

TENTH CONFERENCE OF THE PARTIES TO THE BASEL CONVENTION: 17-21 OCTOBER 2011

The tenth meeting of the Conference of the Parties (COP10) to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal begins today, Monday, 17 October 2011 in Cartagena, Colombia, under the theme of “Prevention, minimization and recovery of wastes.” The key issues to be considered during the week-long meeting include: a new strategic framework; the outcomes of the Indonesian-Swiss country-led initiative (CLI) to improve the effectiveness of the Basel Convention; technical guidelines; environmentally sound dismantling of ships; capacitybuilding; and the Basel Convention Partnership Programme.

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 movements of the estimated 400 million tonnes of hazardous wastes that are produced worldwide each year. The guiding principles of the Convention are that transboundary movements of hazardous wastes should: be reduced to a minimum; be managed in an environmentally sound manner; be treated and disposed of as close as possible to their source of generation; and be minimized at the source. There are currently 178 parties to the Convention.

COP1: The first COP was held in Piriapolis, Uruguay, from 3-4 December 1992. COP1 requested industrialized countries to prohibit the transboundary movements of hazardous wastes for final disposal to developing countries (Decision I/22). Decision I/22 also noted that the transboundary movements of wastes for the purpose of recovering and recycling materials should take place in accordance with the requirement that the wastes be handled in an environmentally sound manner. Decision I/22 was not legally binding, and a “pro-ban coalition,” consisting of developing countries, Greenpeace and the Nordic states, urged delegates to adopt the ban as a binding amendment to the Convention. The issue of hazardous wastes destined for recycling and recovery was forwarded to the Technical Working Group (TWG) for further study.

COP2: 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 Organisation

for Economic Co-operation 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) from OECD to non-OECD countries. Since Decision II/12 was not incorporated into the text of the Convention itself, the issue of whether or not the ban was legally binding was unclear.

COP3: 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. According to Article 17, paragraph 5, entry into force of amendments takes place upon ratification by at least three-fourths of the parties “who accepted them.” There are differing interpretations over the term “who accepted them” and therefore over the number of ratifications required for the Ban Amendment to enter into force. Some parties suggest that the number is 62, that is, three-fourths of parties at the time of adoption of the Ban Amendment. Others, including the UN Office of Legal Affairs, argue that three-fourths of current parties must ratify the Ban Amendment. To date, the Ban Amendment has been ratified by 71 parties. COP3 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).

COP4: Two of the major decisions adopted at the fourth COP, held in Kuching, Malaysia, from 23-27 February 1998, related to the Ban Amendment. COP4 considered proposals by countries seeking to join Annex VII and decided that the composition of this annex would remain unchanged until the Ban Amendment entered into force (Decision IV/8). In this decision, COP4 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, COP4 considered the proposal put forward by the TWG on List A, identifying hazardous wastes, and List B, identifying non-hazardous wastes. COP4 decided to incorporate these lists as Annex VIII and Annex IX to the Convention, respectively.

COP5: The fifth COP met in Basel, Switzerland, from 6-10 December 1999, when 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. To date, ten parties have ratified the Protocol on Liability and Compensation, which will enter into force upon receipt of 20 instruments of ratification. The COP also adopted decisions covering the Convention's implementation and monitoring, legal matters, prevention and monitoring of illegal traffic, technical matters and institutional, financial and procedural arrangements.

COP6: The sixth COP met in Geneva, Switzerland, from 9-14 December 2002. COP6 restated the importance of the Basel Convention's goals relating to sustainable development and launched a partnership programme with environmental non-governmental organizations, industry and business. The COP adopted decisions on issues relating to the implementation of the Convention, amendment of the Convention and its annexes and institutional, financial and procedural arrangements. COP6 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 from lead-acid batteries and ship dismantling. Delegates at COP6 agreed to promote further cooperation between the Basel Secretariat and other organizations and secretariats involved in chemicals management. COP6 set the budget for 2003-2005, agreed on a compliance mechanism for the Convention, adopted a Strategic Plan, and finalized a framework agreement on the legal establishment of the Basel Convention Regional Centres (BCRCs) for training and technology transfer.

COP7: At the seventh COP, held in Geneva from 25-29 October 2004, delegates considered decisions on a range of issues relating to the BCRCs, the Basel Convention Partnership Programme, institutional arrangements, the Ban Amendment and the Basel Protocol on Liability and Compensation. COP7 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 on the follow-up to the 2002 World Summit on Sustainable Development (WSSD). After protracted negotiations, COP7 set the budget for 2005-2006 and took decisions on the Strategic Plan and the 2005-2006 work programme for the Open-Ended Working Group (OEWG).

COP8: The eighth COP was held from 27 November to 1 December 2006 in Nairobi, Kenya. COP8 opened against the backdrop of a toxic waste dumping incident in Abidjan, Côte d'Ivoire. Delegates considered reports on activities within the Convention's mandate and adopted a declaration on e-waste and more than 30 decisions on, *inter alia*: the 2007-2008 programme of work; the implementation of the Strategic Plan, including consideration of the work and operations of the BCRCs, as well as the Basel Convention Partnership Programme; synergies and cooperation; e-waste and end-of-life equipment; ship dismantling; legal matters; amendments to the general technical guidelines for the ESM of persistent organic pollutant (POP) wastes; guidelines for the ESM of wastes; and the election of new members of the Implementation and Compliance Committee and the Committee's work programme.

COP9: The ninth COP was held from 23-27 June 2008, in Bali, Indonesia. COP9 adopted more than 30 decisions on, *inter alia*: cooperation and coordination; the budget; legal matters; review of the BCRCs; the Partnership Programme; the Strategic Plan; and technical matters. During COP9 Switzerland and Indonesia announced a CLI, inviting key players to discuss in an informal, dynamic and non-dogmatic manner issues related to the transboundary movements of hazardous wastes, especially to developing countries.

INTERSESSIONAL HIGHLIGHTS

Ex-COP: The simultaneous extraordinary Conferences of the Parties to the Basel, Rotterdam and Stockholm Conventions were held from 22-24 February 2010 in Bali, Indonesia. Delegates at each meeting adopted nearly identical omnibus synergies decisions on joint services, joint activities, synchronization of the budget cycles, joint audits, joint managerial functions, and review arrangements. Jim Willis (US) was appointed as the Joint Head of the Basel and Stockholm Convention Secretariats and the UNEP-part of the Rotterdam Convention Secretariat in April 2011.

OEWG7: The seventh session of the OEWG took place in Geneva, Switzerland, from 10-14 May 2010.

The meeting considered several issues, including: the work programme of the OEWG for 2012-2013; financial matters; enforcement of the Convention and efforts to combat illegal traffic; cooperation between the Basel Convention and the International Maritime Organization; draft technical guidance on cement kilns; draft technical guidance on mercury wastes; harmonization and cooperation; and cooperation on the environmentally sound dismantling of ships. In total, OEWG7 approved 19 decisions.

INDONESIAN-SWISS CLI: Three meetings of the CLI convened between COP9 and COP10. The outcome of the CLI takes the form of a draft omnibus decision aiming to ensure that hazardous wastes moving between countries have no adverse impact on the environment or human health. It addresses: the entry into force of the Ban Amendment; the development of standards and guidelines for ESM; the provision of further legal clarity of key provisions in the BC; the further strengthening of the BCRCs; combating illegal traffic; assisting vulnerable countries; and capacity building. The draft omnibus decision will be considered by COP10.

COMMITTEE FOR ADMINISTERING THE MECHANISM FOR PROMOTING IMPLEMENTATION AND COMPLIANCE

The Committee held its seventh and eighth sessions in Geneva, Switzerland, from 25-26 June 2009 and 21-23 March 2011, respectively. The Committee considered national reporting activities included in its 2009-2011 work programme, and recommended that COP10 adopt decisions on: assessing the status of reporting, parties' needs for assistance with reporting and assessing parties' compliance with respect to the annual reporting obligation. It also recommended that COP10 considers a "benchmark" national report to guide parties on Convention reporting, and including in the proposed work programme for 2012-2013 the development of electronic training tools.

BASEL COP10 HIGHLIGHTS: MONDAY, 17 OCTOBER 2011

The tenth meeting of the Conference of the Parties (COP10) to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal convened for its first day on Monday 17 October, 2011. In the morning delegates participated in a forum on COP10's theme "Prevention, minimization and recovery of wastes." During the afternoon delegates initiated consideration of strategic issues.

OPENING OF THE MEETING

Barry Reville (Australia) opened the meeting on behalf of COP9 President, Rachmat Nadi Witoelar Kartaadipoetra (Indonesia). Reading a Statement from COP9 President, Indonesia's Deputy Minister for Hazardous and Toxic Substances and Waste Management urged COP10 to resolve the legal interpretation of Article 17 paragraph 5 on entry into force of amendments to the Convention, to work towards ensuring sustainable financing for the Basel Convention and the environmentally sound management (ESM) of hazardous wastes.

FORUM ON PREVENTION, MINIMIZATION AND RECOVERY OF WASTES: Opening the Forum, Reville said COP10's objective is to highlight waste management as part of the life-cycle of materials and resources. Recalling parties' obligation to reduce hazardous waste generation and ensure ESM of unavoidable wastes, he called on parties to consider means to achieve this, including through less hazardous products and industrial processes and the potential economic value of wastes.

Speaking on behalf of UNEP Executive Director Achim Steiner, Bakary Kante emphasized that work on the new strategic framework and the Indonesian-Swiss initiative (CLI) could "find the path forward" for the Ban Amendment's entry into force. He emphasized identifying synergistic proposals for improving financing for chemicals and waste, noting recent efforts to explore reforms through the UNEP Consultative Process and at the Governing Council. He expressed hope that the COP meeting would contribute to Rio+20.

Jim Willis, Executive Secretary of the Basel, Rotterdam, and Stockholm conventions, encouraged delegates to use the momentum gained from other processes to make progress on waste issues in Cartagena and at the upcoming Third Session of the Intergovernmental Negotiating Committee to Prepare a Global Legally Binding Instrument on Mercury. He said Rio+20 represented a way to push Basel's objectives forward, and expressed hope that the Ban Amendment will soon enter into force.

Lijun Zhang, Vice Minister of Environment, China, discussed reuse of waste in China and his country's focus on fostering a "circular economy." He explained this involved promoting

cleaner production techniques, legislative measures dealing with waste, tax incentives for environmental technologies, and the construction of treatment and disposal facilities for hazardous wastes. On COP10 Zhang underscored the need for parties to take measures to prevent illegal traffic.

Soledad Blanco, European Commission, discussed the latest developments on waste prevention in the European context. She said the focus of the EU Directive on Waste is on prevention and the EU is currently developing objectives on sustainable consumption and production patterns for 2020. Blanco also cited the recently released Roadmap for a Resource Efficient Europe, which aims to limit residual waste and phase out land-filling by 2020.

Oladele Osibanjo, Basel Convention Regional Coordinating Centre (BCRC), Nigeria, highlighted the value of e-waste as a secondary resource, cautioning against compromising environmental protection. He called for a paradigm shift from disposal to prevention, minimization and recovery of waste and the adoption of cleaner technologies. Outlining BCRC activities in his region, Osibanjo also emphasized the role of BCRCs in raising awareness and building capacity.

Frank Pearl, Minister of Environment, Colombia, said COP10 represented an important landmark towards strengthening the Convention's implementation. He called for political will and commitment to be shown during the week and expressed hope that the draft Cartagena declaration would be supported.

OPENING STATEMENTS: Poland, for the EU, urged for a realistic debate on the budget and work programme, with links to the CLI and the strategic framework.

Egypt, on behalf of the AFRICAN and ARAB GROUPS, noted continued concerns about the health and environmental impacts of toxic wastes, and underscored the necessity for sustainable funding of the BCRCs, and the implementation of the Ban Amendment.

Ecuador, on behalf of the GROUP OF LATIN AMERICAN AND CARIBBEAN COUNTRIES (GRULAC), underscored the need for BCRC funding and supported the work of UNEP Consultative Process on Financing Options for Chemicals and Wastes (Consultative Process).

ORGANIZATIONAL MATTERS

ELECTION OF OFFICERS: Paula Caballero, Colombia, was elected COP10 President. She urged parties to support the Indonesian-Swiss CLI, and send a strong message to the Rio+20 Conference on the prevention, minimization and recovery of hazardous wastes.

Delegates elected Adel Shafei Mohamed Osman (Egypt), Dragan Asanović (Montenegro), Annette Schneider (Denmark), and Abdul Mohsin Mahmood al-Mahmood (Bahrain) as COP10 Vice Presidents. Al-Mahmood was elected Rapporteur. The EU presented a proposal to amend the rules of procedure, whereby

COP officers would be elected at the closure of the prior COP meeting (UNEP/CHW.10/CRP/4). Colombia supported the proposal, stating it would facilitate preparatory work for COP meetings. A drafting group chaired by Patrick Revillard (EU) was established to draft a decision on the proposal.

Adoption of the agenda: Delegates adopted the agenda (UNEP/CHW.10/1) without amendment.

Organization of work: The Secretariat introduced the tentative organization of work (UNEP/CHW.10/INF/1). Colombia introduced its draft Declaration on the theme of COP10 (UNEP/CHW.10/CRP.3), and said the proposed Declaration would spur capacity building activities, private sector partnerships and BCRC projects on waste minimization.

Credentials: Parties were requested to submit their credentials.

IMPLEMENTATION

STRATEGIC FRAMEWORK: The Secretariat introduced this item (UNEP/CHW.10/3). The EU supported promoting partnerships and, with URUGUAY, stressed prioritizing the work of the BCRCs. NORWAY welcomed the framework but called for focusing on means of implementation and indicators. SWITZERLAND emphasized the need to improve coherence by adopting the strategic framework along with the other issues being considered this week. The EU, NORWAY, ARGENTINA, COLOMBIA and NIGERIA supported emphasis on the Consultative Process for means of implementation. ARGENTINA, BRAZIL and TOGO underlined that the section on means of implementation is inadequate. ARGENTINA said cost implications should be clearly reflected in the budget. The REPUBLIC OF KOREA called for a feedback process for performance indicators.

JAPAN supported the draft strategic framework and called for further study on means of implementation. With KENYA, COLOMBIA and NIGERIA, JAPAN also emphasized the need for common definitions of waste. CHINA, supported by the US, proposed including provisions for a mid-term evaluation.

THAILAND said the proposed indicators should be given further consideration. URUGUAY highlighted the need for indicators and means of implementation. INDIA called for indicators for effective implementation and prioritized capacity building and technology transfer. ETHIOPIA, with NIGERIA, emphasized capacity building in line with skills enhancement for prevention, minimization and recovery. MEXICO stressed capacity building as a key element of a new strategic framework and for implementation, measuring achievement, performance and compliance.

IRAQ and INDONESIA emphasized the differing capabilities of parties to implement the strategic framework. PAKISTAN supported reference to promoting public-private partnerships.

The DOMINICAN REPUBLIC cautioned that recognizing wastes as a resource could lead to difficulties in combating illegal traffic. ZAMBIA underscored the need for technology transfer.

Greenpeace and BAN said the draft framework inadequately addresses hazardous wastes generation and prevention.

INDONESIAN-SWISS CLI: The Secretariat introduced the Indonesian-Swiss country-led initiative (CLI) to improve effectiveness of the Basel Convention (UNEP/CHW.10/5). SWITZERLAND said the CLI's draft decision includes three mutually supportive elements: entry into force of the Ban Amendment; ESM of hazardous wastes; and legal clarity around key Convention provisions. The EU, COLOMBIA, CANADA, CHINA and AUSTRALIA expressed general support for the CLI, proposing further deliberation in a contact group.

MALAYSIA, ETHIOPIA, YEMEN, TOGO and others supported adoption of the CLI. The EU supported adopting a legal interpretation of Article 17(5) requiring three quarters of parties at the time of adoption of the amendment to enter into force (the "fixed time" approach). COLOMBIA, EGYPT and IRAQ also supported the "fixed time" approach. The CENTER

FOR INTERNATIONAL ENVIRONMENTAL LAW (CIEL) said this approach ensures that Article 17(5) comports better with the rules of treaty interpretation.

The EU, KENYA and COLOMBIA supported further consideration of whether the Compliance Committee is the appropriate body to provide legal clarity on key Convention provisions. JAMAICA and the US stated the Compliance Committee is the appropriate body for dealing with legal matters, urging parties to utilize existing structures under the Convention, but the US said the Committee should not develop new standards.

