



## BASEL COP-6 HIGHLIGHTS MONDAY, 9 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 began with an opening ceremony and speeches. Delegates then addressed organizational matters, institutional and financial arrangements, and issues related to implementation of the Convention, including the Strategic Plan, the Basel Convention Regional Centers (BCRCs), a compliance mechanism, and technical matters. Working groups on the budget and on the Strategic Plan and BCRCs also convened.

### OPENING OF THE MEETING

Basel Convention Executive Secretary Sachiko Kuwabara-Yamamoto welcomed delegates to the COP-6 opening ceremony, which included a performance by 20 children about hazardous wastes, and an audio-visual presentation outlining the work and achievements of the Basel Convention.

COP-5 President Philippe Roch, State Secretary, Director of the Swiss Agency for the Environment, Forests and Landscape, drew delegates' attention to the adoption at COP-5 of the Basel Ministerial Declaration and the Protocol on Liability and Compensation. Highlighting other recent developments, he noted progress on partnerships to advance work under the Convention, including Swiss funding for a new Secretariat position focusing on partnerships. On regional activities, he drew attention to the Rabat Declaration on African cooperation, and the need for adequate funding for BCRCs. He endorsed broadening the Convention's scope to include non-toxic wastes, and urged a global strategy for chemicals-related multilateral environmental agreements (MEAs) as a follow-up to the World Summit on Sustainable Development.

Executive Secretary Kuwabara-Yamamoto thanked outgoing COP-5 President Roch and the Bureau for their work during the past three years. She urged Parties to ratify the ban amendment to the Convention, which has 34 ratifications but requires 62 for entry into force, and the Protocol on Liability and Compensation, which currently has 13 signatures but no ratifications. Outlining her expectations for COP-6, she said delegates should adopt a number of technical guidelines, and highlighted discussions on compliance, the Strategic Plan, and BCRCs. She warned that BCRCs "will not survive" without clear legal status and full support from Parties. She announced that the theme of COP-6 is "partnerships for implementation."

Vijay Samnotra, on behalf of UNEP Executive Director Klaus Töpfer, expressed UNEP's continuing support to the Basel Convention and its implementation, emphasized UNEP's ongoing work on the Guidelines on Enforcement and Compliance with MEAs, and encouraged delegates to adopt a compliance mechanism and technical guidelines for the environmentally sound management of hazardous wastes.

### ORGANIZATIONAL MATTERS

Delegates elected Ioan Jelev, Romania's Secretary of State for the Environment, as the President of COP-6. E. Buti Mathebula (South Africa), Audreas Jaron (Germany), and Toshiyuki Taga (Japan) were elected Vice Presidents, with Maria Cecilia Rozas (Peru) as Rapporteur. The Plenary then adopted the provisional agenda of the meeting (UNEP/CHW.6/1/Add.1) without amendment.

### IMPLEMENTATION OF THE BASEL CONVENTION

**THE BASEL DECLARATION, STRATEGIC PLAN, AND REGIONAL CENTERS:** Executive Secretary Kuwabara-Yamamoto introduced the Secretariat's Note on the Basel Declaration on environmentally sound management and implementation of Decision V/33 (UNEP/CHW.6/2), the draft Strategic Plan for the implementation of the Basel Convention (2000-2010) (UNEP/CHW.6/3) and the Secretariat's Note on the draft Strategic Plan (UNEP/CHW.6/3/Add.1). She then introduced a document on the establishment and functioning of BCRCs for training and technology transfer (UNEP/CHW.6/4), and inviting delegates to discuss and adopt a draft decision concerning a framework agreement for the legal establishment of the BCRCs. She also introduced: the Business Plans of the BCRCs (UNEP/CHW.6/4/Add.1 and INF/5); the progress report on the activities carried out by the BCRCs (UNEP/CHW.6/5); progress on the establishment of the BCRC for French-speaking countries in Africa (UNEP/CHW.6/6); Iran's feasibility study for the establishment of a BCRC for West and Central Asia (UNEP/CHW.6/INF/8); and a feasibility study for the establishment of a Pacific Regional Center for the joint implementation of the Basel and Waigani Conventions (UNEP/CHW.6/INF/16).

