



## SEVENTH CONFERENCE OF THE PARTIES TO THE BASEL CONVENTION: 25-29 OCTOBER 2004

The seventh meeting of the Conference of the Parties (COP-7) 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 25-27 October, followed by a high-level segment for ministers and heads of delegations, from 28-29 October. The theme of COP-7 is "Partnership for meeting the global waste challenge" and, together with the issue of resource mobilization for capacity building, this theme will be the focus of the high-level segment.

Delegates are expected to adopt decisions on a range of issues, including: the Strategic Plan; mechanisms for promoting implementation and compliance; guidelines for the preparation of national legislation; technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants (POPs); characteristics of hazardous wastes; the inclusion of new forms of waste in Annex VIII and XI of the Convention; and legal aspects of the full and partial dismantling of ships.

### 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 hazardous wastes that are produced worldwide each year. The guiding principles of the Convention are: transboundary movements of hazardous wastes should be reduced to a minimum; they should be managed in an environmentally sound manner; hazardous wastes should be treated and disposed of as close as possible to their source of generation; and hazardous waste generation should be minimized at source. There are currently 162 Parties to the Convention.

Since the Convention's entry into force, Parties have continued to review its implementation and have considered additional actions through the COP, which has met six times.

**COP-1:** The first COP 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 the transboundary movements of wastes destined for recovery and recycling should take place in accordance with the requirement that the wastes be handled in an environmentally sound manner

(Decision I/22). Since 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 Technical Working Group (TWG) for further study.

**COP-2:** During the second COP, 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 countries of the Organization for Economic Cooperation and Development (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 COP, held in Geneva from 18-22 September 1995, the ban was adopted as an amendment to the Convention (Decision III/1). The 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. Entry into force will take place upon ratification by at least three-fourths of the Parties who accepted it, i.e. a total of 62 Parties. To date, it has been ratified by 50 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 COP, held in Kuching, Malaysia, from 23-27 February 1998, related to the Ban Amendment. COP-4 considered proposals by countries seeking 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 issues related to Annex VII. On the question of which wastes should be covered by 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 to the Convention, respectively.

**COP-5:** The fifth COP 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



the adoption of the Convention. They also adopted the Protocol on Liability and Compensation for damage resulting from transboundary movements of hazardous wastes and their disposal and a "Basel Declaration" for promoting the environmentally sound management of hazardous wastes over the next ten years, along with a decision setting the next decade's agenda. Three Parties have ratified the Protocol on Liability and Compensation, which will enter into force upon receipt of 20 instruments of ratification. The COP also adopted a number of decisions covering the Convention's implementation and monitoring, legal matters, prevention and monitoring of illegal traffic, technical matters, and institutional, financial and procedural arrangements.

**COP-6:** The sixth COP met in Geneva, Switzerland, from 9-14 December 2002. COP-6 emphasized the importance of the goals of the Basel Convention to sustainable development and launched a partnership programme with environmental non-governmental organizations, industry and business. The COP adopted decisions on a range of issues relating to the implementation of the Convention, amendment of the Convention and its annexes, and institutional, financial and procedural arrangements.

COP-6 also agreed on guidance elements for the detection, prevention, and control of illegal traffic in hazardous wastes, and on technical guidelines on the environmentally sound management of biomedical and healthcare wastes, plastic wastes, waste lead-acid batteries, and the dismantling of ships.

Delegates at COP-6 agreed to promote further cooperation between the Basel Secretariat and other organizations and secretariats involved in chemicals management. COP-6 set the budget for 2003-2005, agreed on a compliance mechanism for the Convention, adopted a Strategic Plan, and finalized the Framework Agreement on the legal establishment of the Regional Centres for Training and Technology Transfer.