NORWAY outlined a Nordic Council initiative to assist countries to ratify the Ban Amendment. BRAZIL expressed concern on the lack of focus of the CLI on prevention and minimization of wastes. JAPAN emphasized that the Ban Amendment is of a different nature than the other six elements of the draft omnibus decision, due to the changed nature of transboundary movements and improved recycling technologies. With INDIA, he called for further discussions of the legal interpretation of Article 17(5) in a contact group.

NIGERIA, EGYPT, CAMEROON and SUDAN stressed the need for financial resources and technology transfer to implement the CLI.

Noting that the Ban Amendment was adopted 16 years ago, BAN urged parties to adopt the solution proposed in the CLI to facilitate its entry into force.

Delegates agreed a contact group would be established for the CLI and the strategic framework.

FINANCIAL MATTERS: Programme of work and budget: The Secretariat introduced the programme budget for the 2012-2013 biennium (UNEP/CHW.10/23 and Add.1); a report on challenges, constraints and obstacles that have led to the current financial situation and on advantages and disadvantages of using host country currency or US dollars (UNEP/CHW.10/24); and information on financial matters (UNEP/CHW.10/INF/31).

Jim Willis outlined the zero nominal growth proposal presented as the Executive Secretary's proposed scenario. He said the approach recognized the economic difficulties facing many parties and was an attempt to "share the pain," and that the Secretariat was increasing efficiencies through joint activities. He noted the budget does not include any new activities, but the Secretariat has cost estimates of potential activities. A contact group, co-chaired by Kerstin Stendahl (Finland) and Osvaldo Alvarez (Chile), was established.

IN THE CORRIDORS

"Let the best not be the enemy of the good," was the poignant message from Switzerland to COP10 participants on the CLI draft decision package. From the initial COP10 exchanges on the CLI it is clear that all parties recognize the significant efforts Indonesia and Switzerland have put into crafting an integrated package that is palatable to all parties. It is also widely agreed that the CLI is essential to move the Convention beyond the current stalemate around the Ban Amendment's entry into force, which most participants recognized has dragged on for too many years.

Seasoned delegates in Cartagena said they were keeping their fingers crossed that the palpable sense of purpose and buoyant atmosphere will be carried from the plenary hall into the contact group on the CLI so this issue can finally be resolved at COP10. These delegates hope that parties will avoid the pitfalls of devilish details, being mindful that the "good" may represent the "best" way forward for Basel.

Some said the importance of COP10 for the future of the Convention is indicated by the record level of participation, with donors coming out of the woodwork to support the participation of all 80 developing country parties despite the difficult economic times. This, they said, is in stark contrast to recent Stockholm and Rotterdam COP meetings, where developing country delegates lamented record low levels of participation due to crippling financial constraints.

BASEL COP10 HIGHLIGHTS: TUESDAY, 18 OCTOBER 2011

The tenth meeting of the Conference of the Parties (COP10) to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal convened for its second day on Tuesday, 18 October 2011. In the morning delegates discussed BCRCs and scientific and technical matters. During the afternoon delegates initiated consideration of legal, compliance and governance matters.

IMPLEMENTATION

BCRCs: The Secretariat introduced a draft decision on the BCRCs (UNEP/CHW.10/4). Stressing the variable performance of BCRCs, the EU, supported by NORWAY, encouraged parties to collaborate regionally to support BCRCs. NORWAY acknowledged that the ability to provide financial support differs across regions. Noting their governments' efforts to support BCRCs, URUGUAY and ARGENTINA said BCRCs are international cooperation mechanisms that all parties must fund. CHINA, ECUADOR and NIGERIA supported this.

Many countries emphasized the importance of the BCRCs in implementing the Convention. The Nigerian BCRC, on behalf of African BCRCs, referred to them as the Convention's "foot soldiers" requiring sustainable structures and resources. TRINIDAD AND TOBAGO informed the COP that its recently established Caribbean BCRC is now fully staffed and will soon become operational.

SCIENTIFIC AND TECHNICAL MATTERS: Technical guidelines: The Secretariat introduced a document on technical guidelines for e-wastes (UNEP/CHW.10/6). The EU emphasized the importance of providing input on guidelines into the mercury negotiations, and on distinguishing between waste and non-waste. BRAZIL said it had prepared new draft guidelines on used tyres.

Noting the lack of discussion on the Partnership for Action on Computing Equipment (PACE) guidelines on computer equipment (UNEP/CHW.10/20), SWITZERLAND introduced the item, and proposed, supported by ZAMBIA, that COP10 adopt sections 1, 2, 4, and 5 on environmentally sound testing, refurbishing, repair and material recovery and recycling. The Secretariat clarified that PACE would be addressed under the Partnership Programme agenda item. ARGENTINA said the PACE guidelines should be adapted to local conditions.

Delegates established a contact group to further consider technical guidelines.

Amendments to the list of wastes contained in Annexes VIII and IX to the Basel Convention: The Secretariat introduced the item (UNEP/CHW.10/7), noting the receipt of proposals, but that these were yet to be considered by the

OEWG. CANADA, the US and MOROCCO, opposed by the EU, observed that there was no need for the draft decision instructing OEWG8 to consider the new proposals. After informal deliberations, it was agreed that no decision was necessary on this matter at COP10.

Classification and hazard characterization of wastes: The Secretariat introduced the item (UNEP/CHW.10/8).

On the guidance papers on H10 and H11, parties agreed to drop the item from the Basel Convention work programme. On review of cooperation with the World Customs Organization (WCO), parties agreed to the draft decision subject to the outcome of the budget negotiations. On harmonization and coordination, the Secretariat observed no nominations for the position of Chair of the Joint Correspondence Group had been received. CANADA proposed deleting the item, while the EU suggested further discussion. Parties agreed to discuss informally.

On national classification and control procedures, the EU, opposed by MOROCCO, NIGERIA, ZAMBIA and INDONESIA, proposed discontinuing activities due to a lack of response from parties experiencing difficulties with classification and control procedures. Delegates agreed to discuss this matter informally.

LEGAL, COMPLIANCE AND GOVERNANCE MATTERS: Implementation and Compliance Committee (ICC): ICC Chair Gillian Guthrie (Jamaica) introduced the Committee's report, and a draft decision on the work of the Committee (UNEP/CHW.10/9/Rev.1). SWITZERLAND, NORWAY and COLOMBIA supported adopting the draft decision, welcoming the Committee's proposed increased capacity to address cases of non-compliance or difficulty in complying with the Basel Convention. INTERPOL welcomed the Committee's recommendation to create a partnership on preventing and combating illegal traffic, while the EU noted that this might be premature.

On membership of the ICC (UNEP/CHW.10/10), parties agreed to the draft decision and to insert the names of elected members after finalizing their nominations.

The Secretariat introduced, *inter alia*, documents on: national legislation, enforcement and illegal traffic (UNEP/CHW.10/11); an instruction manual on the prosecution of illegal traffic (UNEP/CHW.10/12); and a survey of customs' practices (UNEP/CHW.10/INF/12).

Parties agreed to the decision on national legislation with proposed amendments from the EU and a caveat from Switzerland that the decision should conform to the outcome of the CLI discussions.

On the instruction manual, the EU proposed changes to reflect its non-binding nature and said it would distribute a CRP for parties' consideration.

National Reporting: The Secretariat introduced the item and the draft decision on national reporting (UNEP/CHW.10/13; UNEP/CHW.10/INF/48), noting decreased national reporting in recent years. MEXICO asked the Secretariat to examine the causes of the decline in reporting, while NIGER called for increased capacity building activities in developing countries and BCRCs. The draft decision was adopted without amendment.

International cooperation and coordination: The Secretariat introduced the item and parties agreed to further informally discuss the draft decision (UNEP/CHW.10/16), including proposed changes by the EU and KENYA on references to the OEWG and national legislation, respectively.

After introducing the item on the cooperation between the Basel Convention and the IMO (UNEP/CHW.10/17), the Secretariat clarified that a revised legal analysis had been necessary. Several parties expressed concern that they had not had enough time to examine this revision, and discussion of the draft decision was deferred.

Environmentally sound dismantling of ships: The Secretariat introduced the item, including a draft decision (UNEP/CHW.10/18) on international cooperation and technical assistance activities.

The EU said the Basel Convention has not reversed environmentally destructive ship dismantling practices and, supported by JAPAN, CHINA, DENMARK and the US, said the Hong Kong Convention provides for a level of enforcement at least equivalent to that of Basel. Acknowledging weaknesses in the Hong Kong Convention, NORWAY agreed, but noted the two regimes are different and therefore difficult to compare, and encouraged states to ratify the Hong Kong Convention, so that it can enter into force.

Underscoring that control measures in the Hong Kong Convention are vague, the DOMINICAN REPUBLIC, supported by MEXICO, Nigeria, for the AFRICAN GROUP and CIEL, said the Hong Kong Convention does not provide an equivalent level of control to that of the Basel Convention.

The REPUBLIC OF CONGO, supported by COLOMBIA, proposed discussing the issue in a contact group.

The IMO said the Hong Kong Convention was unanimously adopted by 63 states.

The PLATFORM FOR SHIP BREAKING noted that the Hong Kong Convention does not reflect the primary obligation of the Basel Convention and does not prevent the transboundary movement of asbestos and heavy metals. The INTERNATIONAL SHIP RECYCLERS ASSOCIATION expressed support for the Hong Kong Convention, stating that it offers specific regulations for ships, focuses on sound ship recycling, and provides strict requirements for ship recycling facilities.

BAN underscored the “fundamental disconnect” between the EU’s support for the Ban Amendment and its support for a Convention that would allow a “ship full of asbestos and PCBs” to be exported. He emphasized the need for the Basel Convention to retain its competency on end-of-life ships as toxic wastes, and for both regimes to be applied. A contact group chaired by Claude Wohrer (France) was established to discuss the issue further.

ENHANCING COOPERATION AND COORDINATION AMONG THE BASEL, ROTTERDAM AND STOCKHOLM CONVENTIONS

The Secretariat introduced the item (UNEP/CHW.10/CRP.2), indicating that the recent Rotterdam and Stockholm COPs adopted substantively identical decisions. COP10 President Caballero stressed the cost efficiency implications of the decision, and the decision was adopted without amendment.

CONTACT GROUPS

BUDGET: The contact group, chaired by Kerstin Stendahl (Finland), met in the morning and afternoon to discuss financial rules and activities regarding synergies. Activities on synergies were agreed by the group.

TECHNICAL MATTERS: The contact group on technical guidelines, co-chaired by Michael Ernst (Germany) and Mohammed Khashashneh (Jordan), reported on the pre-session meeting held on 15 October, which focused on tyres, co-processing and cement kilns, and mercury, and to review the status of the guidelines texts and PACE documents. A revised draft consensus text was introduced on tyres, and the text on co-processing and cement kilns elicited several comments, including on distinguishing between wet and dry products, metal content, and the need for new technologies to control emissions and waste. Expressing concern that little progress had been made on the links to POPs within the guidelines, a party proposed preparing an action plan for new activities.

On the PACE guidance documents, participants commented on, *inter alia*, the: legal nature; voluntary notification procedure; and reference to POPs.

CLI: Delegates met in the morning and afternoon to discuss the CLI in a contact group chaired by Osvaldo Alvarez (Chile). Starting with general comments on the omnibus draft decision, many agreed that references to waste minimization and prevention were desirable. A few expressed concern about adopting a “fixed time” approach for entry into force of amendments. It was noted that other MEAs have adopted that approach.

The group deferred discussion on the Ban Amendment section.

On the ESM section, one party wondered whether new ESM guidelines would add value to existing work. It was stressed that the guidelines would create best practice ESM standards, which would assist countries and create incentives to minimize waste at source. Wording was added to recognize ESM includes waste minimization and prevention.

Stressing that countries should prioritize managing their own wastes, one delegate proposed deleting a reference to ESM of wastes “to be exported.” Others suggested referring to all wastes, “including” those that are subject to transboundary movements, consistent with the Convention’s spirit. References were also added to parties’ obligation to minimize transboundary movements of hazardous wastes.

Many supported referring to ESM “recommendations” rather than “requirements.” Others said certain elements are “required” to achieve ESM and the guidelines would simply operationalize existing Convention requirements.

On the proposed expert group entrusted with developing ESM guidelines, delegates discussed whether the OEWG or a new group should carry out that task, and whether the latter should be closed or open-ended. Many supported an open-ended technical group, recognizing it would have financial implications and require adoption of terms of reference for the group. It was agreed “other stakeholders” should participate as observers. Delegates also discussed the elements that should be considered in the development of ESM guidelines, including their relationship to transboundary movements (UNEP/CHW.10/5, Annex I).

IN THE CORRIDORS

In the context of recurrent concerns about the dearth of resources for effective implementation of the Basel Convention, a side event on the outcomes of the UNEP Consultative Process was eagerly anticipated. Participants were introduced to the “four financing tracks” currently being considered by UNEP Executive Director Achim Steiner, as he prepares to report, and make recommendations, to the UNEP Governing Council in 2012.

While scepticism over the reality of achieving a fund for chemicals and wastes equivalent to the Multilateral Fund (MLF) was rife, some were sure they heard the sound of long awaited large wheels in motion. Several mentioned the mercury negotiations, where an MLF remains on the table as a potential financial mechanism, and pondered the potential for a joint mechanism for mercury, wastes and chemicals. UNEP’s announcement of an event on chemicals financing and synergies at Rio+20 instilled some with confidence that financing would remain on the agenda.

BASEL COP10 HIGHLIGHTS: WEDNESDAY, 19 OCTOBER 2011

The tenth meeting of the Conference of the Parties (COP10) to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal convened for its third day on Wednesday, 19 October 2011. In the morning, delegates discussed the Partnership Programme and legal, compliance and governance matters. In the afternoon, delegates considered scientific and technical matters, and the OEWG work programme. Contact groups met throughout the day on the CLI and the strategic framework, technical matters, and ship dismantling.

IMPLEMENTATION

SCIENTIFIC AND TECHNICAL MATTERS: Amendment of the annexes to the Convention: Parties agreed that no decision was necessary and to make reference to the item in the report.

LEGAL, COMPLIANCE AND GOVERNANCE MATTERS: National legislation, enforcement, illegal traffic: After suggestions on the instruction manual on the prosecution of illegal traffic by the EU (UNEP/CHW.10/CRP.9) and CANADA, parties adopted the amended manual and decision.

International cooperation and coordination: COP10 briefly revisited the decision on this matter (UNEP/CHW.10/16) and adopted it with a minor amendment requesting parties to “coordinate” with national and regional organizations, as opposed to “pursue coordination.”

On cooperation between the Convention and IMO, CANADA and the EU explained they had consulted and agreed to omit references to an intersessional working group on the revised legal analysis, and the amended decision was adopted (UNEP/CHW.10/CRP.10).

Implementation of decision V/32 on the enlargement of the scope of the Trust Fund: The Secretariat introduced the item (UNEP/CHW.10/15). Emphasizing the need for a mechanism to assist developing countries, especially small island developing states (SIDS) in the event of emergencies, CUBA highlighted its proposed draft decision, requesting the Secretariat to prepare a report on the expediency of procedures under the mechanism and a comparative analysis of similar mechanisms. Responding to a question from NORWAY, the Secretariat explained that the Trust Fund for emergency assistance had only been triggered once by Côte d'Ivoire, following the aftermath of the toxic waste dumping incident in Abidjan. ARGENTINA, ECUADOR, VENEZUELA and the DOMINICAN REPUBLIC, opposed by the EU, supported the draft decision. The EU and CUBA will confer informally to find a way forward.

Capacity building for the implementation of the Basel Convention: The Secretariat introduced the item, including a draft decision on capacity building (UNEP/CHW.10/22). Parties agreed to provisionally approve the draft decision, subject to the outcomes of the budget negotiations and the CLI discussions.

PARTNERSHIP PROGRAMME: Parties discussed the Basel Convention Partnership Programme. Parties discussed an EU proposal to clearly distinguish between partnerships under the Basel Convention and other partnerships in which the Secretariat is involved. This was supported by NORWAY, BRAZIL and KENYA, and the decision was provisionally approved, subject to the outcome of the budget negotiations (UNEP/CHW.10/19).