Many Parties emphasized the role of BCRCs in implementing the Strategic Plan, and urged strengthening their technical capacity and ensuring adequate funding. CANADA stressed the role of the Strategic Plan in implementing the Convention and, with JAPAN, suggested a more focused Plan. The EU highlighted its Informational Note on the Plan. NEPAL underlined needs of landlocked developing countries, while BAHAMAS urged that deliberations on the Strategic Plan not only focus on developing countries. President Jelev indicated that an Open-ended Working Group would be formed to consider these matters in more detail.

### MECHANISM FOR PROMOTING IMPLEMENTATION

**AND COMPLIANCE:** Executive Secretary Kuwabara-Yamamoto introduced a Secretariat's Note containing a draft decision on monitoring the implementation of and compliance with the Basel Convention (UNEP/CHW.6/9). She noted that COP-5 Decision V/16 had requested the Legal Working Group to prepare a draft decision establishing a mechanism for promoting implementation and compliance for adoption at COP-6. She also drew attention to the financial implications of establishing a compliance mechanism.

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Alistair McLone (UK), Chair of the informal consultations on compliance held from 7-8 December 2002, reported considerable progress during the consultations, but highlighted unresolved issues, including the composition of the Committee, procedures for submissions on non-compliance, and additional measures. He introduced his proposed compromise text on the compliance mechanism (UNEP/CHW.6/CRP.4). A Working Group was established to consider this text.

**TECHNICAL MATTERS: Preparation of technical guidelines:** Delegates considered technical guidelines on: biomedical and healthcare wastes (UNEP/CHW.6/20 and Corr.1); plastic wastes and their disposal (UNEP/CHW.6/21); waste lead-acid batteries (UNEP/CHW.6/22); and full and partial dismantling of ships (UNEP/CHW.6/23). Many Parties supported these guidelines, noting that they had been discussed and agreed in the Technical Working Group. DENMARK proposed several amendments from the EU Presidency to the guidelines on dismantling ships (UNEP/CHW.6/CRP.1). The Plenary adopted the first three guidelines, and agreed to return to the guidelines on dismantling of ships following informal consultations.

Parties also adopted technical guidelines on the environmentally sound management of persistent organic pollutants (POPs) as wastes (UNEP/CHW.6/24), and a document on the development of guidelines for recycling/reclaiming metals and metal compounds was introduced (UNEP/CHW.6/INF/6).

**Development of work on hazardous characteristics:** Executive Secretary Kuwabara-Yamamoto introduced documents on the progress of work on hazard characteristic H6.2 on infectious substances (UNEP/CHW.6/25 and CRP.3) and on the development of work on hazardous characteristic H12 on ecotoxic substances and wastes (UNEP/CHW.6/26). She said the COP may wish to adopt the interim guidelines on H12 as suggested by the Technical Working Group. She noted that the paper on H6.2 has not been finalized and suggested that the COP request the Technical Working Group to continue to review the paper based on the work of the UN Sub-Committee of Experts on Transport of Dangerous Goods, and request the Secretariat to continue consultations on hazard characteristics with the Sub-Committee and the WHO. Delegates adopted these decisions.

**Proposed work programme of the Technical Working Group:** Executive Secretary Kuwabara-Yamamoto introduced the Secretariat's Notes on the proposed work programme of the Technical Working Group (UNEP/CHW.6/27) and on the Group's 2003-2004 draft work programme (UNEP/CHW.6/28). Delegates provisionally agreed to adopt the decisions with minor amendments and subject to further inputs from Working Groups.

#### **INSTITUTIONAL, FINANCIAL AND PROCEDURAL ARRANGEMENTS**

Executive Secretary Kuwabara-Yamamoto introduced documents prepared by the Secretariat setting out the options for streamlining the Subsidiary Bodies (UNEP/CHW.6/35), finances of the Convention's trust funds, and the proposed budget for 2003-2004 (UNEP/CHW.6/36 and Corr.1). In the ensuing discussion on institutional arrangements, many Parties said the number of meetings must be reduced, the duplication of issues avoided, the intervals between meetings widened, and participation of Parties, particularly developing countries, increased. Many delegates supported merging/reducing the Subsidiary Bodies into an Expanded Bureau and one Open-ended Working Group. A Working Group was established to discuss these issues and the budget.

