



BASEL COP-6 HIGHLIGHTS TUESDAY, 10 DECEMBER 2002

Delegates met in Plenary to discuss a draft decision on a mobile phone partnership initiative and to consider various issues under the agenda item on Convention implementation. They also reviewed progress in designating competent authorities and focal points under the item on institutional, financial and procedural arrangements, and discussed the amendment of the Convention and its annexes. Working Groups convened on the budget and institutional arrangements, the Strategic Plan and Basel Convention Regional Centers (BCRCs), and compliance.

PLENARY

MOBILE PHONE PARTNERSHIP INITIATIVE: SWITZERLAND introduced a draft decision on a partnership on the environmentally sound management of end-of-life mobile phones. He indicated that the decision would establish a small group of experts to develop a work programme, and said he hoped the initiative would lead to other partnership arrangements. PAKISTAN and BOLIVIA expressed their support for this initiative.

IMPLEMENTATION OF THE BASEL CONVENTION:

Emergency fund/financial mechanism: Parties considered and approved a draft decision on enlarging the scope of the Technical Cooperation Trust Fund (UNEP/CHW.6/10), including interim guidelines on emergency assistance, compensation, and accident and damage prevention in an Annex.

Prevention and monitoring of illegal traffic in hazardous wastes and other wastes: Delegates considered a draft decision containing guidance elements for detection, prevention, and control of illegal traffic in hazardous wastes (UNEP/CHW.6/13). TURKEY expressed concern at "gaps in commitments" on exported hazardous wastes, citing examples of illegal trafficking of waste and resulting pollution in its region. ITALY responded that it was committed to addressing Turkey's concerns relating to a shipment of waste involving an Italian company. The Plenary approved the decision.

Bilateral, multilateral or regional agreements or arrangements: After some discussion, Parties approved a report containing a draft decision on bilateral, multilateral or regional agreements or arrangements under Convention Article 11. However, delegates postponed discussion on related text containing guidance elements for the preparation of such agreements or arrangements (UNEP/CHW.6/15).

Reporting on Articles 13 and 16: Executive Secretary Kuwbara-Yamamoto introduced a Secretariat's Note containing a draft questionnaire on transmission of information in accordance with Basel Convention Articles 13 (transmission of information) and 16 (Secretariat), and a draft decision on the implementation of Decision V/14 on the transmission of information (UNEP/CHW.6/29). Delegates agreed to adopt the document with minor amendments.

Regarding the report of the Parties on the implementation of Decision II/12 (UNEP/CHW.6/30), delegates approved the draft decision with an amendment adding Portugal to the list of OECD countries that have reported on implementation of Decision II/12 and III/1.

Preparation of Technical Guidelines: On technical guidelines for the environmentally sound management of the full and partial dismantling of ships (UNEP/CHW.6/23), delegates agreed to adopt the guidelines, with amendments by the EU Presidency (UNEP/CHW.6/CRP.1), amendments by India regarding its current ship-breaking practices and standards, and a reservation by Iran to be noted in the report of the meeting.

INSTITUTIONAL, FINANCIAL AND PROCEDURAL ARRANGEMENTS: Competent Authorities and Focal Points: Delegates adopted a document containing a draft decision on the designation of competent authorities and focal points (UNEP/CHW.6/37).

AMENDMENT OF THE BASEL CONVENTION AND ITS ANNEXES: The Plenary considered a report (UNEP/CHW.6/33) on the implementation of the ban amendment contained in Decision III/1 on banning the export of hazardous wastes from Annex VII countries - the EU, OECD and Liechtenstein - to non-Annex VII countries. EGYPT requested that its acceptance of the amendment be noted. The EU drew attention to its proposed changes to the report (UNEP/CHW.6/CRP.2) and delegates agreed to postpone discussion on this matter.

Parties also discussed a document containing a draft decision on the analysis of issues related to Convention Annex VII (UNEP/CHW.6/34). The EU and NORWAY, supported by HUNGARY, SLOVENIA and MALTA, expressed concerns at continuing work on the issue at this stage, suggesting that it was not the best use of resources. CHILE, COLOMBIA, MEXICO, CANADA and JAPAN supported continuing the analysis. A Working Group was established to consider the matter further.