Progress reports on PACE (UNEP/CHW.10/20 and UNEP/CHW.10/INF/21) and the Mobile Phone Partnership Initiative (MPPI) (UNEP/CHW.10/21; UNEP/CHW.10/INF/27) were presented by the partnerships' chairs, Marco Buletti (Switzerland) and Oladele Osibanjo (BCRC, Nigeria). On PACE, the EU stated that it fully supports the adoption of the guidelines on ESM of used and end-of-life equipment, except section 3 on transboundary movements, and noted it has submitted comments to the Contact Group on technical guidelines. BAN reiterated double standards of the EU regarding exports of certain non-functioning equipment. Parties agreed to continue discussions in the Contact Group.

On the MPPI, parties consulted informally on changes proposed by Brazil (UNEP/CHW.10/CRP.7) regarding the transboundary movements section in the guidance document on ESM of used and end-of-life mobile phones, and then adopted the decision.

FINANCIAL MATTERS: Resource mobilization: The Secretariat introduced the report and draft decision on resource mobilization (UNEP/CHW.10/25), noting that COP9's recommendation to establish a joint resource mobilization service remains under discussion. He explained the draft decision requests the Secretariat to strengthen cooperation with relevant international and regional organizations.

Bakary Kante, UNEP, on behalf of UNEP Executive Director, Achim Steiner, updated participants on the Consultative Process, which he said now also encompasses financing for the Strategic Approach to International Chemicals Management (SAICM) and the future mercury treaty. He explained that Steiner would present recommendations to the UNEP Governing Council in 2012, with a view to initiating negotiations on a formal financing option.

ARGENTINA said that references to “progress made” in resources mobilization were too optimistic, and proposed referring to “efforts made” instead. MEXICO, CUBA,

ECUADOR, the DOMINICAN REPUBLIC, TOGO, COLOMBIA, VENEZUELA and URUGUAY supported this. The EU requested time to consult internally and the matter was deferred.

OEWG WORK PROGRAMME: The Secretariat introduced this item explaining that parties may wish to adopt the work programme (UNEP/CHW.10/26). The EU said the decision was related to the outcomes of work of the contact groups, and the issue was deferred.

CONTACT GROUPS

BUDGET: The group, chaired by Kerstin Stendahl (Finland), made progress on identifying potential areas of savings. In the evening, the group continued discussions on a revised budget proposal and financial rules on synergies.

TECHNICAL MATTERS: The Contact Group on technical guidelines, co-chaired by Michael Ernst (Germany) and Mohammed Khashashneh (Jordan), convened throughout Wednesday and made progress on cement kilns, mercury, the PACE guidelines, and e-waste.

Guidelines on co-processing and cement kilns (UNEP.CHW.10/6/Add.3) were adopted after delegates emphasized including language on cooperation with the Stockholm Convention.

On mercury, delegates adopted the text (UNEP.CHW.10/6/Add.2) after discussing, *inter alia*: whether take-back collection programmes were an upstream issue or a handling, transport and storage issue; and contamination of waste streams and the extent of extended producer responsibility. Participants also debated whether to remove a section establishing a link to outcomes of the global negotiations on mercury, and, similarly, to remove clarification that the guidelines do not apply to “mercury as a commodity,” which is language under debate in the mercury negotiations. Proponents found the language helpful for non-technical policy-makers, while opponents found it could prejudice the outcome of the mercury convention negotiations. Ultimately, parties decided to delete the sections.

On the PACE documents (UNEP.CHW.10/20), delegates chose to adopt sections 1, 2, 4, and 5 on ESM, testing, refurbishment and repair, and material recovery and recycling, and to “welcome and recognize” section 3 on transboundary movements rather than provisionally adopt it as many had urged. One party opposing adoption pointed to differences between the PACE documents from the e-waste guidelines, which should be “complimentary and not contradictory,” as well as to unresolved domestic opinion on the matter. One developing country party underlined the world’s need for guidance on the transboundary movements of computer waste.

On e-waste, delegates decided to continue work via an intersessional working group which will assist in preparing relevant guidelines.

The group will reconvene on Thursday to address tyres and POPs waste guidelines.

CLI: The group, chaired by Osvaldo Alvarez (Chile), continued its deliberations throughout Wednesday.

On providing further legal clarity on Convention provisions, it was agreed that the Secretariat, rather than the Implementation and Compliance Committee, should prepare a draft report on possible interpretation options for certain Convention provisions, with assistance from legal and technical experts, as appropriate. Some cautioned against creating new definitions, others said the idea is to clarify existing terms to provide further guidance to parties. Discussion ensued about the terms the Secretariat should consider, with some claiming terms such as “charitable donations” were redundant, while others stressed that many developing countries receive near-end-of-life products and

solutions are needed to ensure their ESM. In response, text was proposed requesting the Secretariat to identify options to deal with used and end-of-life goods, including take-back obligations for charitable donations.

On strengthening BCRCs, a few parties expressed concern about asking BCRCs to “encourage” parties to ratify the Ban Amendment. It was agreed BCRCs should “assist” parties in that task.

The sections on illegal trade and assisting vulnerable parties to prohibit hazardous waste imports were agreed with minor amendments.

On addressing the entry into force of amendments, Article 17(5), delegates discussed whether reference should be made to “vulnerable” parties, “developing countries,” or simply “parties” unable to ensure ESM of wastes. Regarding the interpretation of the article, most agreed to the proposed “fixed time” approach. One participant asked about the relationship between this interpretation and that of the UN Office of Legal Affairs, which proposed the “current time” approach. It was noted that the COP has the legal authority to decide which interpretation to adopt, and the group eventually agreed to the “fixed time” approach, and to minor amendments to the section.

The group then moved to review the strategic framework, focusing on goals and indicators to measure performance.

SHIP DISMANTLING: During the afternoon contact group chaired by Claude Wohrer (France), delegates addressed the proposed mandate of the group regarding: considering the report of the Secretariat (UNEP/CHW.10/18) with a view to concluding the assessment on whether the Hong Kong Convention provides an equivalent level of control to that of the Basel Convention; developing the conclusions of the assessment in the form of a draft decision by the COP; and considering the way forward for the Basel Convention.

During the ensuing discussion, divergent views were expressed on the results of the assessment and the issue of equivalence. Several interventions noted that the two instruments are designed to fulfill different objectives, and so it is like comparing “apples and oranges.” Parties also addressed the scope, applicability, control and enforcement of both conventions. Arguing that the Hong Kong Convention does not provide the same level of control, one party expressed fears about becoming a new “recycling state.” In response, it was pointed out that there is no requirement under the Hong Kong Convention that a state approve ship-recycling facilities. However, an observer disagreed, noting that under Hong Kong there is no right to ban imports, nor is there a notification procedure on such imports.

Parties also addressed ship abandonment and prior informed consent. Discussions continued into the evening on the conclusions of the assessment.

IN THE CORRIDORS

Torrential rains, a flooded old town, and a walk through thigh-deep water couldn’t keep delegates away from COP10 negotiations on Wednesday. Despite the inclement weather, by Wednesday afternoon some delegates were overjoyed at the real possibility of “making history” in Cartagena.

In the CLI contact group, long held resistance to the “fixed time” approach appeared to have been swept away with flood waters. To many parties’ surprise and praise, all seemed prepared to adopt the interpretation, which is set to facilitate the entry into force of the 1995 Ban Amendment.

One delegate was heard joking that a high-level segment could have been useful after all. They were referring to the plenary sessions running so smoothly and efficiently that COP10 may well exhaust its agenda before Friday.

BASEL COP10 HIGHLIGHTS: THURSDAY, 20 OCTOBER 2011

The tenth meeting of the Conference of the Parties (COP10) to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal convened for its fourth day on Thursday, 20 October 2011. In the morning, delegates discussed capacity building, scientific and technical matters, financial matters, and legal, compliance and governance matters. In the afternoon, delegates considered the Basel Waste Solutions Circle and strategic issues.

IMPLEMENTATION

STRATEGIC ISSUES: Regional and coordinating centres: Parties adopted a draft decision (UNEP/CHW.10/CRP.12) submitted by the drafting group on the review and strengthening of the operation of the BCRCs.

CHINA introduced its proposal for the Regional Centre for the Asia and Pacific Region in China, hosted by Tsinghua University, to serve as the Coordinating Centre for the Asia and Pacific Region (UNEP/CHW.10/CRP.5). He also proposed one amendment to the draft decision language, asking the COP to “approve” the offer of the centre, instead of requesting the COP to “consider” the offer “for possible adoption.” Parties agreed to further informal consultations and to revisit the item on Friday.

CAPACITY BUILDING: Delegates revisited the draft document (UNEP/CHW.10/22) on capacity building and they adopted it without amendment, as recommended by the budget group.

SCIENTIFIC AND TECHNICAL MATTERS: Technical guidelines: COP10 President Caballero introduced the decisions forwarded by the Contact Group on technical matters, noting that should any budgetary issues arise, plenary could revisit the items after the budget negotiations concluded. Parties adopted technical guidelines on e-waste (UNEP/CHW.10/CRP.14), co-processing and cement kilns (UNEP/CHW.10/CRP.17), mercury (UNEP/CHW.10/CRP.15), and the PACE guidelines on end-of-life computing equipment (UNEP/CHW.10/CRP.13) without amendment. CHILE said the cement guidelines constitute a good example of a public-private partnership, citing the involvement of the cement industry, NGOs, and a number of governments.

Classification and hazard characterization of wastes: Parties adopted a draft decision on the review of cooperation with the World Customs Organization and its Harmonized System Committee pursuant to decision IX/19 (UNEP/CHW.10/8), as recommended by the Contact Group on budget.

After consultations among delegations, parties agreed that there was no need for a decision on national classification and control procedures for the import of wastes contained in Annex IX pursuant to Decision IX/21 (UNEP/CHW.10/8). They agreed to note in the report of the meeting that the Basel Secretariat would provide the OEWG8 and the COP11 with information submitted by parties about difficulties with national classification and control procedures.

LEGAL, COMPLIANCE AND GOVERNANCE

MATTERS: National legislation, enforcement, and illegal traffic: Parties adopted the draft decision on national legislation, enforcement of the Convention and efforts to combat illegal traffic (UNEP/CHW.10/CRP.8), as recommended by the Contact Group on budget.

National Reporting: Parties adopted the draft decision on national reporting (UNEP/CHW.10/13), as recommended by the Contact Group on budget.

Implementation of decision V/32 on enlargement of the scope of the emergency Trust Fund: After consultations among delegations, parties adopted the draft decision on the implementation of decision V/32 on the enlargement of the scope of the Trust Fund to assist developing and other countries in need of technical assistance in the implementation of the Basel Convention (UNEP/CHW.10/CRP.11) with one minor change proposed by CUBA, supported by the EU, that parties in a position to do so be “invited,” instead of “urged,” to provide contributions to the Technical Cooperation Trust Fund.

FINANCIAL MATTERS: Resource mobilization and sustainable financing: Parties adopted the draft decision on the relevant decisions of the Conference of the Parties on resource mobilization and sustainable financing (UNEP/CHW.10/25), after the EU agreed with proposed changes by Argentina to: welcome “efforts,” instead of “progress,” made by the Secretariat, BCRCs and parties in mobilizing resources and sustainable financing; “recognize that further assistance is required for developing countries to fully implement the Convention;” and “to continue and increase,” instead of “continue,” to build the capacity of BCRCs to mobilize resources in their regions.

OTHER MATTERS

IRAN informed delegates that it would be hosting the First International Exhibition on Waste Management Recycling and Biomass from January 8-11, 2012, in Tehran, with the cooperation of the regional BCRCs.

On admission of observers, parties agreed to take note of the list of bodies and agencies (UNEP/CHW.10/INF.45/Rev.2) requesting admission as observers.

Parties also agreed to take note of the update of publications and public information materials (UNEP/CHW.10/INF/46).

The Secretariat introduced a document on the development of the Basel Waste Solutions Circle (UNEP/CHW.10/INF/49), including: its nature and purpose to provide a platform showcasing successful activities related to the implementation of the Basel Convention; membership, open to actors implementing the Convention; admissions and awards committee; categories of efforts in considering membership; and awards and selection criteria. A corresponding draft decision requesting the committee to elaborate the Circle's modalities and the Secretariat to report on this to OEWG8 was adopted without amendment (UNEP/CHW.10/2).

CONTACT GROUPS

TECHNICAL MATTERS: On Thursday, the Contact Group co-chaired by Michael Ernst (Germany) and Mohammed Khashashneh (Jordan) continued discussions on tyres and POPs.

On the POPs guidelines (UNEP/CHW.10/6), parties agreed to forward to plenary a decision to continue work through an intersessional working group, and to amend the OEWG work programme so as to: take into consideration recent decisions on new chemicals by the Stockholm Convention POPs Review Committee (SC-5/9); establish levels of destruction and irreversible transformation so that chemicals disposed do not exhibit POPs characteristics; and determine methods of disposal and concentration levels of POPs by referring to the Stockholm Convention text (SC-5/5).

On the tyres guidelines (UNEP/CHW.10/6/Add.1), delegates debated a number of technical issues. On ecotoxicity risks, one developing country party worried that the text suggested tyres themselves are ecotoxic, while others found the language scientifically sound and helpful. An observer underlined the importance of referring to the leaching of zinc from waste tyres. Delegates ultimately agreed to language on used and waste tyres saying: "The ecotoxicity related to tyres is linked to particles resulting from the use of the tyres, unsound practices of littering tyres into the environment and to disposal operations," with additional reference to zinc leaching. Participants also reworked and expanded the section on the priorities for management of used and waste tyres to include: prevention, minimization, reuse, recycling, energy recovery, and disposal. In the section on co-processing, delegates inserted reference to the guidelines on co-processing and cement kilns. Delegates agreed to refer the tyres guidelines to plenary for consideration and adoption.

CLI AND STRATEGIC FRAMEWORK: On Thursday, the group chaired by Osvaldo Alvarez (Chile) continued to review the goals, indicators and means of implementation sections of the strategic framework.

Delegates discussed a new indicator on evaluation of progress and continued relevance of the strategic framework by the Secretariat. Some delegates called for a mid-term evaluation of the framework so that parties receive "early warnings" about progress and take corrective measures, as appropriate. Most supported mid-term evaluations, but a few delegates expressed concern about overloading the Secretariat and urged the review be done as efficiently as possible, taking into account the indicators contained in the framework.

On means of implementation, two developing country participants suggested deleting a reference to national development and poverty reduction strategies, stressing it suggested countries must find financial means to implement the plan. Others explained the intent was to ensure development and poverty reduction efforts are consistent with the strategic framework. The reference was kept in brackets.

One delegate proposed replacing the section on the UNEP Consultative Process on financing options for chemicals and wastes with more updated information (UNEP/CHW/INF/54), which was agreed. She also proposed deleting the section on

"traditional means of implementation." Many disagreed with this proposal, stressing that the Consultative Process does not yet provide for means of implementation and the discussion on financing for the Basel Convention is wider in scope. In response, the delegate agreed to retain the paragraph on traditional means, provided that "financial mechanism" was deleted as an option, noting it is not a traditional mechanism. Others said a financial mechanism is an important option for financing, and proposed referring to "possible" rather than "traditional" means of implementation. In response to a comment that a financial mechanism is an option being considered in the Consultative Process and that there is no need to list it under traditional means, one delegate claimed the outcome of the Consultative Process discussions should not be prejudged.

After informal consultations, participants eventually agreed to a list on means of implementation identified as "possible options" to implement the Convention in accordance with the strategic framework, including a financial mechanism.

New text was proposed requesting parties to report on their implementation of the framework, with regard to its indicators. One delegate opposed the text, cautioning against creating a new reporting obligation, and participants agreed to add text in the strategic framework itself, rather than the decision, to "invite" parties to provide relevant information.

SHIP DISMANTLING: During the morning, the group chaired by Claude Wohrer (France) considered a draft decision (UNEP/CHW.10/18) on environmentally sound dismantling of ships, agreeing to language "noting that while some parties believe the Hong Kong Convention provides an equivalent level of control and enforcement to that established by the Basel Convention, some parties do not believe this to be the case."

Delegates also agreed to request the Secretariat to continue to follow developments in relation to the Hong Kong Convention, in particular the development of guidelines; and to transmit the present decision to the International Maritime Organization for consideration by the Marine Environmental Protection Committee at its 63rd session.

IN THE CORRIDORS

COP10 continued to move along with incredible speed on Thursday. After exhausting its agenda, both morning and afternoon plenary sessions were adjourned early. Despite the CLI and strategic framework and the technical matters contact groups continuing to work, both groups were predicted to resolve outstanding matters. Most delegates were positive that pieces of the COP10 puzzle would fit snugly into place by Friday.