#### **STRATEGIC PLAN AND REGIONAL CENTERS WORKING GROUP**

Co-chaired by Geoff Thompson (Australia) and Fatoumata Touré (Senegal), the Working Group deliberated on the draft decision and its annexes on the legal establishment and functioning of the BCRCs (UNEP/CHW.6/4).

On text outlining elements for the Framework Agreement for BCRCs, CANADA, FRANCE, GERMANY, and the US objected to a reference to the roles of donors, with CANADA recom-

mending that donors should be referenced in Centers' business plans. EGYPT, supported by COLOMBIA, the UK, URUGUAY, and ZAMBIA, proposed compromise language referring to "involvement of donors with respect to the financial and technical assistance to support the Center." CANADA requested time to consider this suggestion.

EGYPT recommended, and delegates agreed, to delete the brackets around Annex I, which details the core functions of the BCRCs. Regarding text in Annex I on cooperation on joint projects, CHINA, BRAZIL and the US opposed ZAMBIA's proposal to refer to the "development of synergies with other MEAs." CHINA suggested reference to "other related matters" and the US raised concerns that the Stockholm Convention on POPs had yet to agree on a decision on cooperation with the BCRCs. UGANDA, FRANCE, URUGUAY and others supported Zambia's proposal. Delegates accepted compromise text from COLOMBIA to insert language reflecting "development of synergies, where appropriate, with other MEAs."

CANADA proposed an additional preambular paragraph calling for coordination between a Center and the Secretariat in carrying out the Center's core functions. Delegates were unable to reach agreement on this matter.

#### **BUDGET WORKING GROUP**

Co-chaired by Dick de Bruijn (Netherlands) and Donald Cooper (Bahamas), this Working Group considered institutional arrangements and budgetary and financial matters. On institutional arrangements, SWITZERLAND said the present arrangements have not been successful due to short preparation times, too many meetings, lack of clear mandates, and inadequate translation services. Many Parties supported Option 2 from the relevant document (UNEP/CHW.6/35), which seeks to reduce duplication among meetings and increase Parties' participation. GERMANY argued that different meetings will require different areas of expertise and that merging meetings would not reduce costs. FRANCE and others said improving efficiency requires full participation of Parties and interpretation and translation services at Subsidiary Body meetings. CHINA said all six UN languages must be used at Subsidiary Body meetings.

NEW ZEALAND, supported by several other developed countries, proposed opening the Bureau to observers, if it is considering substantive issues. SAINT LUCIA and other developing countries stressed the need for greater transparency, but expressed fears that limited funding for developing country observers' participation would result in an imbalance between developing and developed countries' influence over the Bureau. CHINA stressed that only Parties should be permitted as observers at Bureau meetings.

#### **IN THE CORRIDORS**

Delegates wasted little time on the opening day of COP-6, launching into substantive negotiations in Plenary and two Working Groups. Several Basel veterans were predicting a fairly politicized gathering, with negotiations on the Strategic Plan, Regional Centers, the budget, institutional arrangements, and compliance touted as issues to watch over the coming days. With a heavy agenda and many delegates hoping to conclude key discussions before the high-level segment on Thursday, some were already predicting one or two late nights.

#### **THINGS TO LOOK FOR TODAY**

**PLENARY:** Delegates will convene from 10:00 am – 1:00 pm and 3:00 – 6:00 pm in Room 17 to continue considering the agenda item on Convention implementation, including sub-items on the emergency fund/financial mechanism, the Protocol on Liability and Compensation, and bilateral, multilateral or regional agreements or arrangements.

**WORKING GROUPS:** The Working Group on Compliance will meet at 10:00 am in Room XXII, while the Working Group on the Strategic Plan and Regional Centers is expected to meet at 10:00 am in Room XXIII. The Budget Group is also expected to resume its discussions at 10:00 am, in Room XXVII.