazardous and other wastes, and encouraging them to target at least one hazardous waste stream for prevention or reduction. While the decision neither sets targets for waste minimization, nor calls for the minimization of waste generation at source, the fact that it makes no reference to final disposal but instead mentions the "prevention" of waste generation indicates that the Convention may be moving in the direction of minimization of hazardous waste generation at source.

#### **REVIVING THE BAN**

While the Ban Amendment (Decision III/1) symbolized an unprecedented victory of developing countries in the international environmental arena and an uncommon triumph of environmental over economic considerations, its entrance into force is proving to be more time consuming than many had expected. Among the handful of developed countries who have opposed the idea of a ban since its inception, Canada and the US continue to argue that a ban may prevent the growth of "legitimate" and potentially profitable recycling industries in developing countries. In response, some

participants reminded Parties of their obligations under the Convention, including those of reducing transboundary movement of hazardous wastes to a minimum, becoming self-sufficient in managing domestic waste, and reducing hazardous waste generation. These principles would suggest that even if countries have the capacity to ensure the ESM of hazardous wastes, they should use this capacity to process domestic, rather than imported, wastes. In addition, some argue that the danger exists that strengthening the market for wastes through a growth in recycling industries will provide further incentive to increase their generation, thereby undermining the Convention's objective of minimizing hazardous waste.

Some argue that the ban is *de facto* in operation, since it has been ratified and integrated into the domestic legislation of the majority of Annex VII countries. However, a key hazardous waste generating country remains outside the framework of the Basel Convention and/or the Ban Amendment, which implies that developing countries that have not yet ratified the Ban Amendment will still be able to import hazardous wastes. It is therefore important that the Ban Amendment enter into force to reinforce the shift toward implementing waste minimization at source. Further, it is crucial that developing countries evaluate whether importing hazardous wastes for recycling is truly economically attractive, given related environmental, health and clean up operation costs.

#### **AMBITIOUS GOALS REQUIRE GENEROUS MEANS**

Delegates agreed at COP-7 that the Basel Convention is in urgent need of resources to implement its provisions and achieve its key objectives. Unlike the Stockholm Convention on Persistent Organic Pollutants, the Basel Convention's financial mechanism to promote capacity building and technical cooperation activities is funded through voluntary contributions from Parties and other donors. As a result, the Basel Convention Regional Centers, which have been critical in promoting ESM of hazardous wastes in developing countries and countries with economies in transition, and may play a key role in advancing waste minimization, are largely underfunded and understaffed.

Given the almost chronic under-resourced state of the Basel Convention, and realizing the need to fit wastes into the broader chemicals and sustainable development agenda, Parties adopted a partnership approach to drawing resources for the Convention at COP-6. COP-7 discussed this issue at length, with the idea of adopting a ministerial declaration that would make the issue of hazardous wastes "attractive" to donors. Some delegates said the Global Environment Facility (GEF) could provide a new source of funding for hazardous wastes, or broaden the window on POPs-related projects to include management of chemicals throughout their life-cycle. However, as mentioned by one delegate, "opening new windows does not make the house bigger." Unless the GEF is sufficiently replenished, creating new windows may be of little consequence, particularly if the projects seeking funding are not POPs-related.

With the Basel Convention taking up the challenge of going beyond transboundary movements and ESM to tackle the minimization of hazardous waste generation, the need for new resources becomes all the more pressing. The general support for emphasizing one of the most ambitious goals of the Basel Convention at COP-7, however, was not coupled with the political will to provide the means necessary to achieve it. The heated discussions on the budget revealed Parties' reluctance to provide additional resources to cover even the Convention's core activities, a current trend seen across the spectrum of MEAs. It remains to be seen whether effec-



tive partnerships, such as the apparently successful Mobile Phone Partnership Initiative (a partnership with industry on the ESM of end-of-life mobile phones), can provide a solid resource base for the Convention's future activities. Regardless of whether partnerships prove to be fruitful to target specific waste streams, many feel that Parties will need to make stronger financial commitments to support the Convention, and predict that finance will remain a contentious issue in the foreseeable future.