Between breaks in sessions, some participants marveled at the remarkable difference in atmosphere between COP9 and COP10. They recalled that in Bali, 90% of the work remained incomplete by Thursday evening, whereas by the same time this week, 90% of the work has been completed. And while in Bali delegates were hoping for a "rabbit out of a hat," that's the last thing participants appeared to expect in Cartagena, where everything seems to be on track. The fewer surprises, the better, they said.

Several mentioned that they felt that a week in Cartagena has served to breathe new life into the Convention, stating they would leave town with renewed confidence that Basel has a bright future, both in its own right and as an integral part of the synergized chemicals and wastes conventions. They predicted that the work completed at COP10 will demonstrate the (often-doubted ability) of the Convention's parties to overcome stalemates.

ENB SUMMARY AND ANALYSIS: The *Earth Negotiations Bulletin* summary and analysis of Basel Convention COP10 will be available on Monday, 24 October 2011 online at: <http://www.iisd.ca/basel/cop10/>

SUMMARY OF THE TENTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE BASEL CONVENTION: 17-21 OCTOBER 2011

The tenth meeting of the Conference of the Parties (COP10) to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was held from 17-21 October 2011, in Cartagena, Colombia. Over 700 participants, representing governments, UN agencies, intergovernmental and non-governmental organizations, and the private sector attended the meeting.

Throughout the week, delegates tackled a substantial agenda, adopting decisions on strategic issues including the new strategic framework and the Indonesian-Swiss country-led initiative (CLI) to improve the effectiveness of the Basel Convention. COP10 also adopted 25 decisions on, *inter alia*: synergies; the budget; legal matters; Basel Convention Regional and Coordinating Centres (BCRCs); capacity building; the Partnership Programme; and technical matters. The Cartagena Declaration on prevention and minimization of hazardous wastes was also adopted by COP10.

At the close of the meeting, UN Environment Programme Executive (UNEP) Director Achim Steiner hailed COP10 as the most successful meeting of the Basel COP ever, a sentiment shared by many delegates. The CLI clarifies the interpretation of Article 17(5), and entails that the Ban Amendment will enter into force once 17 additional parties ratify the amendment. The Cartagena Declaration with its focus on waste minimization was predicted to alter the focus of the Convention, from the movement of hazardous wastes to their minimization. The adoption of both the CLI decision and the Cartagena Declaration were greeted by standing ovations, with participants jubilant at what many described as a turning point for the Basel Convention.

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 movements of the estimated 400 million tonnes of hazardous wastes that are produced worldwide each year. The guiding principles of the Convention are that transboundary movements of hazardous

wastes should: be reduced to a minimum; be managed in an environmentally sound manner; be treated and disposed of as close as possible to their source of generation; and be minimized at the source. There are currently 178 parties to the Convention.

COP1: The first meeting of the COP was held in Piriapolis, Uruguay, from 3-4 December 1992. COP1 requested industrialized countries to prohibit the transboundary movements of hazardous wastes for final disposal to developing countries (Decision I/22). Decision I/22 also noted that the transboundary movements of wastes for the purpose of recovering and recycling materials should take place in accordance with the requirement that the wastes be handled in an environmentally sound manner. Decision I/22 was not legally binding, and a “pro-ban coalition,” consisting of developing countries, Greenpeace and the Nordic states, urged delegates to adopt the ban as a binding amendment to the Convention. The issue of hazardous wastes destined for recycling and recovery was forwarded to the Technical Working Group (TWG) for further study.

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COP2: During the second meeting of the 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 Organisation for Economic Co-operation 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) from OECD to non-OECD countries. Since Decision II/12 was not incorporated into the text of the Convention itself, the issue of whether or not the ban was legally binding was unclear.

COP3: At the third meeting of the 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. According to Article 17, paragraph 5, entry into force of amendments takes place upon ratification by at least three-fourths of the parties "who accepted them." There were differing interpretations over the term "who accepted them" and therefore over the number of ratifications required for the Ban Amendment to enter into force. Some parties suggested that the number was 62, that is, three-fourths of parties at the time of adoption of the Ban Amendment. Others, including the UN Office of Legal Affairs, argued that three-fourths of current parties must ratify the Ban Amendment. To date, the Ban Amendment has been ratified by 71 parties. COP3 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).

COP4: Two of the major decisions adopted at the fourth meeting of the COP, held in Kuching, Malaysia, from 23-27 February 1998, related to the Ban Amendment. COP4 considered proposals by countries seeking to join Annex VII and decided that the composition of this annex would remain unchanged until the Ban Amendment entered into force (Decision IV/8). In this decision, COP4 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, COP4 considered the proposal put forward by the TWG on List A, identifying hazardous wastes, and List B, identifying non-hazardous wastes. COP4 decided to incorporate these lists as Annex VIII and Annex IX to the Convention, respectively.

COP5: The fifth meeting of the COP met in Basel, Switzerland, from 6-10 December 1999, when 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. To date, ten parties have ratified the Protocol on Liability and Compensation, which will enter into force upon receipt of 20 instruments of ratification. The COP also adopted decisions covering the Convention's implementation and monitoring, legal matters, prevention and monitoring of illegal traffic, technical matters and institutional, financial and procedural arrangements.

COP6: The sixth meeting of the COP met in Geneva, Switzerland, from 9-14 December 2002. COP6 restated the importance of the Basel Convention's goals relating to sustainable development and launched a partnership programme with environmental non-governmental organizations, industry and business. The COP adopted decisions on issues relating to the implementation of the Convention, amendment of the Convention and its annexes and institutional, financial and procedural arrangements. COP6 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 from lead-acid batteries and ship dismantling. Delegates at COP6 agreed to promote further cooperation between the Basel Secretariat and other organizations and secretariats involved in chemicals management. COP6 set the budget for 2003-2005, agreed on a compliance mechanism for the Convention, adopted a Strategic Plan, and finalized a framework agreement on the legal establishment of the Basel Convention Regional Centres (BCRCs) for training and technology transfer.

COP7: At the seventh meeting of the COP, held in Geneva from 25-29 October 2004, delegates considered decisions on a range of issues relating to the BCRCs, the Basel Convention Partnership Programme, institutional arrangements, the Ban Amendment and the Basel Protocol on Liability and Compensation. COP7 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 on the follow-up to the 2002 World Summit on Sustainable Development (WSSD). After protracted negotiations, COP7 set the budget for 2005-2006 and took decisions on the Strategic Plan and the 2005-2006 work programme for the Open-Ended Working Group (OEWG).

COP8: The eighth meeting of the COP was held from 27 November to 1 December 2006 in Nairobi, Kenya. COP8 opened against the backdrop of a toxic waste dumping incident in Abidjan, Côte d'Ivoire. Delegates considered reports on activities within the Convention's mandate and adopted a declaration on e-waste and more than 30 decisions on, *inter alia*: the 2007-2008 programme of work; the implementation of the Strategic Plan, including consideration of the work and operations of the BCRCs, as well as the Basel Convention Partnership Programme; synergies and cooperation; e-waste and end-of-life equipment; ship dismantling; legal matters; amendments to the general technical guidelines for the ESM of persistent organic pollutant (POP) wastes; guidelines for the ESM of wastes; and the election of new members of the Implementation and Compliance Committee and the Committee's work programme.

COP9: The ninth meeting of the COP was held from 23-27 June 2008, in Bali, Indonesia. COP9 adopted more than 30 decisions on, *inter alia*: cooperation and coordination; the budget; legal matters; review of the BCRCs; the Partnership Programme; the Strategic Plan; and technical matters. During COP9 Switzerland and Indonesia announced a CLI, inviting key players to discuss in an informal, dynamic and non-dogmatic manner issues related to the transboundary movements of hazardous wastes, especially to developing countries.

Ex-COPs: The simultaneous extraordinary Conferences of the Parties (Ex-COPs) to the Basel, Rotterdam and Stockholm Conventions were held from 22-24 February 2010 in Bali, Indonesia. Delegates adopted an omnibus synergies decision on joint services, joint activities, synchronization of the budget cycles, joint audits, joint managerial functions, and review arrangements. Jim Willis (US) was appointed as the Joint Head of the Basel and Stockholm Convention Secretariats and UNEP-part of the Rotterdam Convention Secretariat in April 2011.

COP10 REPORT

Barry Reville (Australia) opened the meeting on behalf of COP9 President Rachmat Nadi Witoelar Kartaadipoetra (Indonesia) on Monday, 17 October 2011. Reading a statement from the COP9 President, Indonesia's Deputy Minister for Hazardous and Toxic Substances and Waste Management urged COP10 to resolve the legal interpretation of Article 17(5) on entry into force of amendments to the Convention, and to work towards ensuring sustainable financing for the Basel Convention and the environmentally sound management (ESM) of hazardous wastes.

Opening the Forum on "Prevention, minimization and recovery of wastes," Reville said COP10's objective is to highlight waste management as part of the life-cycle of materials and resources, recalling the obligation of parties to reduce hazardous waste generation and ensure ESM of unavoidable wastes.

Speaking on behalf of UNEP Executive Director Achim Steiner, Bakary Kante emphasized that work on the new strategic framework and the Indonesian-Swiss Country-Led initiative (CLI) could "find the path forward" for the Ban Amendment's entry into force. He emphasized identifying synergistic proposals for improving financing for chemicals and waste, noting recent efforts to explore reforms through the UNEP Consultative Process and at the UNEP Governing Council. He expressed hope that the COP would contribute to the 2012 United Nations Conference on Sustainable Development (UNCSD or Rio+20).

Jim Willis, Executive Secretary of the Basel, Rotterdam, and Stockholm conventions, encouraged delegates to use the momentum gained from other processes to make progress on waste issues in Cartagena and at the upcoming third session of the Intergovernmental Negotiating Committee to Prepare a Global Legally Binding Instrument on Mercury. He said Rio+20 represented a way to push Basel's objectives forward.

Lijun Zhang, Vice Minister of Environment, China, discussed reuse of waste in China and his country's focus on fostering a "circular economy." He explained this involved promoting cleaner production techniques, legislative measures dealing with waste, tax incentives for environmental technologies, and the construction of treatment and disposal facilities for hazardous wastes.

Soledad Blanco, European Commission (EC), said the focus of the European Union's (EU's) Directive on Waste is on prevention and the EU is currently developing objectives on sustainable consumption and production patterns for 2020. Blanco also cited the recently released Roadmap for a Resource Efficient Europe, which aims to limit residual waste and phase out land-filling by 2020.

Oladele Osibanjo, BCRC, Nigeria, called for a paradigm shift from disposal to prevention, minimization and recovery of waste and the adoption of cleaner technologies.

Frank Pearl, Minister of Environment and Sustainable Development, Colombia, said COP10 represented an important landmark towards strengthening the Convention's implementation. He called for political will and commitment to be shown during the week and expressed hope that the draft Cartagena Declaration would be supported.

Poland, for the EU, urged for a realistic debate on the budget and work programme, with links to the CLI and the strategic framework.

Egypt, on behalf of the African and Arab Groups, noted continued concerns about the health and environmental impacts of toxic wastes, and underscored the necessity for sustainable funding of the BCRCs.

Ecuador, on behalf of the Latin American and Caribbean Group (GRULAC), underscored the need for BCRC funding and supported the work of UNEP's Consultative Process on Financing Options for Chemicals and Wastes

Paula Caballero, Ministry of Foreign Affairs, Colombia, was then elected COP10 President. She urged parties to support the Indonesian-Swiss CLI, and to send a strong message to the Rio+20 Conference on the prevention, minimization and recovery of hazardous wastes. Delegates also elected Adel Shafei Mohamed Osman (Egypt), Dragan Asanović (Montenegro), Annette Schneider (Denmark), and Abdul Mohsin Mahmood al-Mahmood (Bahrain) as COP10 Vice Presidents. Al-Mahmood was elected Rapporteur.

Delegates adopted the agenda (UNEP/CHW.10/1) and organization of work without amendment (UNEP/CHW.10/INF/1).

IMPLEMENTATION OF DECISIONS ADOPTED BY COP9

STRATEGIC ISSUES: New strategic framework: This issue was introduced in plenary on Monday, and taken up throughout Wednesday and Thursday in a Contact Group chaired by Osvaldo Alvarez (Chile). On Monday, the Secretariat introduced the new strategic framework for the implementation of the Basel Convention for 2012-2021, including a corresponding draft decision (UNEP/CHW.10/3).

Many participants welcomed the framework, stressing its implementation can strengthen the Convention. The EU, Norway and others welcomed the emphasis on partnerships in the framework. The EU said the framework's section on means of implementation should be consistent with the UNEP Consultative Process. The EU, Colombia, Japan and others welcomed the references to the Consultative Process, but suggested further work was needed on the means of implementation section of the framework. Argentina urged reflecting the framework's cost implications in the budget.

The Republic of Korea, Thailand and others called for further work on the framework's performance indicators. Uruguay said the indicators could significantly contribute to the Convention's implementation, but their effective use will require assistance from BCRCs and add resources.

Iraq and Indonesia urged consideration of the differing capabilities of countries to implement the framework's objectives. India, Mexico, Ethiopia, Nigeria and Zambia

highlighted capacity building and technology transfer as key priorities. Ethiopia and Nigeria called for skills enhancement for waste prevention, minimization and recovery.

The EU, Norway, Pakistan and others supported emphasis on partnerships. China, the United States and others called for references to a mid-term evaluation of the framework.

The Dominican Republic cautioned that recognizing wastes as a resource could lead to difficulties in combating illegal traffic. Greenpeace and the Basel Action Network (BAN) emphasized the need to appropriately address hazardous wastes generation and prevention in the framework.

In the Contact Group, discussions focused on the goals, indicators and means of implementation sections of the strategic framework. Delegates discussed a new indicator on evaluation of progress and the continued relevance of the strategic framework by the Secretariat. Some delegates said a mid-term evaluation of the framework would give parties “early warnings” about slow progress and enable them to take corrective action, as appropriate. While most supported mid-term evaluations, a few delegates expressed concern about overloading the Secretariat and urged the review be done as efficiently as possible, taking into account the indicators contained in the framework.

On means of implementation, two developing country participants suggested deleting a reference to national development and poverty reduction strategies, stressing it suggested countries must find financial means to implement the plan. Others explained the intent was to ensure development and poverty reduction efforts are consistent with the strategic framework. One delegate proposed replacing the section on the UNEP Consultative Process with more updated information (UNEP/CHW/INF/54), which was agreed. She also proposed deleting the section on “traditional means of implementation.” Many disagreed with this proposal, stressing that the Consultative Process does not yet provide for means of implementation and that the discussion on financing for the Basel Convention is wider in scope than that of the Consultative Process. In response, the delegate agreed to retain the paragraph on traditional means, provided that “financial mechanism” was deleted as an option, noting it is not a traditional mechanism. Others said a financial mechanism is an important option for financing and proposed referring to “possible” rather than “traditional” means of implementation. In response to a comment that a financial mechanism is an option under consideration in the Consultative Process and that there is no need to list it under traditional means, one delegate claimed the outcome of the Consultative Process discussions should not be prejudged.

After informal consultations, participants eventually agreed to a list on means of implementation identified as “possible options” to implement the Convention in accordance with the strategic framework, including a financial mechanism.

New text was proposed requesting parties to report on their implementation of the framework, with regard to its indicators. One delegate opposed the text, cautioning against creating a new reporting obligation, and participants agreed to add text in the strategic framework itself, rather than the decision, to “invite” parties to provide relevant information.

On Friday in plenary, the decision submitted by the Contact Group (UNEP/CHW.10/CRP.22) was adopted without amendment.

Final Decision: The Strategic Framework on the Implementation of the Basel Convention 2012-2021 (UNEP/CHW.10/CRP.22), included in the annex of the decision that adopts the Framework, contains sections on: vision; guiding principles; strategic goals and objectives; means of implementation; indicators for measuring achievement and performance; and evaluation.

In the decision that adopts the framework, the COP, *inter alia*: encourages parties to take specific actions to implement the framework; decides to take into account regional and national diversities and specificities in the framework’s implementation; calls upon parties in a position to do so to mobilize resources to implement the framework; requests the Secretariat to facilitate actions to mobilize resources for the strategic framework, including through the UNEP Consultative Process; and requests the Secretariat to report to COP11 on progress in the implementation of the framework and, as appropriate, to the subsidiary bodies of the Convention on a regular basis.

