



## **BASEL COP-7 HIGHLIGHTS: MONDAY, 25 OCTOBER 2004**

The seventh meeting of the Conference of the Parties (COP-7) to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal began with an opening plenary, where delegates heard speeches, addressed organizational matters, considered technical guidelines, and discussed ship dismantling and financial matters. Working Groups convened to discuss technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with Persistent Organic Pollutants (POPs), and legal aspects of the full and partial dismantling of ships. A contact group was formed to discuss Partnerships for Global Waste Management.

### **OPENING OF THE MEETING**

COP-6 President Ioan Jelev, Romania's Secretary of State for the Environment, opened the Conference, stating that negotiating partnerships for meeting the global waste challenge and mobilizing resources for a cleaner future represent cornerstone activities for the future of the Convention.

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

### **ORGANIZATIONAL MATTERS**

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

Abdul Hameed (Pakistan), Kristina Panek Gondek (Poland) and Dennis Ntagazawa (Tanzania) were elected Vice Presidents, and Mark Hyman (Australia) as Rapporteur. Plenary adopted the provisional agenda of the meeting (UNEP/CHW.7/1/Add.1) without amendment.

### **REPORT ON THE IMPLEMENTATION OF THE DECISIONS ADOPTED BY COP-6**

**TECHNICAL GUIDELINES:** President Irureta urged delegates to adopt the technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with POPs, and the corresponding technical guidelines on POPs wastes (UNEP/CHW.7/8, 7/8/Add.1 and 7/8/Add.2, and UNEP/CHW.7/INF/21). He noted that pre-session consultations had taken place from 23-24 October, in an Open-ended Working Group chaired by Michael Ernst (Germany). Chair Ernst said that despite substantial progress,

the group had not been able to review the whole text of the guidelines, as information had recently become available on, among others, new technologies for the destruction of POPs in wastes. Plenary agreed to refer the matter to the Working Group for further consideration.

President Irureta introduced the draft technical guidelines on the environmentally sound recycling/reclamation of metals and metal compounds (UNEP/CHW.7/8/Add.3). AUSTRALIA highlighted an amendment proposed by the US and contained in the document on the preparation of technical guidelines on the environmentally sound management of wastes (UNEP/CHW.7/8). The meeting adopted the guidelines with the US amendment.

Donata Rugarabamu, Secretariat, introduced the technical guidelines on the environmentally sound management of wastes resulting from surface treatment of metals and plastics. Plenary adopted the decision on these guidelines included in the compilation of draft decisions (UNEP/CHW.7/2) without amendment.

**DISMANTLING OF SHIPS:** The International Maritime Organization (IMO) reported on the recent meeting of the IMO Marine Environment Protection Committee, and outlined current work on an IMO convention on ship dismantling. He called for additional work on the drafting of reporting guidelines and inventories, and welcomed a proposal to establish an international fund for ships recycling. JAPAN underscored the responsibility of flag States in ship recycling.

Plenary agreed to establish a Working Group on ship dismantling. Regarding its mandate, the US urged taking practical steps rather than encouraging legal debates. The UK called for consideration of existing principles pertaining to environmentally sound management and recycling. ETHIOPIA said the roles of IMO, the International Labour Organization and the Basel Secretariat in setting a legal scenario for practical steps should be clearly defined.

The BASEL ACTION NETWORK (BAN) said a few developing countries should not have to bear the costs of managing the hazardous wastes from ships that are not currently recognized as covered by the Basel Convention. GREENPEACE, BANGLADESH, COSTA RICA, GUATEMALA, NAMIBIA and SOUTH AFRICA agreed, stressing the importance of upstream responsibility. GUATEMALA, the GAMBIA, MAURITANIA and SOUTH AFRICA called for clarification of the regime of abandoned ships in territorial waters. SENEGAL stressed the need to identify the point at which ships become wastes.

GREENPEACE said that the IMO's voluntary guidelines on ship dismantling are insufficient. MOROCCO said ship owners should carry out inventories of the wastes contained in their ships. Noting industry's efforts in environmentally sound



recycling of ships, the INTERNATIONAL CHAMBER of SHIPPING (ICS) stated that ships are not wastes and therefore not subject to the Basel Convention.

**FINANCIAL MATTERS:** The EU requested that the Secretariat provide budgetary estimates for all the draft decisions, and supported basing countries' contributions on the UN scale of assessments. JAPAN agreed with the EU, and objected to the proposed 22% increase in the 2005-2006 budget included in the draft decision on financial matters (UNEP/CHW.7/2). AUSTRALIA supported the budget increase and proposed consideration of the Global Environment Facility (GEF) as a possible funding mechanism.

Brazil, for GRULAC, with CHINA, PAKISTAN and INDIA, said the budgetary increase should not exceed developing countries' capacity to pay and stressed that the UN scale of assessments should only be taken as a reference. Nigeria, for the AFRICAN GROUP, proposed that poor African countries be excused from sharing the burden of the budget increase. GERMANY expressed concern that some Parties had not met their 2004 contributions, and that expenditures exceeded the budget. Plenary decided to establish a Working Group on financial matters, to be chaired by Canada and Tanzania.