WORKING GROUPS

BUDGET AND INSTITUTIONAL ARRANGEMENTS: Co-Chair Cooper (Bahamas) invited the Working Group to consider the proposed budget (UNEP/CHW.6/36). Parties began by seeking clarifications from the Secretariat on a variety of issues, including budgetary increases since COP-5, particularly in relation to staff, equipment, and travel costs. Emphasizing that the Convention's budget surplus should not be relied on to meet operational expenses, AUSTRALIA recommended establishing a formal plan to reduce expenditures.

Delegates then considered the draft decision on the budget paragraph-by-paragraph. JAPAN said the core budget should be based on nominal zero growth and that it should be made clear what funding is from the core budget and what is drawn down from the surplus. GERMANY suggested removing text authorizing the Secretariat to draw additional funds from the Trust Fund. Co-Chair Cooper indicated that a revised draft would be prepared to reflect Parties' comments.

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On institutional arrangements (UNEP/CHW.6/35), NEW ZEALAND drew attention to several problems with the current arrangements, including: too many meetings, resulting in insufficient preparation time; heavy agendas, with issues not being prioritized; weak meeting mandates leading to duplication; lack of full participation from all interested States; significant intervals between COPs leading to substantive issues being addressed by the Bureau thereby closing decision-making processes to many Parties; and late document distribution resulting in poor preparation for meetings. GERMANY said that before new arrangements are made, draft work programmes should be created so that the roles and needs of the subsidiary bodies are determined before institutional solutions are drafted.

The Working Group continued discussions in the afternoon, with Co-Chair de Bruijn (Netherlands) outlining his proposal that: an open-ended working group be established until COP-7; the group consist of a technical component and a legal/information component; a minimum of two meetings be held during the intersessional period (one meeting for each component); the option be left for a third meeting to be held jointly to prepare for COP-7; the meetings be held in Spring and Autumn 2003, possibly with a joint preparatory meeting in Spring 2004; and there be one co-chair from a developing country and one from a developed country for the working group. CANADA, CHILE and NEW ZEALAND stressed the need for flexibility in the new arrangements. The US said there should only be two meetings and questioned the splitting up of the meetings into two components. CANADA stressed the need for broad terms of reference for the new working group, while GERMANY argued for more concrete guidelines.

Regarding the role of the Expanded Bureau, GERMANY argued that its mandate should be based on the current mandate set out in COP Decision V/34, with some alterations based on the new mandate proposed in paragraph 24 of UNEP/CHW.6/35.

CANADA said the mandate should be based broadly on paragraph 24. The US said the Bureau should not oversee financial matters. Many Parties said the Bureau should not be a policy-making body, but be responsible for administrative matters, and some delegates said overseeing financial matters was a necessary component of this function. MEXICO requested that provisions diminishing equitable geographic representation on the Bureau be deleted. NEW ZEALAND argued that the Bureau should be open to observers, while SWITZERLAND and SAINT LUCIA said it should not. CHINA said the frequency of Bureau meetings should be limited, while ANTIGUA AND BARBUDA said the Bureau should meet regularly to make urgent interim decisions, including funding decisions.

STRATEGIC PLAN AND REGIONAL CENTERS: The Working Group continued deliberations on the establishment and functioning of BCRCs (UNEP/CHW.6/4) and began discussions on the draft Strategic Plan (UNEP/CHW.6/3 and Add.1). Two small groups were formed to draft text on matters related to BCRC funding and to develop criteria and identify indicative costs for projects to be funded under the Strategic Plan.

In discussions on BCRC core functions (UNEP/CHW.6/4 Annex I), delegates adopted the BASEL ACTION NETWORK's proposal to include the promotion of the ratification and implementation of the Convention and its instruments. On the roles and functions of the coordinating centers (UNEP/CHW.6/4 Annex II), delegates adopted SAMOA's amendment to ensure interaction between the Secretariat and BCRCs. Delegates also agreed to remove brackets around Annex II.