Basel Convention Regional and Coordinating Centres:

On Tuesday, the Secretariat introduced a draft decision on the review and strengthening of the operation of the BCRCs (UNEP/CHW.10/4). Stressing the variable performance of the BCRCs, the EU and Norway encouraged parties to collaborate regionally to support the BCRCs. Norway acknowledged that the ability to provide financial support differs across regions. Uruguay and Argentina highlighted their governments’ support for the centres located in their respective countries, and noted the BCRCs are international cooperation mechanisms that all parties should fund. China, Ecuador and Nigeria supported this. Many countries emphasized the importance of the BCRCs in implementing the Convention. Referring to the BCRCs as the Convention’s “foot soldiers,” the Nigerian BCRC, on behalf of African BCRCs, said the centres require sustainable structures and resources. Trinidad and Tobago informed the COP that its recently established Caribbean BCRC is now fully staffed and will soon become operational. On Thursday in plenary, parties considered and adopted a revised version of the proposed decision, submitted by a drafting group facilitated by Salman Bal (Switzerland).

Final Decision: In the decision on BCRCs (UNEP/CHW.10/CRP.12), the COP, recognizing, among other things, the financial difficulties faced by the BCRCs to implement activities and projects, in its decision on review and strengthening of the operation of the BCRCs, *inter alia*: requests the BCRCs to submit to the Secretariat business plans for 2012-2013; requests the BCRCs to submit activity reports for consideration at COP11; and urges parties and signatories, especially donor countries, and other donors, to provide adequate, sustainable and predictable financial and technical support directly to the BCRC’s activities and projects.

Under this agenda item, participants also considered a draft decision submitted by China on Thursday, which proposed a BCRC in China serve as the Coordinating Centre for the Asia-Pacific region (UNEP/CHW.10/CRP.5). Parties agreed to informally discuss the proposal. On Friday in plenary, Indonesia said the South East Asia region had held extensive consultations and could not support the proposed decision, stressing that a coordinating centre would add an unnecessary layer of bureaucracy and priority should be given to on-the-ground activities. Stressing the Asia-Pacific region encompasses

many different countries, Iran said a coordinating centre would facilitate cooperation among the region's BCRCs. China decided to withdraw the proposal and to re-submit it at a future meeting.

Indonesian-Swiss country-led initiative (CLI) to improve the effectiveness of the Basel Convention: This issue was introduced in plenary on Monday, and taken up on Tuesday, Wednesday and Thursday in a Contact Group chaired by Osvaldo Alvarez (Chile).

On Monday, the Secretariat introduced the CLI to improve the effectiveness of the Basel Convention (UNEP/CHW.10/5). Switzerland said the CLI's draft decision includes seven mutually supportive elements to strengthen the Convention, including: entry into force of the Ban Amendment; guidelines for the ESM of hazardous wastes; and legal clarity around key Convention provisions.

Many delegates, including the EU, Colombia, Canada, China and Australia, expressed general support for the CLI, but proposed further deliberations in a Contact Group. Malaysia, Ethiopia, Yemen, Togo and others supported adoption of the proposed CLI decision.

Regarding the Ban Amendment section of the decision, the EU highlighted its support for adopting the legal interpretation of Article 17(5) proposed in the CLI, which states that ratification of an amendment by three-quarters of parties at the time of adoption of the amendment (the "fixed time" approach) are required for its entry into force. Colombia, Egypt and Iraq also supported the "fixed time" approach. Japan said that the Ban Amendment is of a different nature than the other six elements of the draft omnibus decision and, with India, called for further discussions of the legal interpretation of Article 17(5) in a Contact Group. Noting that the Ban Amendment was adopted 16 years ago, BAN urged parties to adopt the solution proposed in the CLI to facilitate its entry into force. Norway outlined a Nordic Council initiative to assist countries to ratify the Ban Amendment.

Commenting on the section on providing legal clarity on key Convention provisions, the EU, Kenya and Colombia called for further consideration of whether the Implementation and Compliance Committee (ICC) is the appropriate body to conduct that work. Urging parties to utilize existing structures under the Convention, Jamaica and the US added that the Committee is the appropriate body to deal with legal matters, but the US said the Committee should not develop new standards.

Nigeria, Egypt, Cameroon and Sudan stressed the need for financial resources and technology transfer to implement the CLI draft decision.

In the Contact Group, participants decided to discuss the sections of the omnibus draft decision that did not refer to the Ban Amendment first.

On the proposed ESM guidelines, one delegate wondered whether new ESM guidelines would add value to existing work. It was stressed that the guidelines would create best practice ESM standards, which would assist countries and create incentives to minimize waste at the source. They added wording to recognize that ESM includes waste minimization and prevention. Stressing that countries should prioritize managing their own wastes, one delegate proposed deleting a reference to the ESM of wastes "to be exported." Others suggested referring to all wastes, "including" those that are subject to transboundary movements, consistent with the Convention's spirit. References

were also added to parties' obligation to minimize transboundary movements of hazardous wastes. Many supported referring to ESM "recommendations" rather than "requirements." Others said certain elements are "required" to achieve ESM and the guidelines would simply operationalize existing Convention requirements.

On the proposed expert group entrusted with developing ESM guidelines, delegates discussed whether the Open-ended Working Group (OEWG) or a new group should carry out that task, and whether the latter should be closed or open-ended. Many supported an open-ended technical group, recognizing it would have financial implications and require adoption of terms of reference for the group. It was agreed "other stakeholders" should participate as observers. Delegates also discussed components to be considered in the development of ESM elements, including their relationship to transboundary movements (UNEP/CHW.10/5, Annex I).

On providing further legal clarity on Convention provisions, it was agreed that the Secretariat, rather than the ICC, should prepare a draft report on possible interpretation options for certain Convention provisions, with assistance from legal and technical experts, as appropriate. Some cautioned against creating new definitions. Others said the intention of the CLI was to clarify existing terms to provide further guidance to parties. Discussion ensued about the terms the Secretariat should consider, with some claiming terms such as "charitable donations" were redundant. Others urged keeping the reference, stressing that solutions were needed to ensure the ESM of near-end-of-life products received by many developing countries. In response, text was proposed requesting the Secretariat to identify options to deal with used and end-of-life goods, including take-back obligations for charitable donations.

On strengthening the BCRCs, a few expressed concern about asking the BCRCs to "encourage" parties to ratify the Ban Amendment. It was agreed BCRCs should "assist" parties in that task.

The sections on illegal trade and assisting vulnerable parties to prohibit hazardous waste imports were agreed upon with minor amendments.

On addressing the entry into force of the Ban Amendment, delegates discussed whether reference should be made to "vulnerable" parties, "developing countries," or simply "parties" unable to ensure the ESM of wastes. Regarding the interpretation of Article 17(5), most agreed to the proposed "fixed time" approach, which provides that ratification by three-quarters of the parties that were parties at the time of adoption of an amendment are required for that amendment to enter into force. One participant wondered about the relationship between this interpretation and that of the UN Office of Legal Affairs, which supported a different interpretation requiring ratification by three-quarters of current parties (the "current time" approach). The "current time" approach would thus require a greater number of ratifications. It was noted that the COP has the legal authority to decide which interpretation to adopt, and the group eventually agreed to the "fixed time" approach.

On Friday in plenary, the CLI decision submitted by the Contact Group (UNEP/CHW.10/CRP.25) was adopted without amendment. Many delegates expressed deep appreciation to Switzerland and Indonesia for their relentless efforts to reach a

compromise on the entry into force of the Ban Amendment, and to all parties for their flexibility and spirit of cooperation to reach an agreement at COP10.

South Africa, on behalf of the African Group, said the CLI will help address concerns in Africa about donated and other near-end-of-life imported goods that are not covered under the Ban Amendment.

Japan, Australia and New Zealand stressed they would have preferred the “current time” approach as advised by the UN Office of Legal Affairs, with Japan and Australia stressing they adopted the fixed time approach in the context of the Basel Convention only and without prejudice to other multilateral environmental agreements. The EU, China and Algeria urged parties that have not yet ratified the Ban Amendment to do so, with the EU stressing that only 17 more ratifications are needed for its entry into force.

Japan said the Ban Amendment may be ineffective, given advances in recycling technologies and increased hazardous wastes trade between non-Annex VII countries. He opined that the Ban Amendment’s entry into force could bring about an increase in illegal traffic of hazardous wastes.

Japan and Canada expressed interest in participating in the development of guidelines on ESM under the CLI omnibus decision, and Japan said it will earmark US\$200,000 over 2012-2013 for that purpose.

Final Decision: The omnibus decision on the Indonesian-Swiss CLI to improve the effectiveness of the Basel Convention (UNEP/CHW.10/CRP.25) is divided into seven sections:

- addressing the entry into force of the Ban Amendment, the COP agrees, “without prejudice to any other multilateral environmental agreement,” that Article 17(5) (entry into force of amendments) should be interpreted to mean that ratification by three-quarters of the parties that were parties at the time of adoption of an amendment is required for that amendment to enter into force;
- developing guidelines for ESM, whereby the COP mandates a technical expert group to develop a framework for the ESM of hazardous wastes, taking into account the elements listed in an annex, to be submitted to OEWSG8 and COP11;
- providing further legal clarity, the COP requests the Secretariat to prepare a study on the interpretation of key terms used in the context of the Basel Convention and possible options for the interpretation of these terms;
- further strengthening the BCRCs, the COP requests parties to integrate a number of activities into the plan for the development of BCRCs, including regional meetings to assist parties in ratifying the Ban Amendment or national measures to prohibit imports, and disseminate guidance on ESM through their training, assistance and awareness-raising activities;
- combating illegal traffic more effectively, the COP, *inter alia*, requests the Secretariat to further strengthen its collaboration with the World Customs Organization on the harmonization of customs codes; and to collect and disseminate examples of best practice in enforcement and practical arrangements, such as procedures for take-back in case of detected illegal traffic;
- assisting developing countries that are facing specific challenges with regard to prohibiting the import of hazardous wastes; and
- building capacity, whereby the COP, *inter alia*, encourages

the BCRCs to specify and quantify the needs for capacity building of different parties, including with regard to national reporting, and invites the World Health Organization to conduct a study into the impact of poor waste management on human health, and to use the outcome of that study to demonstrate the importance of the Basel Convention’s work.

SCIENTIFIC AND TECHNICAL MATTERS: Technical guidelines: Under this item, parties considered technical guidelines for six issues. On Tuesday in plenary, the Secretariat introduced the guidelines documents on: waste tyres (UNEP/CHW.10/6/Add.1), mercury (UNEP/CHW.10/6/Add.2), persistent organic pollutants (POPs) (UNEP/CHW.10/INF/6), co-processing and cement kilns (UNEP/CHW.10/6/Add.3), and electronic-waste (e-waste) (UNEP/CHW.10/INF/5). A Contact Group, co-chaired by Michael Ernst (Germany) and Mohammed Khashashneh (Jordan), was established to further consider the decisions on the guidelines as well as on the guidance documents for the Partnership for Action on Computing Equipment (PACE) (UNEP/CHW.10/20).

On tyres, the Contact Group introduced a revised draft consensus text on Tuesday and delegates reviewed the issue on Thursday. Before forwarding the draft decision to Friday’s plenary, delegates debated a number of technical issues including: how to refer to ecotoxicity risks so that tyres themselves are not inferred to be toxic while ensuring health risks are properly explained; and expanding the priorities for management of used and waste tyres to include prevention, minimization, recycling, and energy recovery. The item was adopted on Friday, with Brazil noting the guidance on tyres is a “significant improvement” to developing countries.

Mercury guidelines were first discussed on Wednesday, where delegates covered several issues, including: whether take-back collection programmes were an upstream issue or a handling, transport and storage issue; the extent of extended producer responsibility; and language linked to outcomes of the global negotiations on mercury, where concern was expressed at prejudging an outcome from those negotiations. Subject to budget considerations, as necessary, parties adopted the decision on this issue in plenary on Thursday without amendment.

The Contact Group discussed POPs on Thursday where parties agreed to forward to plenary a decision to continue work through an intersessional working group, and to amend the OEWSG work programme to ensure consideration of the Stockholm Convention and work of its POPs Review Committee. The item was adopted without amendment on Friday.

Delegates first reviewed the guidelines on co-processing and cement kilns in Tuesday’s Contact Group, where parties emphasized ensuring adequate reference and links to the POPs guidelines and Stockholm Convention. Subject to budget considerations, as necessary, parties adopted the decision the item in plenary on Thursday without amendment.

E-waste was discussed on Wednesday. Delegates decided to continue work on the guidelines via an intersessional working group and forwarded the decision to plenary. Subject to budget considerations, as necessary, parties adopted the decision on this issue in plenary on Thursday without amendment.

Final Decisions: The COP adopted five decisions on technical guidelines.

In its decision on waste tyres (UNEP/CHW.10/CRP.24), the COP, *inter alia*:

- adopts the technical guidelines for the ESM of used and waste pneumatic tyres;
- requests the Secretariat to disseminate the technical guidelines;
- invites parties and others to submit comments on their experience using the guidelines to the Secretariat; and
- requests the Secretariat to compile these comments for consideration at COP11.

In its decision on mercury (UNEP/CHW.10/CRP.15), the COP, *inter alia*:

- adopts the technical guidelines for the ESM of wastes consisting of, containing or contaminated with mercury;
- requests the Secretariat to disseminate the technical guidelines; and
- invites parties and others to submit comments on their experience using the guidelines and requests the Secretariat to compile these comments for consideration at COP11.

In its decision on POPs (UNEP/CHW.10/CRP.20), the COP, *inter alia*:

- welcomes decision SC-5/9 of the Conference of the Parties to the Stockholm Convention on POPs on measures to reduce or eliminate releases from wastes and decision SC-5/5 on a work programme on brominated diphenyl ethers and perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride;
- decides to include in the OEWG work programme for 2012-2013 activities including: updating the ESM of wastes consisting of, containing or contaminated with POPs; establishing levels of destruction and irreversible transformation for the chemicals necessary to ensure that when disposed of they do not exhibit the characteristics of POPs; determining ESM methods and concentration levels of the chemicals in order to define for them low POPs content as referred to in Article 6 of the Stockholm Convention; and
- decides to extend the mandate of the small intersessional working group, and invites parties and stakeholders to nominate experts to participate in the group, and requests the group to prepare a draft programme of work by 30 March 2012, and a subsequent revised programme of work for OEWG8.

In its decision on co-processing and cement kilns (UNEP/CHW.10/CRP.17), the COP, *inter alia*:

- adopts the technical guidelines on the environmentally sound co-processing of hazardous waste in cement kilns;
- requests the Secretariat to disseminate the technical guidelines;
- invites parties and others to submit to the Secretariat comments on experiences using the guidelines; and
- requests the Secretariat to compile these comments for consideration at COP11.

In its decision on e-waste (UNEP/CHW.10/CRP.14), the COP, *inter alia*:

- takes note of the progress in the development of the technical guidelines on transboundary movements of e-waste, in particular regarding the distinction between waste and non-waste;
- invites parties and all stakeholders to provide comments to the Secretariat and the lead country, if one is selected, on the revised draft technical guidelines by 15 June 2012;
- decides to establish a small intersessional working group

to monitor and assist in the preparation of the technical guidelines; and

- invites parties and stakeholders to nominate experts to participate in the group.

Amendment of the annexes to the Basel Convention:

The Secretariat introduced the item (UNEP/CHW.10/7) on amendments to the list of wastes contained in Annexes VIII and IX of the Basel Convention on Tuesday in plenary. The Secretariat noted that they were yet to be considered by the OEWG, but would be considered at OEWG8. Canada, the US and Morocco, opposed by the EU, observed that there was no need for the draft decision instructing OEWG8 to consider the new proposals, and parties agreed to make reference to the item in the report.

Classification and hazard characterization of wastes: The Secretariat introduced the item (UNEP/CHW.10/8) in plenary on Tuesday and parties adopted the decision on Thursday. On the guidance papers on H10 and H11, parties agreed to drop the item from the Basel Convention work programme.

On harmonization and coordination, the Secretariat observed that no nominations for the position of Chair of the Joint Correspondence Group had been received.

On national classification and control procedures, delegates debated discontinuing activities due to a lack of response from parties experiencing difficulties with classification and control procedures. On Thursday delegates agreed to note in the report of the meeting that the Secretariat would provide OEWG8 and COP11 with information submitted by parties about difficulties with national classification and control procedures.

On review of cooperation with the World Customs Organization (WCO), parties agreed to the draft decision subject to the outcome of the budget negotiations, and adopted the decision on Thursday.

