BASEL COP-7 HIGHLIGHTS: TUESDAY, 26 OCTOBER 2004

On Tuesday, delegates to COP-7 met in Plenary to continue their review of the compilation of draft decisions forwarded to COP-7 by the Open-ended Working Group (OEWG). Delegates engaged in discussions on a number of issues, including framework agreements and business plans of the Basel Convention Regional Centers (BCRCs), issues relating to the Ban Amendment, and enlarging the scope of the Trust Fund.

Working Groups convened to address technical guidelines on persistent organic pollutants (POPs), ship dismantling, and financial matters. The Contact Group on Partnerships for the Global Waste Challenge continued its deliberations on a document to guide interactive discussions at the high-level segment.

PLENARY

Guillermo Valles, Uruguay’s Ambassador to Switzerland, chaired the meeting throughout the day, as COP-7 President Saul Irureta, Uruguay’s Minister of the Environment, was unable to attend.


On funding of the BCRCs, UGANDA, EGYPT, ZAMBIA, BOTSWANA, INDONESIA, SENEGAL and NIGERIA emphasized the importance of increasing both financial and technical resources. JAPAN opposed using the Reserve Fund to fund BCRC activities. The EU proposed the removal of brackets around text on host countries accepting financial responsibility for the BCRCs in the draft decision on BCRCs (UNEP/CHW/7/2). Plenary decided to establish a contact group to incorporate countries’ comments into the report on progress made on BCRCs (UNEP/CHW/7/3).

Implementation of the Environment Initiative of New Partnership for Africa’s Development as it relates to hazardous wastes and other wastes: Executive Secretary Kuwabara-Yamamoto introduced a document and a draft decision on the issue (UNEP/CHW.7/30 and 7.2). The decision was adopted without amendment.

Implementation of decision III/1 on amendment of the Basel Convention: Donatu Rugarabamu, Secretariat, introduced a draft decision on implementation of Decision III/1 (UNEP/CHW/7.2), noting that it was intended to expedite the process of ratification, acceptance, formal confirmation or approval of the Ban Amendment. ETHIOPIA proposed deleting text requesting the Secretariat to respond to requests for advice relating to ratification, stating that this goes beyond the Secretariat’s mandate.

Analysis of issues relating to Annex VII: Rugarabamu introduced a document on the analysis of issues related to Annex VII (UNEP/CHW/7/12) and a corresponding draft decision (UNEP/CHW/7.2).

The Netherlands, on behalf of the EU, suggested deleting text in the draft decision calling on Parties to accede to the Ban Amendment and on non-Parties to accede to the Convention.

The Basel Action Network (BAN) drew attention to confusion concerning the number of ratifications required for the Ban Amendment to enter into force, following the Secretariat’s receipt of a letter from the UN Office of Legal Affairs (UNA) stating that ratification by three-fourths of current Parties is required, rather than three-fourths of those Parties that accepted the Ban Amendment at COP-3. He urged Parties to interpret Article 17 as applying to the number of Parties at the time of the adoption of the Amendment.

CANADA suggested reflecting UN OLA’s opinion in the document on the analysis of issues related to Annex VII (UNEP/CHW/7/12). GREENPEACE said other legal opinions should also be reflected. ETHIOPIA stressed that interpretation of the Convention was primarily the responsibility of Parties.

CANADA, supported by the US, said a number of developing countries have developed the capacity to ensure the environmentally sound management (ESM) of hazardous wastes since the adoption of the Ban Amendment. NEW ZEALAND suggested that the amendment might restrain the development of ESM. Noting that developing countries have to manage domestically generated wastes, MALAYSIA said the global effort to stop the flow of wastes to developing countries should be supported. GREENPEACE and BAN emphasized the need for Parties to implement their obligations under the Convention, including minimization of transboundary movements of hazardous wastes, minimization of waste generation, and domestic self-sufficiency.