On the Framework Agreement, JAPAN and CANADA stressed the need for cooperation and coordination among the BCRCs, and delegates adopted compromise language proposed by URUGUAY. On the application of the 1946 UN Convention on Privileges and Immunities, delegates adopted language proposed by CHINA clarifying that terms of the Convention shall apply "in the case of an intergovernmental institution."

On the legal establishment of BCRCs, URUGUAY proposed a reference to "relevant legislation," while ZAMBIA noted that national legislation should not play a role in establishing the Centers. The Co-Chairs will produce a revised text.

On mandating the Secretariat to negotiate and sign the Framework Agreement, GERMANY noted that all BCRC financial support is voluntary, and the NETHERLANDS suggested that financial arrangements be dealt with in the Centers' business plans. FINLAND proposed a reference to host countries' contributions, and ZAMBIA highlighted difficulties for host countries in committing to regular contributions.

Delegates adopted a new paragraph requesting cooperation with the Stockholm Convention on implementing Basel-related decisions taken at POPs INC-6 (UNEP/CHW.6/31) and deleted a similar paragraph from the document on establishment and functioning of BCRCs (UNEP/CHW.6/3).

Discussions on the Strategic Plan were based on the draft Plan (UNEP/CHW.6/3), the Secretariat's note on the Plan (UNEP/CHW.6/3/Add.1), an EU non-paper, and the Secretariat's Circular to Parties and Signatories. The Circular presents four pilot projects for 2003-2004 to support the implementation of the Plan. The EU stressed prioritization of activities in the Action Table of the Plan. GERMANY and JAPAN proposed merging the issue of financial support for BCRCs with the discussions on the Plan and, with CANADA, emphasized concrete projects with clear terms of reference. COLOMBIA stressed the need for an implementation mechanism and evaluation guidelines. MAURITIUS emphasized the role of partnerships in funding short-term activities. EGYPT called for clarifying the role of BCRCs in the Plan. NIGERIA urged establishing a concrete financial mechanism for BCRCs and, with other developing countries, supported adoption of the Strategic Plan at COP-6.

Delegates disagreed on whether to approach the implementation of the Strategic Plan with pilot projects as outlined in the Circular, or to prioritize activities within the Plan. Discussions were deferred to a contact group that will develop criteria for projects to be funded.

In the evening, a small drafting group on BCRCs continued discussions on this issue, agreeing on language on funding of BCRCs. The full Working Group will consider this formulation on Wednesday. In addition, the contact group on criteria for projects met in the evening, but was unable to conclude its work. Consultations will resume on Wednesday.

COMPLIANCE: Participants in the Compliance Working Group, chaired by Alistair McGlone (UK), convened in an informal group throughout the day and into the evening to negotiate the details of the compliance mechanism. Delegates were unable to reach agreement on key elements, and the group will continue its deliberations on Wednesday morning.

IN THE CORRIDORS

Although some progress was reported from the many Working Group meetings held Tuesday, a number of delegates seemed concerned at the "chicken and egg situation" in the parallel meetings on the Strategic Plan and the budget. According to several observers, some delegates in the Strategic Plan discussions appeared reluctant to agree on particular projects until the budget level was set, while others in the budget discussions wanted information on what projects had been agreed before discussing their funding. A number of participants were already suggesting that the Strategic Plan might be adopted on an interim/provisional basis at this COP for further development during the intersessional period.

THINGS TO LOOK FOR TODAY

PLENARY: Delegates will convene from 10:00 am – 1:00 pm and 3:00 – 6:00 pm in Room XVII to continue considering the agenda item on Convention implementation, including sub-items on cooperation and partnerships and on capacity building, and the dispute settlements mechanism under Convention Article 20. The Plenary is then expected to address all remaining items not relating to the high-level segment.

WORKING GROUPS: Meetings of the Working Groups on Compliance, the Strategic Plan and BCRCs, Annex VII, and budget and institutional arrangements, will be announced in the morning Plenary.