

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.