Final Decision: In the decision on the WCO and its Harmonized System Committee (UNEP/CHW.10/8), the COP, *inter alia*:

- requests the Secretariat to pursue its cooperation with the WCO Secretariat, and to continue identifying the wastes covered by the Basel Convention in the WCO Harmonized Commodity Description and Coding System; and to report regularly to the OEWG and the COP on progress; and
- invites parties to submit to the Secretariat lists of wastes covered under the Basel Convention for consideration by the Secretariat of the Harmonized System Committee of the WCO.

LEGAL, COMPLIANCE AND GOVERNANCE

MATTERS: Implementation and Compliance Committee:

This issue was first discussed in plenary on Tuesday. ICC Chair Gillian Guthrie (Jamaica) introduced the Committee's report, and a draft decision on the Committee's work (UNEP/CHW.10/9/Rev.1). Several parties supported adopting the draft decision, welcoming the Committee's proposed increased capacity to address cases of non-compliance or difficulty in complying with the Basel Convention. Interpol welcomed the Committee's recommendation to create a partnership on preventing and combating illegal traffic, while the EU noted that this might be premature.

On Friday in plenary, parties adopted the decision. The following members were elected to the ICC: Raphael Dakouri Zadi (Côte d'Ivoire), Olufunke Olubunmi Babade (Nigeria)

Toshikatsu Aoyama (Japan); Mohammed Oglah Hussein Khashashneh (Jordan); Anahit Aleksandryan (Armenia); Felix Zaharia (Romania); Jimena Nieto (Colombia); Enrique Moret Hernández (Cuba); Anne Daniel (Canada); and Anne-Laure Genty (France).

Final Decision: In the decision on the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention (UNEP/CHW.10/CRP.21), the COP, *inter alia*:

- requests the Committee to prepare a first draft of terms of reference for cooperative arrangements on preventing and combating illegal traffic with a specific mandate to deliver capacity-building activities on preventing and combating illegal traffic, with a focus on the development of tools and training materials, the hosting of workshops, and information exchange; and
- approves the work programme of the Committee for 2012–2013 and requests the Committee to establish priorities, work methods and schedules with regard to the issues identified in the work programme and to coordinate with the OEWG, the Secretariat and the BCRCs to avoid duplication of activities.

National legislation, enforcement of the Convention and efforts to combat illegal traffic: The Secretariat introduced the item on Tuesday, including documents on: national legislation, enforcement and illegal traffic (UNEP/CHW.10/11); an instruction manual on the prosecution of illegal traffic (UNEP/CHW.10/12); and a survey of customs' practices (UNEP/CHW.10/INF/12).

Parties agreed to the decision on national legislation with proposed amendments from the EU and a caveat from Switzerland that the decision should conform to the outcome of the CLI discussions.

On the instruction manual, the EU proposed changes to reflect its non-binding nature. A conference room paper was distributed for consideration by parties, which was eventually agreed to, following additional suggestions from Canada. On Thursday, parties adopted the decision as recommended by the Contact Group on budget.

Final Decision: In the decision on national legislation, enforcement of the Convention and efforts to combat illegal traffic (UNEP/CHW.10/CRP.8), the COP, *inter alia*:

- urges parties to fulfill their obligations under the Convention, including, in particular: to promulgate, update or develop stringent legislation on the control of transboundary movements of hazardous wastes, to incorporate into their national legislation appropriate sanctions or penalties for illegal traffic in hazardous wastes and other wastes covered by the Basel Convention;
- requests the Secretariat to continue to provide assistance in the identification of cases of illegal traffic to parties upon request, and to make available on the Convention website the forms for confirmed cases of illegal traffic that are submitted;
- urges parties to improve cooperation and coordination among entities working to prevent and combat illegal traffic in hazardous and other wastes at the national level, including through the development of cooperative agreements between those entities; and
- requests the Secretariat subject to availability of funding, to: organize enforcement training activities, in collaboration with the BCRCs, the secretariats of other relevant

multilateral environmental agreements and other international organizations, agencies or programmes; and assist parties, particularly developing country parties and parties with economies in transition, to develop national legislation and other measures to implement and enforce the Convention and to prevent and punish illegal traffic.

National reporting: The Secretariat introduced the item and the draft decision on national reporting (UNEP/CHW.10/13; UNEP/CHW.10/INF/48), on Tuesday in plenary, drawing attention to decreased national reporting in recent years. Mexico requested the Secretariat to examine the causes of the decline in reporting, while Niger called for increased capacity-building activities in developing countries and BCRCs. The decision was adopted without amendment on Thursday.

Final Decision: In the decision on national reporting (UNEP/CHW.10/13), the COP: urges parties that have not yet done so to transmit to the Secretariat their completed questionnaires on transmission of information for the year 2009 and for previous years; requests the Secretariat to assist parties in improving the comparability of their data on the transboundary movements of hazardous and other wastes; and requests the Secretariat to continue to provide training to developing countries and other countries that are in need of assistance to meet their reporting obligations by organizing workshops through the BCRCs or by other appropriate means, subject to the availability of resources.

Implementation of decision V/32 on enlargement of the scope of the Trust Fund: The Secretariat introduced the item (UNEP/CHW.10/15) on Wednesday in plenary. Emphasizing the need for a mechanism to assist developing countries, especially small island developing states, in the event of emergencies, Cuba highlighted its proposed draft decision (UNEP/CHW.10/CRP.11) requesting the Secretariat to prepare a report on the expediency of procedures under the mechanism and a comparative analysis of similar mechanisms. Responding to a question from Norway, the Secretariat explained that the Trust Fund for emergency assistance had only been triggered once by Côte d'Ivoire, following the aftermath of the toxic waste dumping incident in Abidjan. Argentina, Ecuador, Venezuela, and the Dominican Republic, opposed by the EU, supported the draft decision. After consultations among delegations, parties adopted the decision on Thursday with one minor amendment proposed by Cuba, supported by the EU, that parties in a position to do so be "invited," instead of "urged," to provide contributions to the Technical Cooperation Trust Fund.

Final Decision: In the decision on the implementation of decision V/32 on the enlargement of the scope of the Trust Fund to assist developing and other countries in need of technical assistance in the implementation of the Basel Convention (UNEP/CHW.10/CRP.11), the COP requests the Secretariat, subject to its human resources and without entailing extrabudgetary costs, to develop a draft report containing recommendations on the expediency of the procedures under the mechanism, the adequacy of resources available for use under the mechanism and cooperation with other international organizations and agencies in responding to an emergency situation. The report shall include a comparative study of similar mechanisms in operation in other international organizations, such as the International Atomic Energy Agency and the International Maritime Organization.

International cooperation and coordination: The Secretariat introduced the item on Tuesday in plenary and parties agreed to further informally discuss the draft decision on cooperation with the International Maritime Organization (IMO) (UNEP/CHW.10/16).

The decision on cooperation between the Basel Convention and IMO (UNEP/CHW.10/17) was adopted on Thursday in plenary, with a minor amendment requesting parties to “coordinate” with national and regional organizations, as opposed to “pursue coordination.”

Final Decision: In the decision on cooperation between the Basel Convention and the IMO (UNEP/CHW.10/CRP.10), the COP:

- takes note of the revised legal analysis of the application of the Basel Convention to hazardous and other wastes generated on board ships;
- invites parties and others to submit further comments on the legal analysis;
- agrees to establish an intersessional working group;
- invites countries and others to participate in the work of the intersessional working group on the development of the legal analysis and;
- requests the lead country, if one is identified, or the Secretariat, subject to the availability of voluntary funding, in consultation with the intersessional working group, to prepare a revised version of the legal analysis, taking into account the comments received.

The COP also requests the Secretariat:

- to strengthen its cooperation with the IMO, through its Secretariat, in relation to the minimization of the generation of hazardous and other wastes on board ships and to the ESM of such wastes generated on board ships once offloaded from ships;
- subject to the availability of resources, to develop a guidance manual, in cooperation with the IMO, on how to improve the sea-land interface to ensure that wastes falling within the scope of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and as further amended by the Protocol of 1997, once offloaded from a ship, are managed in an environmentally sound manner; and
- urges parties to make every effort to ensure cooperation at the national level between the shipping industry, maritime authorities, port authorities and environmental authorities, as well as between their representatives to the IMO and the Basel Convention, to ensure the ESM of hazardous and other wastes generated on board ships.

Environmentally sound dismantling of ships: The Secretariat introduced the item, including a draft decision (UNEP/CHW.10/18), on Tuesday in plenary. It was then taken up by a Contact Group chaired by Claude Wohrer (France) on Wednesday and Thursday.

In the Contact Group discussion, debate focused on whether the 2009 Hong Kong International Convention for the Safe and Environmentally Sound Dismantling of Ships provides an equivalent level of control to that of the Basel Convention regarding ships.

In plenary, the EU said the Basel Convention has not reversed environmentally-destructive ship dismantling practices and, supported by Japan, China, Denmark and the US, said the Hong

Kong Convention provides for a level of enforcement and control at least equivalent to that of Basel. While acknowledging weaknesses in the Hong Kong Convention, Norway agreed, but noted that the two regimes are different and therefore difficult to compare, and encouraged states to ratify the Hong Kong Convention so that it can enter into force.

Underscoring that control measures in the Hong Kong Convention are vague, the Dominican Republic, supported by Mexico, Nigeria, for the African Group, and the Center for International Environmental Law, said the Hong Kong Convention does not provide an equivalent level of control to that of the Basel Convention.

The IMO said the Hong Kong Convention was unanimously adopted by 63 states. The Platform for Ship Breaking noted that the Hong Kong Convention does not reflect the primary obligation of the Basel Convention and does not prevent the transboundary movement of asbestos and heavy metals. The International Ship Recyclers Association expressed support for the Hong Kong Convention, stating that it offers specific regulations for ships, focuses on sound ship recycling, and provides strict requirements for ship recycling facilities. BAN underscored the “fundamental disconnect” between the EU’s support for the Ban Amendment and its support for a Convention that would allow a “ship full of asbestos and PCBs” to be exported. He emphasized the need for the Basel Convention to retain its competency on end-of-life ships as toxic wastes, and for both regimes to be applied.

During Contact Group discussions, delegates focused on the report of the Secretariat (UNEP/CHW.10/18) with a view to concluding the assessment on whether the Hong Kong Convention provides an equivalent level of control to that of the Basel Convention; developing conclusions of the assessment in the form of a draft decision by the COP; and the way forward for the Basel Convention. Divergent views were expressed on the results of the assessment and the issue of equivalence. Several interventions noted that the two instruments are designed to fulfill different objectives, and so it is like comparing “apples and oranges.” Parties agreed on a decision acknowledging that the Basel Convention should continue to be applied as it relates to ships, which was adopted in plenary on Friday.

Final Decision: In the decision on environmentally sound dismantling of ships (UNEP/CHW.10/CRP.19), the COP:

- notes that, while some parties believe that the Hong Kong Convention provides an equivalent level of control and enforcement to that established under the Basel Convention, some parties do not believe this to be the case;
- encourages parties to ratify the Hong Kong Convention to enable its early entry into force;
- acknowledges that the Basel Convention should continue to assist countries to apply the Basel Convention as it relates to ships;
- also requests the Secretariat to continue to follow developments in relation to the Hong Kong Convention, in particular the development of the guidelines in that regard, and to report thereon to OEWSG8 and COP11; and
- requests the Secretariat to transmit the present decision to the IMO for consideration by the Marine Environment Protection Committee at its 63rd session.

BASEL CONVENTION PARTNERSHIP PROGRAMME;

On Wednesday in plenary, the Secretariat introduced the item, including draft decisions on the Basel Partnership Programme, PACE and the Mobile Phone Partnership Initiative (MPPI) (UNEP/CHW.10/19 and UNEP/CHW.10/INF/20).

Regarding the Basel Partnership Programme, discussions focused mainly on distinguishing between partnerships under the umbrella of the Basel Convention and those partnerships in which the Secretariat could engage. Parties agreed to make changes to the text and the annex to reflect this, and adopted the amended decision (UNEP/CHW.10/CRP.18).

On PACE, PACE Co-Chairs Marco Buletti (Switzerland) and Oladele Osibanjo (BCRC, Nigeria) presented a progress report on the partnership (UNEP/CHW.10/20 and UNEP/CHW.10/INF/21), including: guidelines development; pilot projects; awareness raising and capacity building; and a proposed workplan for 2012-2013. Discussions on the PACE guidelines were then taken up by the Contact Group on technical guidelines, where delegates discussed Section 3 on transboundary movements, as well as the need for the document to be “complementary and not contradictory,” to other guidelines, such as those on e-waste.

On MPPI, Buletti, on behalf of the *ad hoc* follow-up group, presented a progress report (UNEP/CHW.10/INF/27), drawing attention to the new guidance document on the ESM of used and end-of-life mobile phones. Parties agreed on minor amendments proposed by Brazil on the transboundary movement section of the guidance document (UNEP/CHW.10/CRP.7), and adopted the decision.

Final Decisions: In the decision on the Basel Convention Partnership Programme (UNEP/CHW.10/CRP.18), the COP, *inter alia*:

- takes note of the indicative list of existing partnerships with which the Secretariat could cooperate set out in the annex to the present decision;
- requests the Secretariat to: continue, subject to the availability of financial resources, to implement the Partnership Programme; follow closely international developments with respect to public and private partnerships on waste-related issues and seek to expand involvement in partnerships; provide information to the OEWG on progress and on initiatives to expand Convention involvement in partnerships; and submit a progress report to COP11;
- requests the BCRCs to develop thematic multi-stakeholder partnerships for their regions;
- urges parties, signatories and all stakeholders in a position to do so to provide financial and in kind support and encourages parties, signatories and other stakeholders to become actively involved in global and regional partnerships; and
- calls upon parties to facilitate broader participation in the Partnership Programme by civil society to provide technical and financial support.

In its decision on the PACE guidance document (UNEP/CHW.10/CRP.13), the COP, *inter alia*:

- adopts Sections 1, 2, 4 and 5 on ESM of used and end-of-life computing equipment and takes note of the recommendations set forth therein;
- welcomes and recognizes Section 3 of the guidance document dealing with transboundary movements, and agrees that Section 3 of the guidance document may be revised after

the adoption of the technical guidelines on transboundary movements of e-waste;

- encourages the Partnership Working Group to revise the guidance document on ESM of used and end-of-life computing equipment based on the results of evaluation studies and any additional information provided, and to submit it to OEWG8;
 - requests OEWG8 to submit a revised version to COP11 for consideration and adoption; and
 - agrees to extend the mandate of PACE until the end of 2013.
- In the decision on the MPPI (UNEP/CHW.10/21), the COP, *inter alia*:

- adopts, without prejudice to national legislation, the revised guidance document on the ESM of used and end-of-life mobile phones; and
- decides that any follow-up tasks will be carried out by the Secretariat, with the participation of interested parties, signatories, industry, NGOs and other stakeholders.

CAPACITY BUILDING: On Wednesday in plenary, delegates discussed a draft decision on capacity building for the implementation of the Basel Convention (UNEP/CHW.10/22). On Thursday, the decision was adopted without amendment.

Final Decision: In the final decision (UNEP/CHW.10/22), the COP, *inter alia*:

- requests the Secretariat to: continue facilitating capacity-building activities and pilot projects in focal areas, subject to the availability of funds; continue efforts to strengthen further the independent operation of the BCRCs; increase efforts to link the BCRCs to processes to develop project proposals under multilateral agencies, to replicate concepts and tools developed under the Convention, and to act independently to support and, where feasible, execute projects at the regional, subregional and national levels; increase efforts to develop cooperation and strengthen collaboration with international organizations and key partners dealing with waste disposal and minimization issues; and report to COP11 on progress made;
- requests the BCRCs to engage in capacity-building activities and collaboration;
- urges parties, signatories and all stakeholders in a position to do so to provide financial and in-kind support for capacity-building activities through bilateral programmes and the BCRCs; and
- invites international organizations, development banks and donor agencies to strengthen their collaboration with the Secretariat and the BCRCs.