At the end of COP-7, the Convention appears to be going in the right direction and engaging with the more ambitious task of reducing hazardous waste generation. However, to make this transition successful, the Basel Convention will require greater financial resources, in particular for the Basel Convention Regional Centers. It remains unclear whether the resources will be found to allow the Convention to make progress along this path.

## UPCOMING MEETINGS

### **NINTH EUROPEAN BIOSOLIDS AND ORGANIC WASTES CONFERENCE, WORKSHOP AND EXHIBITION:**

This conference will take place from 14-17 November 2004, in West Yorkshire, UK. For more information, contact: Frances Eldon; tel: +44-11-3242-4200; fax: +44-11-324-42166; e-mail: franceseldon@aquaeenviro.co.uk; internet: <http://www.european-biosolids.com/>

### **GEF NGO CONSULTATION AND COUNCIL**

**MEETING:** The next Global Environment Facility (GEF) NGO Consultation and Council Meeting will take place from 15-19 November 2004, in Washington, DC. For more information, contact: GEF Secretariat; tel: +1-202-473-0508; fax: +1-202-522-3240; e-mail: [secretariat@TheGEF.org](mailto:secretariat@TheGEF.org); internet: <http://www.gefweb.org>

**IFCS ASIA-PACIFIC SMALL GROUP MEETING:** This meeting is scheduled to take place from 22-23 November 2004, in Manila, the Philippines. For more information, contact: Desiree M. Narvaez, Department of Health, the Philippines; tel: +63-2-743-8301; fax: +63-2-732-9966; e-mail: [dmnarvaez@co.doh.gov.ph](mailto:dmnarvaez@co.doh.gov.ph); internet: <http://www.ifcs.ch>

**16TH MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL:** This meeting will be held from 22-26 November 2004, in Prague, Czech Republic. Delegates will continue their negotiations on phasing-out the use of various ozone-depleting substances, such as hydrochlorofluorocarbons and methyl bromide. For more information, contact: Ozone Secretariat, UNEP; tel: +254-2-62-3850; fax: +254-2-62-3601; e-mail: [ozoneinfo@unep.org](mailto:ozoneinfo@unep.org); internet: [http://www.unep.org/ozone/Meeting\\_Documents/mop/16mop/16mop.asp](http://www.unep.org/ozone/Meeting_Documents/mop/16mop/16mop.asp)

**TENTH CONFERENCE OF THE PARTIES TO THE UNFCCC:** The tenth Conference of the Parties to the UN Framework Convention on Climate Change (UNFCCC) will meet from 6-17 December 2004, in Buenos Aires, Argentina. For more information, contact: UNFCCC Secretariat; tel: +49-228-815-1000; fax: +49-228-815-1999; e-mail: [secretariat@unfccc.int](mailto:secretariat@unfccc.int); internet: [http://unfccc.int/meetings/cop\\_10/items/2944.php](http://unfccc.int/meetings/cop_10/items/2944.php)

**INTERNATIONAL CONFERENCE FOR THE TEN-YEAR REVIEW OF IMPLEMENTATION OF THE BARBADOS PROGRAMME OF ACTION FOR THE SUSTAINABLE DEVELOPMENT OF SIDS:** The International Meeting is scheduled to take place from 10-14 January 2005, in Port Louis, Mauritius. For more information, contact: Diane

Quarless, UNDSO, SIDS Unit; tel: +1-212-963-4135; fax: +1-917-367-3391; e-mail: [Mauritius2004@sidsnet.org](mailto:Mauritius2004@sidsnet.org); internet: <http://www.un.org/smallislands2005/>

