



SIXTH CONFERENCE OF THE PARTIES TO THE BASEL CONVENTION 9-13 DECEMBER 2002

The sixth meeting of the Conference of the Parties (COP-6) to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal begins today at the Palais des Nations in Geneva, Switzerland. The meeting will start with a preparatory segment, from 9-11 December, followed by a high-level segment for ministers and heads of delegations, scheduled for 12-13 December.

Delegates to COP-6 are expected to consider and adopt decisions on a range of issues, including technical guidelines on the environmentally sound management of: biomedical and healthcare wastes; plastic wastes and their disposal; waste lead-acid batteries; and the full and partial dismantling of ships. They will also consider draft decisions on Regional Centers for Training and Technology Transfer, the Strategic Plan, a compliance mechanism, and guidance elements for the detection, prevention and control of illegal traffic in hazardous wastes.

A BRIEF HISTORY OF THE BASEL CONVENTION

The Basel Convention was adopted in 1989 and entered into force on 5 May 1992. It was created to address concerns over the management, disposal and transboundary movement of the estimated 400 million tonnes of wastes hazardous to people or the environment that are produced worldwide each year. The main principles of the Convention are that: transboundary movements of hazardous wastes should be reduced to a minimum consistent with their environmentally sound management; hazardous wastes should be treated and disposed of as close as possible to their source of generation; and hazardous waste generation should be reduced and minimized at source. There are currently 152 Parties to the Convention.

Since entry into force in 1992, Parties have continued to review implementation of the Convention and have considered additional actions through the Conference of the Parties (COP), which has met five times. The COP has been assisted by various subsidiary bodies, including a Technical Working Group (TWG), Legal Working Group (LWG) and Bureau. The Basel Convention Secretariat is based in Geneva.

COP-1: The first Conference of the Parties was held in Piriapolis, Uruguay, from 3-4 December 1992. COP-1 requested industrialized countries to prohibit transboundary movements of hazardous wastes for disposal to developing countries. It also noted that transboundary movements of wastes destined for recovery and recycling take place in accordance with the require-

ment that the wastes be handled in an environmentally sound manner (Decision I/22). As Decision I/22 was not legally binding, a "pro-ban coalition," consisting of developing countries, Greenpeace and the Nordic States, urged delegates to adopt a binding amendment to the Convention. The issue of hazardous wastes destined for recycling and recovery was forwarded to the TWG for further study.

COP-2: During the second Conference of the Parties, held in Geneva from 21-25 March 1994, Parties agreed on an immediate ban on the export of hazardous wastes intended for final disposal from OECD to non-OECD countries. Parties also agreed to ban, by 31 December 1997, the export of wastes intended for recovery and recycling (Decision II/12). The issue of whether or not the ban was legally binding was unclear, since Decision II/12 was not incorporated into the text of the Convention itself.

COP-3: At the third Conference of the Parties, held in Geneva from 18-22 September 1995, the ban was adopted as an amendment to the Convention (Decision III/1). This ban amendment does not use the OECD/non-OECD membership distinction, but bans the export of hazardous wastes for final disposal and recycling from Annex VII countries (EU, OECD and Liechtenstein) to non-Annex VII countries. The amendment thus is not in itself a barrier for non-OECD countries to retain the option of receiving OECD hazardous wastes for recycling purposes by joining Annex VII. This amendment will enter into force following its 62nd ratification. To date, it has been ratified by 34 Parties. COP-3 further mandated the TWG to continue its work on the characterization of "hazardous wastes" and the development of lists of wastes that are hazardous (Decision III/12).

COP-4: Two of the major decisions adopted at the fourth Conference of the Parties, held in Kuching, Malaysia, from 23-27 February 1998, related to the ban amendment. COP-4 considered proposals by countries, including Slovenia, Israel and Monaco, to join Annex VII and decided that the composition of this Annex would remain unchanged until the ban amendment enters into force (Decision IV/8). In this decision, COP-4 also requested the Secretariat to undertake a study of the issues related to Annex VII. On the clarification of which wastes should be included under the ban, COP-4 considered the proposal put forward by the TWG on List A, identifying wastes characterized as hazardous, and List B, identifying non-hazardous wastes. COP-4 decided to incorporate these lists as Annex VIII and Annex IX, respectively.

COP-5: COP-5 met in Basel, Switzerland, from 6-10 December 1999. With over 450 participants in attendance and 115 Parties represented, delegates celebrated the tenth anniversary of

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the adoption of the Convention. They also adopted a Protocol on liability and compensation for damage resulting from trans-boundary movements of hazardous wastes and their disposal and a ministerial declaration on their vision for promoting the environmentally sound management of hazardous wastes over the next ten years, along with a decision setting the next decade's agenda.

The COP adopted a number of decisions covering: Convention implementation and monitoring, legal matters, prevention and monitoring of illegal traffic, technical matters, and institutional, financial and procedural arrangements. The Plenary was assisted in its work by the LWG, which reviewed the draft liability Protocol, the Financial Working Group, which considered the budget for 2001-2002, a contact group on the ministerial declaration and various informal discussion groups. Fifty-six ministers and other heads of delegation addressed COP-5 during its high-level segment.

