

## 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/>