### **ROTTERDAM CONVENTION CHEMICAL REVIEW**

**COMMITTEE:** The first session of the Chemical Review Committee for the Rotterdam Convention is tentatively scheduled for February 2005. For more information, contact: Niek van der Graaff, FAO; tel: +39-6-5705-3441; fax: +39-6-5705-6347; e-mail: [niek.vandergraaff@fao.org](mailto:niek.vandergraaff@fao.org); or UNEP Chemicals; tel: +41-22-917-8191; fax: +41-22-797-3460; e-mail: [chemicals@unep.ch](mailto:chemicals@unep.ch); internet: <http://www.pic.int>

### **23RD SESSION OF THE UNEP GOVERNING**

**COUNCIL/GMEF:** The 23rd session of the UNEP Governing Council/Global Ministerial Environment Forum (GC/GMEF) is scheduled to be held from 21-25 February 2005, in Nairobi, Kenya. For more information, contact: Beverly Miller, UNEPGC Secretary; tel: +254-2-623-431; fax: +254-2-623-929; e-mail: [beverly.miller@unep.org](mailto:beverly.miller@unep.org); internet: <http://www.unep.org>

### **FIRST CONFERENCE OF THE PARTIES TO THE**

**STOCKHOLM CONVENTION:** The Stockholm Convention on Persistent Organic Pollutants will hold its first Conference of the Parties from 2-6 May 2005, in Punta del Este, Uruguay. For more information, contact: Stockholm Convention Secretariat; tel: +41-22-917-8191; fax: +41-22-797-3460; e-mail: [ssc@chemicals.unep.ch](mailto:ssc@chemicals.unep.ch); internet: <http://www.pops.int>

**SAICM PREPCOM3:** The third session of the preparatory committee for SAICM is expected to take place in September 2005. The location and exact dates have not yet been decided. For more information, contact: UNEP Chemicals; tel: +41-22-917-8111; fax: +41-22-797-3460; e-mail: [chemicals@unep.ch](mailto:chemicals@unep.ch); internet: <http://www.chem.unep.ch/saicm/>

**SECOND CONFERENCE OF THE PARTIES TO THE ROTTERDAM CONVENTION (PIC COP-2):** PIC COP-2 is tentatively scheduled for October 2005, in Rome, Italy. For more information, contact: Niek van der Graaff, FAO; tel: +39-6-5705-3441; fax: +39-6-5705-6347; e-mail: [niek.vandergraaff@fao.org](mailto:niek.vandergraaff@fao.org); or UNEP Chemicals; tel: +41-22-917-8191; fax: +41-22-797-3460; e-mail: [chemicals@unep.ch](mailto:chemicals@unep.ch); internet: <http://www.pic.int>

### **INTERNATIONAL CONFERENCE ON CHEMICALS**

**MANAGEMENT:** This meeting, which will finalize intergovernmental deliberations on the development of a SAICM, will be held in conjunction with the ninth Special Session of the UNEP GC/GMEF in early 2006. The location and exact dates have not yet been decided. For more information, contact: UNEP Chemicals; tel: +41-22-917-8111; fax: +41-22-797-3460; e-mail: [chemicals@unep.ch](mailto:chemicals@unep.ch); internet: <http://www.chem.unep.ch/saicm/>

**IFCS FORUM V:** This meeting is expected to take place from 21-29 September 2006, in Budapest, Hungary. For more information, contact: Judy Stober, IFCS Executive Secretary; tel: +41-22-791-3650; fax: +41-22-791-4875; e-mail: [ifcs@who.ch](mailto:ifcs@who.ch); internet: <http://www.ifcs.ch>

**EIGHTH MEETING OF THE CONFERENCE OF THE PARTIES (COP-8) TO THE BASEL CONVENTION:** Basel COP-8 is scheduled to be held in Nairobi, Kenya, from 27 November to 1 December 2006. For more information, contact: Secretariat of the Basel Convention; tel: +41-22-917-8218; fax: +41-22-797-3454; e-mail: [sbc@unep.ch](mailto:sbc@unep.ch); internet: <http://www.basel.int>