FINANCIAL MATTERS: Programme of work and budget:

On Monday in plenary, the Secretariat introduced the programme budget for the 2012-2013 biennium (UNEP/CHW.10/23 and Add.1), as well as reports on: the challenges, constraints and obstacles that have led to the current financial situation of the Convention and on the advantages and disadvantages of using the host country currency or the US dollar (UNEP/CHW.10/24); and information on financial matters (UNEP/CHW.10/INF/31). In his opening address, Jim Willis, Executive Secretary of the Basel, Rotterdam and Stockholm conventions, explained that the budget did not include any new activities and presented a zero nominal growth proposal. A Contact Group, chaired by Kerstin Stendahl (Finland), met

throughout the week to discuss the budget. On Friday, the programme budget and financial rules were adopted without amendment.

Final Decisions: In the decision on financial rules (UNEP/CHW.10/CRP.16), the COP decides to adopt rules, consistent with those of the Rotterdam and Stockholm conventions. These rules entail, *inter alia*:

- the establishment of a General Trust Fund for the Convention by the Executive Director of UNEP and managed by the Executive Secretary of the Basel, Rotterdam and Stockholm conventions;
- the establishment of a Technical Cooperation Trust Fund by the Executive Director of UNEP and managed by the Executive Secretary of the Basel, Rotterdam and Stockholm conventions to support, in particular: technical assistance, training and capacity building; BCRCs; participation of representatives of developing country parties and parties with economies in transition in the meetings of the COP and its subsidiary bodies; cases of emergency and compensation for damage resulting from incidents arising from transboundary movements of hazardous wastes and other wastes and their disposal; and the implementation fund as set out in decision IX/2; and
- that the resources of the COP shall comprise: contributions made each year by parties on the basis of an indicative scale adopted by the COP; additional contributions made each year by parties; contributions from non-parties, as well as governmental, intergovernmental and non-governmental organizations; the uncommitted balance of appropriations from previous financial periods; and miscellaneous income.

In the decision on the programme budget (UNEP/CHW.10/CRP.23 and Add.1), the COP:

- welcomes the introduction of the financial rules for the Basel Convention consistent with those of the Rotterdam and Stockholm conventions;
- approves the programme budget for the Basel Convention Trust Fund;
- decides on an exceptional basis not to approve a staffing table but instead to take note of the indicative staffing table 5;
- authorizes the Executive Secretary of the Basel, Rotterdam and Stockholm conventions to determine the staffing levels, numbers and structure of the Secretariat;
- decides the total amount of contributions to be paid by the parties;
- expresses deep concern that a number of parties have not paid their contributions for 2010 and prior years;
- takes note of the programme budget for the Technical Cooperation Trust Fund and invites parties, non-parties and others to make voluntary contributions to this Trust Fund;
- requests the Executive Secretary to prepare a budget for the biennium 2014-2015 for consideration by COP11, including three alternative funding scenarios based on: the Executive Secretary's assessment of the required growth; maintaining the budget at the 2012-2013 level in nominal terms; or increasing the budget from 2012-2013 level by 5% in nominal terms; and
- suggests that the discussion on the proposal for a currency reserve will be held at the extraordinary meetings of the COPs to the Basel, Rotterdam and Stockholm conventions in 2013.

Resource mobilization and sustainable financing: On Wednesday in plenary, the Secretariat introduced a report and draft decision on the implementation of the relevant decisions of the COP on resource mobilization and sustainable financing (UNEP/CHW.10/25). He noted that the establishment of a joint resource mobilization service remains under discussion, as recommended by COP9. Bakary Kante, UNEP, updated participants on the Consultative Process and noted that Achim Steiner would present recommendations to the UNEP Governing Council in 2012, with a view to initiating negotiations on a formal financing option.

The Global Environment Facility (GEF) explained that it has been working synergistically since inception. Noting that the GEF is the principal entity that operates as the Stockholm Convention's financial mechanism, he said these projects are approached holistically and contribute to the implementation of the Basel Convention. He also highlighted that the GEF has funded 63 projects incorporating the ESM of POPs-containing waste and programmed US\$310 million for these efforts.

Parties adopted the decision on resource mobilization and sustainable financing on Thursday.

Final Decision: In the decision on the implementation of the relevant decisions of the COP on resource mobilization and sustainable financing (UNEP/CHW.10/25), the COP, *inter alia*:

- emphasizes the importance of strengthening linkages with, building on and coordinating resource mobilization strategies and development assistance programmes of other relevant multilateral agreements, international organizations, multilateral and regional development banks and other donor agencies;
- welcomes efforts by the Secretariat, BCRCs and parties in coordinating resource mobilization activities with other relevant multilateral environmental agreements;
- welcomes the Consultative Process on financing options for chemicals and wastes;
- requests the OEWG to continue monitoring the implementation of decision VIII/34 and the provisions of decision BC.Ex-1/1 relevant to joint resource mobilization services; and
- requests the Secretariat to: continue and increase its efforts to build the capacity for the BCRC to mobilize resources; facilitate discussions with the GEF and the Inter-Organization Programme for the Sound Management of Chemicals; strengthen cooperation with other relevant international and regional organizations and donors; take into account the outcomes of the Consultative Process; and report to COP11 on progress made in mobilizing resources.

WORK PROGRAMME OF THE OEWG FOR 2012-2013:

On Wednesday, the Secretariat introduced this item (UNEP/CHW.10/26). The EU said the decision was related to the outcomes of work of the budget and CLI Contact Groups, and further consideration of the issue was deferred by the COP.

In Friday's closing plenary, COP10 President introduced the revised OEWG work programme (UNEP/CHW/CRP.27) and the COP adopted it without amendment.

On the election of officers for the OEWG, parties elected: Co-Chair Luay S. Al-Mukhtar (Iraq), Asia/Pacific (legal); Marcela Bonilla (Colombia), GRULAC (technical); James

Mulolo (Zambia), Africa (technical); Vladimir Lenev (Russian Federation), Central and Eastern Europe (legal); and Tuomas Aarnio (Finland), Western Europe and Others (rapporteur).

Final Decision: In the decision on the work programme for the OEWG for 2012-2013 (UNEP/CHW.10/CRP.27), the COP adopts the programme and elects the OEWG bureau. The programme includes seven tables on: strategic issues; scientific and technical matters; legal, governance and enforcement matters; resource mobilization and sustainable financing; international cooperation and coordination; financial matters; and COP decisions.

ENHANCING COOPERATION AND COORDINATION AMONG THE BASEL, ROTTERDAM AND STOCKHOLM CONVENTIONS

On Tuesday in plenary, the Secretariat introduced this issue (UNEP/CHW.10/27/Add.1-6), indicating that the Rotterdam and Stockholm COPs recently adopted substantively identical decisions. COP10 President Caballero stressed the cost efficiency implications of the decision, and the decision was adopted without amendment.

Final Decision: In its decision (UNEP/CHW.10/CRP.2), the COP welcomes Stockholm Convention decision SC-5/27 and Rotterdam Convention decision RC-5/12 and adopts its own decision. The decision, *inter alia*:

- welcomes the establishment of the Executive Secretary of the three conventions;
- authorizes the Executive Secretary to determine the staffing levels, numbers and structure of the secretariats in a flexible manner within a budget ceiling, and requests him to propose, in consultation with the Bureau, the organization of the secretariats by 31 December 2011, to be implemented by 31 December 2012;
- decides that the COPs of the three conventions should be held in a coordinated manner and requests the Executive Secretary to schedule such meetings in a way that facilitates such coordination;
- approves the proposed cross-cutting and joint activities for inclusion in the programmes of work of the three secretariats for 2012-13 and requests the Secretariat to also pursue further cooperation and coordination in activities in the work programme that can be undertaken in a cost neutral manner; and
- decides, subject to the submission of the reports on the review, and taking into account comments made by parties on the matter, to convene in 2013, at the same venue and back-to-back with a COP of one of the conventions, ExCOPs, with the main focus on: draft decisions on the review arrangements; the proposal for the organization for the secretariats; draft proposals for joint activities for 2014-2015; the budget related to joint activities and possible necessary amendments to the budget of the three conventions for the biennium 2014-2015; and the outcome of the UNEP Executive Director's Consultative Process.

THEME OF THE MEETING: PREVENTION, MINIMIZATION AND RECOVERY OF WASTES

The theme of "Prevention, minimization and recovery of wastes" was chosen to emphasize the concept of reducing the generation of waste amidst a changing perception and discourse of waste as a potential resource.

In Friday's closing plenary, Achim Steiner, UNEP Executive Director, jokingly said it was "disconcerting" to see "nothing but smiling faces" at the close of an environmental negotiation. Praising COP10's management and productivity, he said delegates' efforts to take the spirit of Cartagena "into their hands, minds, and hearts" enabled a shift in how the future of the Convention will be viewed. Reflecting on the Convention and the theme of COP10, he emphasized the importance of synergies between the chemicals and waste conventions, the lead up to Rio+20, and the future of hazardous waste management.

He recalled that when the Basel Convention was negotiated, it was not just about environment, but about human health, trade, and the capacities of countries to manage waste. He said that the aim of the Convention is not to stop development but to enable sustainable development, through full cycle, closed-circle waste management as an economic ideal. He emphasized the Convention's potential role in reshaping our perspective of commodities and goods, and in fully integrating the concept of recycling into people's mindsets. Calling the Basel Convention an indicator for the changing times of the global economy and technological age, he commended the view of waste as a potential resource, while stressing the importance of ensuring ESM and preventing transboundary movement of waste that are detrimental to health and the environment.

Frank Pearl, Minister of Environment and Sustainable Development, Colombia, noted that the Cartagena Declaration reflects a clear political message on the sustainable management of hazardous waste, and urged the COP to adopt it. The Declaration was adopted without amendment, followed by a standing ovation. Pearl emphasized that parties had "risen to the challenge."

Final Declaration: In its Cartagena Declaration (UNEP/CHW.10/CRP.3/Rev.3), the COP, *inter alia*:

- commits to enhancing the active promotion and implementation of more efficient strategies to achieve prevention and minimization of the generation of hazardous waste and other wastes and their disposal;
- emphasizes that measures should be undertaken to achieve prevention and minimization of hazardous wastes and other wastes generated at the source, to enable the decoupling of economic growth and the environmental impacts associated with waste generation;
- reaffirms that the Basel Convention is the primary global legal instrument for guiding the ESM of hazardous and other wastes and their disposal, including efforts to prevent and minimize their generation, and efficiently and safely manage those that cannot be avoided;
- encourages efforts undertaken at the national level to measure and record progress in waste reduction, and to report such progress to the Basel Convention Secretariat;
- encourages parties, signatories and others to develop synergistic national and regional pilot projects for waste prevention for specific waste streams of concern;
- reaffirms that the safe and environmentally sound recovery of hazardous and other wastes that cannot as yet be avoided represents an opportunity for the generation of employment, economic growth and the reduction of poverty insofar as it is done in accordance with Basel Convention requirements, guidelines and decisions and will not create a disincentive for their prevention and minimization;

- encourages improvements to cleaner production methods, as well as to information on less hazardous substitutes for hazardous chemicals and materials;
- recognizes the need to make the most of the BCRCs, which also need to be strengthened;
- recognizes the significant contribution of the ongoing synergy process in the chemical and waste regime and the Basel public-private partnerships, especially the MPPI and PACE, to improve waste prevention, minimization and recovery;
- encourages capacity building and technology transfer for waste prevention and minimization in regions needing such assistance; and
- acknowledges that prevention, minimization and recovery of wastes advance the three pillars of sustainable development, and that fulfillment of the Basel Convention's objectives is an important contribution to Rio+20.

OTHER MATTERS

COP10 considered other matters on Thursday. Iran informed delegates that it would be hosting the First International Exhibition on Waste Management Recycling and Biomass from 8-11 January 2012, in Tehran, with the cooperation of the Asia-Pacific BCRCs.

Relating to the admission of observers to COP meetings, parties agreed to take note of the list of bodies and agencies (UNEP/CHW.10/INF.45) requesting admission as observers. Parties also agreed to take note of the update of publications and public information materials (UNEP/CHW.10/INF/46).

The Secretariat introduced a document on the development of the Basel Waste Solutions Circle (UNEP/CHW.10/INF/49), including: its nature and purpose to provide a platform showcasing successful activities related to the implementation of the Basel Convention; membership, open to actors implementing the Convention; admissions and awards committee; categories of efforts in considering membership; and awards and selection criteria.

Final Decision: In the decision on the Basel Waste Solutions Circle (UNEP/CHW.10/2), the COP, *inter alia*:

- requests the Bureau, a representative of business and industry, and a member of civil society to serve as the Circle's admissions and awards committee, and invites these groups to nominate one representative each;
- requests the committee to elaborate the Circle's modalities; and
- requests the Secretariat to report on the implementation of the present decision to OEWG8.

CLOSING PLENARY

The Secretariat presented the oral report of the Credentials Committee on Friday afternoon, noting that 118 parties had submitted their credentials.

Introducing the item on the venue and date of COP11, scheduled to convene in 2013, the Secretariat explained that the synergies decision (UNEP/CHW.10/2) makes provision for a simultaneous ExCOPs to convene back-to-back with one of the COPs. Parties agreed to Switzerland's offer to host COP11 and the ExCOPs of the Stockholm, Rotterdam and Basel conventions, in Geneva in 2013.

The COP elected as COP11 Bureau members: Franz Perrez (Switzerland) as President; and Yocasta Valenzuela (Dominican

Republic), James Mulolo (Zambia), Abdul Mohsin Al-Mahmood (Bahrain), and Andrzej Jagusiewicz (Poland) as Vice-Presidents.

Delegates then turned their attention to the report of COP10. The Secretariat introduced the report (UNEP/CEW.10/L.1 and Add.1), which was subsequently adopted with minor amendments.

In the closing plenary, the EU lauded the success of COP10, complimenting COP10 President Caballero on her efficient leadership, and stated that the Cartagena Declaration sets a new path for the Basel Convention. Ecuador, for GRULAC, said the CLI decision should be celebrated, and committed PCB countries to making further progress at COP11. Montenegro, for Central and Eastern Europe, thanked the Colombian Government for their excellent hospitality. The African Group thanked donors for providing funding to ensure all developing country parties could attend, and welcomed the Cartagena Declaration. Saudi Arabia, on behalf of Asia-Pacific, said the group is committed to honoring the COP10 decisions.

Stating that he had never seen a meeting run better, BAN commended the "tireless and miraculous" diplomacy that led to the adoption of the CLI, and thanked parties who set aside their concerns, and to compromise, for the greater environmental good. He said the Cartagena Declaration, which sees hazardous wastes as unnecessary, represents a paradigm shift for the Convention.

In her closing remarks, President Caballero thanked the Chairs of the Contact Groups, the Secretariat and all participants who assisted in delivering "the miracle of Cartagena." She urged delegates to take home the message that "multilateralism works" and is necessary to tackle complex environmental problems. She encouraged participants to ensure this spirit flows to Durban, Rio+20 and other international environmental processes. She gavelled the meeting to a close at 1:59 pm.

A BRIEF ANALYSIS OF THE MEETING

"Multilateralism works!" This was the take-home message from COP10 President Paula Caballero during the closing plenary. Indeed, as delegates departed from historic Cartagena, participants agreed that COP10 had been a historic, resounding success. COP10's most significant accomplishment was clearly the resolution of the long-standing issue of entry into force of the Ban Amendment, ushering in what many hope represents a new spirit of compromise. The decisions adopted at COP10, including the strategic framework and new guidelines to be developed for environmentally sound management (ESM) of hazardous wastes, are intended to reinvigorate the Basel Convention, improve its effectiveness, and bolster the significance of waste issues within the wider sustainable development agenda.

This brief analysis examines the key decisions adopted at COP10, including on the Ban Amendment and the strategic framework, and considers the implications for the future of the Convention, in the context of President Caballero's message.

MULTILATERALISM WORKS—BY REACHING AGREEMENT

After many years, and several failed attempts, parties finally agreed on the interpretation of the Basel Convention with regard to entry into force of amendments (Article 17(5)) at COP10. The agreement is set to expedite the entry into force of the

Ban Amendment, as it interprets Article 17(5) in a way that requires fewer ratifications than do alternative interpretations. The compromise that prevailed at COP10 was largely the result of what the Basel Action Network (BAN) termed “tireless and miraculous diplomacy” by the governments of Switzerland and Indonesia between COP9 and COP10. Under their country-led initiative (CLI) to improve the effectiveness of the Basel Convention, overcoming the stalemate of the Ban Amendment formed part of a “package deal” that included key elements deemed necessary to strengthen the Convention, including illegal trade, and new guidelines for the ESM of hazardous wastes. By skillfully building consensus around the package, the CLI managed to “unlock the impasse” of the Ban Amendment, whose entry into force had been stalled due to legal uncertainty about how the Convention should be interpreted.