AUSTRALIA, with NEW ZEALAND and INDIA, said the current membership criteria for Annex VII, which depend on membership of the EU or the OECD, are arbitrary and discriminatory. NORWAY, with the EU and EGYPT, said discussions on Annex VII should not be re-opened until the Ban amendment comes into effect.

Designation of competent authorities and focal points: Rugarabamu introduced a List of Competent Authorities and...
The RUSSIAN FEDERATION, TANZANIA and SENEGAL, Jean-Louis Wallace (Canada) and Oludayo Dada (Tanzania). Jointly chaired by NEW ZEALAND, proposed the deletion of text referring to an emergency fund (UNEP/CHW/7/2). The EU, supported by CHINA, BRAZIL and INDIA highlighted the need for additional resources and, with the EU, suggested integrating wastes in projects eligible for GEF funding such as POPs or Climate Change.

On the budget for the biennium 2005-2006 (UNEP/CHW/OEWG/3/23), Executive Secretary Kuwabara-Yamamoto explained that the over-expenditure had been caused by exchange rate fluctuations and translation costs.

The RUSSIAN FEDERATION, with the Group of Latin America and Caribbean, said use of the UN scale of assessment to determine countries’ contributions should not increase developing countries’ burden. The US, INDIA, the RUSSIAN FEDERATION and AUSTRALIA expressed concern about the budget increase for 2005-2006. The Working Group will meet on Wednesday to continue its deliberations.

TECHNICAL GUIDELINES ON POPs: The Working Group on Technical Guidelines for waste POPs, chaired by Michael Ernst (Germany), met in the morning. The group made good progress in revising the technical guidelines for the environmentally sound management of POP wastes (UNEP/CHW/7/8/Add.1 and /Add.2), and the draft decision on Preparation of Technical Guidelines on POPs (UNEP/CHW/7/2). Outstanding substantive issues include the level of “low POP content wastes” for dioxins and furans, and levels of atmospheric emissions from destruction technologies for POP wastes.

DISMANTLING OF SHIPS: The Working Group on the dismantling of ships met on Tuesday afternoon and based its discussions on a proposal submitted by the EU on elements for a decision on the environmentally sound management of ship dismantling. The Group will continue its deliberations on Wednesday.

CONTACT GROUPS
PARTNERSHIPS FOR THE GLOBAL WASTE CHALLENGE: The contact group on partnerships for meeting the global waste challenge, chaired by André Corrêa Do Lago (Brazil), met throughout the day to discuss a note by the Secretariat on Partnership for Meeting the Global Waste Challenge (UNEP/CHW/7/27), and a Proposed Ministerial Statement or Possible Elements for A Decision (UNEP/CHW/7/27/Add.1). Delegates agreed on the need for a ministerial declaration to send a strong political message to: attract possible donors; emphasize the positive role of the BCRCs; stress the goal of waste minimization within the Basel Convention; and highlight linkages with other chemicals-related conventions to ensure that GEF funding can be accessed. Agreement could not be reached on whether the COP should take a decision on this matter. Some participants supported working on both a ministerial declaration and a decision, noting that a decision by the COP would send a stronger message. Others opposed adopting a new decision, arguing that many draft decisions already refer to partnerships. On Tuesday afternoon, the Secretariat submitted a working paper on draft elements for a COP decision on partnerships for meeting the global waste challenge. Discussions will resume on Wednesday.

IN THE CORRIDORS
During the second day of COP-7, an old disagreement between a number of developed country delegates and others regarding the Ban Amendment re-emerged. Some delegates felt that the entry into force of the Ban Amendment could inhibit the development of economically beneficial recycling industries, particularly in developing countries which, they argue, have recently acquired the capacity to manage hazardous wastes in an environmentally sound manner. Meanwhile, some developing country participants and NGOs expressed the opinion that countries with the capacity to manage hazardous wastes in a manner that protects human health and the environment should employ this capacity to manage their own wastes rather than importing wastes from other countries.