**PARTNERSHIPS FOR MEETING THE GLOBAL WASTE CHALLENGE:** Kuwabara-Yamamoto introduced two documents on the issue (UNEP/CHW.7/27/ and Add.1) and noted that document on the proposed ministerial statement or possible elements for a decision was intended as a foundation for discussions during the high-level segment. Plenary decided to form a contact group to review the document.

**STRATEGIC PLAN:** Kuwabara-Yamamoto introduced the documents on progress of the Strategic Plan (UNEP/CHW.7/3 and INF/4) and drew attention to the draft decision on the Strategic Plan for the Implementation of the Basel Convention contained in the compilation of draft decisions (UNEP/CHW.7/2).

The EU proposed amendments to the draft decision, including: amending language encouraging Parties to include project priorities for implementing the Strategic Plan in their national development assistance programmes; and deleting text requesting the Open-ended Working Group to develop a resource mobilization strategy for implementing the Strategic Plan. NIGERIA, supported by MALAYSIA, MAURITIUS, ARGENTINA, GAMBIA, UGANDA, ALGERIA, CHILE and MOROCCO, opposed its deletion. ALGERIA stressed the need to integrate implementation of the Basel Convention into GEF's funding activities.

Kuwabara-Yamamoto noted that the decision on financial matters contained in the compilation of draft decisions (UNEP/CHW.7.2) refers to funding of the Strategic Plan, and GERMANY clarified that the rationale behind the EU's proposal was that the document on mobilizing resources for a cleaner future (UNEP/CHW.7/INF/8) already incorporates this issue. EGYPT stressed that the resource mobilization strategy should designate sources of funding, including the World Bank and GEF.

Kuwabara-Yamamoto introduced the document on capacity building for implementation of the Strategic Plan (UNEP/CHW.7/4) and the draft decision on the issue contained in the compilation of draft decisions (UNEP/CHW.7/2). KENYA suggested including a reference to social, economic and financial prediction models. MOROCCO encouraged the inclusion of capacity building for national agencies on the restriction of trade in illicit wastes. ALGERIA called for the participation of the private sector and NGOs in capacity building. BAHRAIN stressed the need for BCRCs to implement the recommendations from regional workshops, and JORDAN suggested that field visits be undertaken by experts in chemicals management. Plenary adopted the decision on capacity building for implementation of the strategic plans without amendment.

## WORKING GROUPS

**TECHNICAL GUIDELINES ON POPS:** The Open-ended Working Group on the development of technical guidelines on POPs was chaired by Michael Ernst (Germany) and met throughout the day. Participants considered text on environmentally sound disposal and remediation of contaminated sites, contained in a working document amending the *General Guidelines for the Environmentally Sound Management of Wastes Consisting of, Containing or Contaminated with Persistent Organic Pollutants* (UNEP/CHW.7/8/Add.1). Discussions also focused on the definition of low POP content for wastes containing dioxins and furans, to be forwarded to the Stockholm Convention on POPs, according to which low POP content wastes should be disposed of in such a way that the POP content is destroyed or transformed. Delegates discussed whether the level of POPs should be 10 micrograms per kg, or higher. Participants supporting the lower level argued it served to protect the environment and human health. Others supported levels of 20-25 micrograms per kg, on the basis that a lower level would entail high regulatory costs and be difficult to enforce. The Group will continue its deliberations on Tuesday morning.

**SHIP DISMANTLING:** A Working Group on the dismantling of ships, chaired by Roy Watkinson (UK) met on Monday afternoon. Delegates agreed that the issue of dismantling of ships had to be distinguished from the abandonment of ships, an activity already recognized as illegal. While it was agreed that the existing regime on ship dismantling contains gaps and that there are overlaps between IMO and Basel competences, delegates' views diverged on how to address them.

The EU reported on an informal meeting of a working group on ship dismantling that took place from 23-24 October, noting that it had been agreed that the guiding principles for ship dismantling should be environmentally sound management and prior informed consent. GERMANY reminded delegates that the aim is to ensure that ships are dismantled in an environmentally sound manner and, with the ICS, urged delegates not to engage in a legal debate. BAN and GREENPEACE called for an examination of the loopholes in the existing regime.

## CONTACT GROUP

**PARTNERSHIPS FOR THE GLOBAL WASTE CHALLENGE:** The contact group on Partnerships for the Global Waste Challenge convened Monday afternoon to review the document on the proposed ministerial statement or possible elements for a decision (UNEP/CHW.7/27/Add.1), chaired by André Corrêa do Lago (Brazil). Delegates discussed whether to draft a ministerial statement or a decision, and considered the implications of the two options for the scope of the Basel Convention.

## IN THE CORRIDORS

As the first day of COP-7 unrolled, the spirit of consensus and collaboration present at the informal discussion group on the dismantling of ships that had met over the weekend seemed to evaporate. Positions polarized over the question of whether COP-7 should focus on taking practical steps to ensure that ships are dismantled in an environmentally sound manner, or first clarify if the issue of ship dismantling falls under the scope of IMO or the Basel Convention.

Some delegates feared that focusing on the legal regime of ships would postpone taking concrete action in an area where hazardous wastes pose grave environmental and health threats, particularly in the developing world. Meanwhile, others pointed to the mandate from COP-5 and 6 to examine legal competence over ship dismantling, and expressed concern that this fundamental legal issue could once again be ducked.