INTERSESSIONAL HIGHLIGHTS

LEGAL WORKING GROUP: The LWG has convened five times since COP-5, from 6-7 April 2000, 12-13 October 2000, 21-22 June 2001, 18-19 January 2002, and 21-22 May 2002. Participants considered a variety of issues, including: monitoring the implementation of and compliance with the Basel Convention; preventing and monitoring illegal traffic; an emergency fund or mechanism; draft guidance elements for bilateral, multilateral and regional agreements or arrangements; the dispute settlement mechanism; and the legal implications of the dismantling of ships.

On monitoring the implementation of and compliance with the Basel Convention, participants worked on a draft decision on elements for the establishment of a mechanism for promoting implementation and compliance. An Open-ended Working Group on Compliance also contributed to this work. Much of the discussion focused on the procedure for triggering the mechanism, measures that should be taken once the mechanism is triggered, and the composition and powers of the Compliance Committee.

Most recently, discussions continued at an informal meeting held from 7-8 December 2002. At this meeting, delegates made progress toward achieving a compromise on the basic compliance structure, but were unable to reach a final agreement. Alistair McGlone (UK), who chaired the meeting, will prepare a revised text for consideration at COP-6.

TECHNICAL WORKING GROUP: The TWG has convened five times since COP-5, from 3-5 April 2000, 9-11 October 2000, 18-20 June 2001, 14-15 January 2002, and 23-24 May 2002. Participants considered draft technical guidelines on the environmentally sound management of lead-acid battery wastes, plastic wastes, biomedical and healthcare wastes, recycling/reclamation of metals and metal compounds, the full and partial dismantling of ships, and persistent organic pollutants (POPs) as wastes. They also discussed cooperation with the World Customs Organization and the OECD, adjustments to the lists of wastes considered hazardous or non-hazardous, and proposals made by Germany on asphalt wastes and edible oil wastes, such as frying oils.

JOINT MEETINGS OF THE TECHNICAL AND LEGAL WORKING GROUPS: Two joint meetings of the Technical and Legal Working Groups have been held since COP-5, from 16-17 January and 27-28 May 2002, with the aim of considering matters relevant to both Groups and evaluating progress on decisions adopted at COP-5. Participants discussed the draft strategic plan, which will be considered for adoption at COP-6. They also considered and made progress in their work on draft guidance elements for bilateral, multilateral or regional agreements or arrangements.

Although draft guidance elements on this issue were not finalized, participants at the joint meetings agreed to recommend to COP-6 that it consider all options presented for a way forward. Participants also agreed to a number of amendments to the draft guidance elements for detection, prevention and control of illegal traffic in hazardous wastes, which will be considered at COP-6.

WORKING GROUP FOR IMPLEMENTATION: The Working Group for Implementation (previously called the Open-ended *Ad Hoc* Committee for Implementation) met from 29-31 May 2002. Participants addressed three main issues: the budget, the Basel Convention Regional Centers (BCRCs) and the draft decisions to be submitted to COP-6. On BCRCs, many participants emphasized the important role of these centers in the implementation of the Basel Convention and the Strategic Plan at a regional level. However, delegates also emphasized that these centers should be financially sustainable.

Discussions on BCRCs continued immediately prior to COP-6, with a consultative meeting held on 8 December. Representatives of BCRCs briefed participants on their status and activities, and urged ongoing donor and Secretariat support.

BASEL BUREAU: The extended Bureau met several times during the intersessional period and took up various issues in the lead-up to COP-6, including institutional arrangements under the Basel Convention, budget matters, and the provisional agenda and organizational matters for COP-6. Most recently, the Bureau met on 8 December 2002, immediately prior to COP-6, to finish its work on organizational matters relating to COP-6, including the establishment of working groups or contact groups and the organization of the preparatory and high-level segments. In addition, Bureau members were informed of the status of consultations within the regional groups on the selection of candidates for the President and other officers of the new Bureau, and were briefed on draft decisions that may require substantial discussions at COP-6.

WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT: The sound management of chemicals and hazardous waste was addressed at the World Summit on Sustainable Development (WSSD), held in Johannesburg from 26 August to 4 September 2002. Delegates agreed to text in the Johannesburg *Plan of Implementation* supporting entry into force of the Rotterdam Convention on Prior Informed Consent (PIC) by 2003 and the Stockholm Convention on POPs by 2004. The *Plan of Implementation* also contains commitments to:

- promote efforts to prevent international illegal trafficking of hazardous chemicals and hazardous waste, as well as damage resulting from the transboundary movement and disposal of hazardous waste; and,
- further develop a strategic approach to international chemicals management based on the Bahia Declaration and Priorities for Action beyond 2000 of the Intergovernmental Forum on Chemical Safety by 2005.

THINGS TO LOOK FOR TODAY

PLENARY: COP-6 will begin at 10:00 am with opening statements from COP-5 President Philippe Roch, State Secretary, Head of the Swiss Agency for the Environment, Forests and Landscape, a UNEP representative speaking for UNEP Executive Director Klaus Töpfer, and Basel Executive Secretary Sachiko Kuwabara-Yamamoto. The Plenary will then consider organizational matters, including the election of officers and adoption of the agenda.