The Ban Amendment, adopted in 1995, essentially prohibits developed country parties (listed in Annex VII and currently OECD countries, the EC and Liechtenstein) from exporting hazardous wastes to developing countries (non-Annex VII parties), on the basis that such exports have a “high risk” of not constituting the ESM of hazardous wastes. For many years, several countries, including Japan, the US, Canada, Australia and New Zealand, have felt deeply uncomfortable with the Ban, claiming it makes an arbitrary distinction between parties and is counter to international trade norms.

The Ban has yet to come into effect, and many stressed that its entry into force will likely have little impact on the ground since most parties (notably the EU) have already implemented it. It was also widely understood that the Ban does not address major challenges facing parties today, including illegal trade in hazardous waste, lack of capacity to ensure ESM in many countries, and the increased waste trade among developing countries. It was precisely that realization by all parties that provided an opportunity for Indonesia and Switzerland to build consensus first on these and other practical issues required to achieve the underlying objective of the Ban, which is to ensure the ESM of hazardous wastes in all countries.

Regardless of the Ban Amendment’s impact on the ground, most said its political significance cannot be understated. To many participants, including a number of developing countries and environmental NGOs, the Ban represents a milestone that prevents industrialized countries from externalizing the environmental and social costs of hazardous waste management by exporting it to poorer countries.

Although some delegations, notably Japan, Australia and Canada, expressed reservations about the solution proposed in the CLI package for the entry into force of the Ban Amendment, and to the Ban Amendment itself, they agreed to the compromise so as not to jeopardize the whole CLI package. The CLI package contains key elements to strengthen the Convention’s implementation, including illegal trade, new guidelines on ESM, and clarification of key Convention provisions. Many felt it was “COP10 or never” for resolution of the Ban Amendment issue, and that the delay on the premise of legal technicalities had run its course. Had the issue not been resolved, many said, COP10 would have given the wrong message about the relevance of the Basel Convention to the upcoming Rio+20 Conference and, in the context of the synergies process, at a time when the

Convention needs to be reinvigorated to capture the resources and attention it deserves. In terms of reaching agreement, committed multilateralism worked in Cartagena.

MULTILATERALISM WORKS—THROUGH IMPLEMENTATION

Just as it is needed to reach agreements, multilateralism “works” through effective implementation. This second piece of the multilateral puzzle was addressed at COP10 through the adoption of a new strategic framework. For the first time, the Basel Convention adopted a framework that incorporates concrete goals and performance indicators to measure progress in implementation. Many said this was long overdue, stressing that without concrete goals and indicators, it is very difficult to measure progress in the implementation of any agreement.

By incorporating measurable goals and indicators, COP10 adopted a framework that promises to provide a new impetus to the Convention’s implementation. The new framework, which provides for a mid-term evaluation of its implementation by parties on the basis of indicators, will increase transparency and accountability around implementation. The mid-term evaluation will also enable parties to make any necessary mid-course adjustments to ensure the framework remains relevant and current.

While the framework promises to provide direction for the Convention’s implementation, it was widely understood that actual performance depends both on political will and adequate financial and other resources for implementation. Many developing countries urged consideration of the differing capacities of countries to implement the framework. In that context, the outcome of the UNEP Consultative Process on Financing for Chemicals and Wastes, and work to be undertaken under the CLI decision, in particular on ESM guidelines, illegal traffic and the strengthening of the BCRCs, will largely determine the extent to which the plan is implemented in many countries. Whether multilateralism works in terms of implementation remains to be seen.

MULTILATERALISM WORKS—THROUGH ADAPTABILITY

At the onset of COP10, many participants were concerned about the Secretariat’s proposed “paradigm shift” in the Convention to see wastes as resources, fearing this may deter attention from parties’ obligations to minimize both hazardous waste generation and exports. Many developing country delegates were also concerned that a renewed emphasis on waste recovery and new recycling technologies could promote increased trade in wastes under the guise of recycling, in a context where many countries are unable to ensure the ESM of wastes.

As the meeting progressed, however, it became apparent that these two positions were indeed reconcilable. Those who supported a paradigm shift in the Basel Convention stressed that the world has changed considerably since 1989, when the Convention was adopted, with improvements in recycling technologies, improved capacities by some countries to manage wastes in an environmentally sound manner, and growing trade in hazardous wastes between developing countries. These participants emphasized that, in a context of increasingly scarce resources and low recycling rates, the environmentally sound recycling of some wastes has the potential to contribute to

sustainable development and a green economy in all countries, and the Basel Convention has a unique opportunity to place itself at the center of that wider debate, in particular at the Rio+20 Conference.

Those who cautioned against this approach said that most developing countries are still unable to ensure the ESM of wastes, and the recycling of wastes in those countries happens at an enormous environmental and social cost. Some also claimed that, by stressing the “positive” side of wastes, the proposed paradigm shift could provide a renewed incentive to industrialized and rapidly industrializing countries to continue to generate massive amounts of waste.

By highlighting that there is a hierarchy in ESM, and that waste prevention and minimization at the source are the best way to manage hazardous and other wastes, the Cartagena Declaration proposed by Colombia alleviated the concerns expressed by the second group. While the Declaration recognizes that wastes can be valuable resources, it emphasizes that this does not free parties of their obligations under the Convention to minimize waste generation, ensure ESM of hazardous wastes, and make an effort to manage and dispose of wastes as close as possible to their source of generation. According to BAN, the Declaration also signaled the exciting aspirations of Basel to move from a Convention that was solely concerned with the transboundary movement of hazardous wastes, to actually preventing their generation.

To the surprise of a few participants, no objections were raised in plenary to the Cartagena Declaration, which was swiftly adopted on Friday after informal consultations with interested delegations. The widespread agreement on the Declaration demonstrates parties’ continued commitment to the Basel Convention’s key provisions and principles. The Declaration also demonstrates that multilateralism can be an effective way to adapt to new circumstances.

MULTILATERALISM WORKS—BASEL AS AN EXAMPLE

Basel COP10 achieved all of its goals. Many hoped this landmark COP would serve not only to reinvigorate Basel in its own right, but also in the context of the wider synergies process. Many agreed that Basel has earned its place in the group of chemicals and wastes conventions, showing itself as a dynamic beast, as opposed to a sleepy old Convention, slowly becoming irrelevant. They also predicted that Basel’s significance in the green economy and Rio+20 process will continue to grow on the back of this success. Management and prevention of hazardous waste is a central issue to the green economy, and the Basel Convention appears to be up to the task of playing a significant role in that debate.

Whether, as hoped by President Caballero, the “miracle of Cartagena” will set a good example for other processes on how multilateralism can help tackle very complex environmental problems, such as the climate negotiations scheduled for Durban at the end of the year, remains to be seen. At the very least, it is certain that COP10 has provided multilateralism a much-needed boost.

UPCOMING MEETINGS

Third Session of the INC to Prepare a Global Legally Binding Instrument on Mercury: This meeting is scheduled to be the third of five Intergovernmental Negotiating Committee

(INC) meetings to negotiate a legally binding instrument on mercury. **dates:** 31 October - 4 November 2011 **location:** Nairobi, Kenya **contact:** Mercury Programme, UNEP DTIE **phone:** +41-22-917-8192 **fax:** +41-22-797-3460 **email:** mercury.chemicals@unep.org **www:** <http://www.unep.org/hazardoussubstances/Mercury/Negotiations/INC3/tabid/3469/Default.aspx>

OEWG for the International Conference on Chemicals Management: The first meeting of the Open-ended Working Group (OEWG) is scheduled to take place to consider the implementation, development and enhancement of the Strategic Approach to International Chemicals Management. The meeting will be preceded by technical briefings and regional groups meetings on 14 November 2011. **dates:** 15-18 November 2011 **location:** Belgrade, Serbia **contact:** SAICM Secretariat **phone:** +41-22-917-8532 **fax:** +41-22-797-3460 **email:** saicm@unep.org **www:** <http://www.saicm.org>

Sixth World Recycling Forum: This international conference and exhibition on electronics, battery and car recycling will bring together leading experts, including manufacturers, collectors, processors, steelmakers, legislators and policy makers. **dates:** 15-18 November 2011 **location:** Hong Kong, China **contact:** ICM AG **phone:** +41-62-785-1000 **fax:** +41-62-785-1005 **email:** info@icm.ch **www:** <http://www.icm.ch/6th-world-recycling-forum-wrf-2011>

Capacity building for environmentally sound management of PCB oil and PCBs containing equipments: The training programme will target officials who are directly or indirectly involved in the handling and disposal of PCBs or PCBs-containing equipments. The training programme is organized by the CSIR-National Environmental Engineering Research Institute (CSIR-NEERI), a Stockholm Convention regional centre for Asia. **dates:** 21-29 November 2011 **location:** Alang, Gujarat, India **contact:** Stockholm Convention Regional Centre for Asia on POPs, India **phone:** +91-712-2249885-88 **fax:** +91-712-2249900 **email:** director@neeri.res.in **www:** <http://chm.pops.int/Secretariat/Meetings/tabid/331/mctl/ViewDetails/EventModID/1007/EventID/143/xmid/1181/mret/t/Default.aspx>

Joint Ninth Meeting of the Vienna Convention COP and 23rd Montreal Protocol MOP: The 23rd session of the Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (MOP 23) and ninth meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer (COP 9) are scheduled to take place in November. **dates:** 21-25 November 2011 **location:** Bali, Indonesia **contact:** Ozone Secretariat **phone:** +254-20-762-3851 **fax:** +254-20-762-4691 **email:** ozoneinfo@unep.org **www:** <http://montreal-protocol.org/>

Third Meeting of the Advisory Committee of the PCBs Elimination Network (PEN): PEN Advisory Committee Members will meet in France. **dates:** 23-25 November 2011 **location:** Lyon, France **contact:** Kei Ohno, Stockholm Secretariat **phone:** +41-22-917-8729 **fax:** +41-22-917-8098 **email:** kohno@pops.int **www:** <http://chm.pops.int/Implementation/PCBs/PCBsEliminationNetworkPEN/AdvisoryCommittee/tabid/664/Default.aspx>

12th Meeting of the Quick Start Programme Trust Fund Implementation Committee of the International Conference on Chemicals Management: This meeting of the Trust Fund Implementation Committee, which reviews and appraises project

proposals seeking funding through the Trust Fund, and makes recommendations on the Trust Fund application procedures and project management to the Executive Board, will take place in November 2011. **dates:** 22-23 November 2011 **location:** Paris, France **contact:** SAICM Secretariat **phone:** +41-22-917-8532 **fax:** +41-22-797-3460 **email:** saicm@unep.org **www:** <http://www.saicm.org/index.php?menuid=26&pageid=257>

Workshop on Competitiveness, Innovation and REACH:

This workshop, organized by DG Enterprise and Industry, in collaboration with DG Environment, will focus on the impact of the REACH regulation on the competitiveness and innovativeness of the EU chemical industry. **date:** 6 December 2011 **location:** Brussels, Belgium **contact:** DG Enterprise and Industry, European Commission **email:** entr-reach@ec.europa.eu **www:** http://ec.europa.eu/enterprise/sectors/chemicals/reach/events/index_en.htm#h2-1

First International Exhibition on Waste Management, Recycling and Biomass: This international exhibition, organized with the cooperation of the regional centres of the Basel and Stockholm conventions in Tehran, will take place in January 2012. **dates:** 8-11 January 2012 **location:** Tehran, Iran **contact:** Simatin Management Service Institute **phone:** +98-21-882-33209 **fax:** +98-21-882-33144 **email:** wastemanagement@simatin.ir **www:** www.wastemanagement.simatin.ir

63rd Session of the IMO Marine Environment Protection Committee: This meeting of the Marine Environment Protection Committee, which deals with prevention and control of pollution from ships, will take place early 2012. **dates:** 27 February – 2 March 2012 **location:** London, England **contact:** Secretariat of the International Maritime Organization **phone:** +44-20-7735-7611 **fax:** +44-20-7587-3210 **email:** info@imo.org **www:** <http://www.uscg.mil/imo/mepc/>

Eighth Meeting of the Chemicals Review Committee: The next meeting of the Rotterdam Convention Chemicals Review Committee will take place in March 2012. **dates:** 18-23 March 2012 **location:** Geneva, Switzerland **contact:** Rotterdam Convention Secretariat **phone:** +41-22-917-8296 **fax:** +41-22-917-8082 **email:** pic@pic.int **www:** <http://www.pic.int/>

UN Conference on Sustainable Development: The UNCSD will focus on the themes of green economy in the context of sustainable development and poverty eradication and institutional framework for sustainable development. **dates:** 4-6 June 2012 **location:** Rio de Janeiro, Brazil **contact:** UNCSD Secretariat **email:** unc2012@un.org **www:** <http://www.unc2012.org/>

Fourth Session of the INC to Prepare a Global Legally Binding Instrument on Mercury: This meeting is scheduled to be the fourth INC meetings to negotiate a legally binding instrument on mercury. **dates:** 18-22 June 2012 **location:** Uruguay [tentative] **phone:** +41-22-917-8192 **fax:** +41-22-797-3460 **email:** mercury.chemicals@unep.org **www:** <http://www.unep.org/hazardoussubstances/Mercury/Negotiations/tabid/3320/Default.aspx>

Third Session of the International Conference on Chemicals Management (ICCM3): This meeting is expected to consider, *inter alia*: adding nanotechnology and hazardous substances within the lifecycle of electrical and electronic products to the SAICM Global Plan of Action (GPA); adding endocrine disruptors and persistent pharmaceutical pollutants to the emerging issues; and the future of financing SAICM implementation after the expiration of the Quick Start

Programme (QSP). **dates:** 15-20 July 2012 **location:** Geneva, Switzerland **contact:** SAICM Secretariat **phone:** +41-22-917-8532 **fax:** +41-22-797-3460 **email:** saicm@unep.org **www:** <http://www.saicm.org>

Seventh International Conference on Waste Management and Technology: This annual conference, organized by the Basel Convention Centre for Asia and the Pacific, intends to promote knowledge exchange among international experts and enhance technology cooperation among nations. **dates:** 5-7 September 2012 **location:** Beijing, China **contact:** Basel Convention Coordinating Centre for Asia and the Pacific **phone:** +86-10-627-94351 **fax:** +86-10-627-72048 **email:** icwmt@tsinghua.edu.cn **www:** <http://conf.bccr.cn/english/>

Eighth meeting of the Persistent Organic Pollutants Review Committee (POPRC-8): POPRC-8 will consider draft risk profiles and continue their consideration of pentachlorophenol (PCP). They will also continue their work on newly listed POPs and prepare recommendations for COP-6. **dates:** 15-19 October 2012 **location:** Geneva, Switzerland **contact:** Stockholm Convention Secretariat **phone:** +41-22-917-8729 **fax:** +41-22-917-8098 **email:** scc@unep.ch **www:** <http://www.pops.int>

Eighth Session of the OEWG to the Basel Convention: The eighth session of the Open-ended Working Group (OEWG8) to the Basel Convention will convene in 2012. **dates:** TBA **location:** Geneva, Switzerland **contact:** Basel Convention Secretariat **phone:** +41-22-917-8218 **fax:** +41-22-797-3454 **email:** sbc@unep.org **www:** www.basel.int

11th Meeting of the Conference of the Parties to the Basel Convention: The 11th meeting of the Conference of the Parties (COP11) to the Basel Convention will convene in 2013. **dates:** TBA **location:** Geneva, Switzerland **contact:** Basel Convention Secretariat **phone:** +41-22-917-8218 **fax:** +41-22-797-3454 **email:** sbc@unep.org **www:** www.basel.int

GLOSSARY

BAN	Basel Action Network
BCRC	Basel Convention Regional and Coordinating Centre
CLI	Country-led initiative to improve the effectiveness of the Basel Convention
COP	Conference of the Parties
ESM	Environmentally sound management
e-waste	Electrical and electronic waste
ExCOPs	Extraordinary Conference of the Parties
GEF	Global Environment Facility
GRULAC	Latin American and Caribbean Group
ICC	Implementation and Compliance Committee
IMO	International Maritime Organization
MPPI	Mobile Phone Partnership Initiative
OEWG	Open-ended Working Group
PACE	Partnership for Action on Computing Equipment
POPs	Persistent organic pollutants
Rio+20	United Nations Conference on Sustainable Development (UNCSD)
TWG	Technical Working Group
UNEP	United Nations Environment Programme
WCO	World Customs Organization