### **INTERSESSIONAL HIGHLIGHTS**

**OPEN-ENDED WORKING GROUP:** The Open-ended Working Group (OEWG) was created following COP-6 to advise on and continuously review the implementation of the Convention. It has convened in Geneva three times: 28 April-2 May 2003, 20-24 October 2003, and 26-30 April 2004. Participants of the OEWG considered a range of issues relating to the implementation of decisions emerging from COP-6. Discussions focused on: the legal aspects of ship dismantling; national definitions of hazardous wastes; enhancing cooperation with the World Trade Organization; the Basel Convention Partnership Programme; a mechanism for promoting implementation and compliance; a report on the analysis of issues relating to Annex VII; progress with respect to the Basel Convention Regional Centers; hazardous characteristics of wastes; and issues relating to the listing of wastes in Annexes VIII and IX of the Convention. Participants reviewed drafts of the instruction manual prepared by the Secretariat on implementation of the Protocol on Liability and Compensation and countries' responses to a questionnaire on ratification of the Protocol. On the Basel Convention Partnership Programme, participants considered the need for funding, approved a work programme, and reviewed projects.

On projects initiated under the Strategic Plan, participants discussed the criteria to be used in the selection of projects, and allocated funding to 21 of them.

At the second OEWG session, participants discussed guidance elements for bilateral, multilateral or regional agreements or arrangements and, in light of a lack of consensus on the issue,

decided to recommend to COP-7 that work on the draft guidance elements should cease.

OEWG participants continued work on the preparation of technical guidelines on: the environmentally sound management of wastes consisting of, containing or contaminated with POPs; the environmentally sound recycling of metals and metal compounds; and the environmentally sound management of wastes resulting from surface treatment of metals and plastics. At its second and third sessions, the OEWG considered drafts of general technical guidelines and of specific technical guidelines on PCBs and forwarded them for consideration at COP-7. The specific technical guidelines on HCB, aldrin, chlordane, dieldrin, heptachlor, mirex and toxaphene, on dioxins and furans, and on DDT remain in the early stages of preparation.

Recognizing the need for a reliable financial mechanism for the Basel Convention, participants considered how to mobilize resources for implementation, and discussed proposals to approach the Global Environment Facility as a possible source of funding. Participants also highlighted the need for resources to ensure that the Basel Convention's contribution to activities in follow-up to the World Summit on Sustainable Development (WSSD) will be completed.

The OEWG prepared a compilation of draft decisions (UNEP/CHW.7/2), which have been forwarded to COP-7 for consideration and possible adoption.

**BUREAU MEETINGS:** The Expanded Bureau met three times during the intersessional period to focus on organizational matters relating to regional workshops on the Protocol on Liability and Compensation, implementation of the Strategic Plan, broadening the Convention's resource base, and the OEWG's work programme. Bureau members generated two background papers, on partnership for meeting the global wastes challenge and on mobilizing resources, which are intended to facilitate discussions during the high-level segment of COP-7.

**SAICM:** Two sessions of the Preparatory Committee for the development of a Strategic Approach to International Chemicals Management (SAICM PrepCom) convened from 9-13 November 2003, in Bangkok, Thailand, and from 4-8 October 2004, in Nairobi, Kenya.

Participants at PrepCom1 agreed that the overarching objective of SAICM should be to achieve, by 2020, the use and production of chemicals in ways that lead to the minimization of significant adverse effects on human health and the environment, as agreed in the Johannesburg Plan of Implementation, adopted in 2002 at the WSSD.

At PrepCom2, participants agreed that SAICM will consist of an overarching policy strategy, a global plan of action, and a high-level declaration. Participants emphasized that SAICM should create and deepen synergies among the chemicals-related multilateral environmental agreements, and made specific reference to the Basel Convention in discussions surrounding the objective of addressing illegal trafficking in wastes under SAICM.

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

**PLENARY:** COP-7 will begin at 10:00 am with opening statements from COP-6 President Ioan Jelev, Romania's Secretary of State for the Environment, Basel Executive Secretary Sachiko Kuwabara-Yamamoto, and a UNEP representative speaking for UNEP Executive Director Klaus Töpfer. Plenary will then consider organizational matters, including the election of a COP-7 President and other officers, as well as the adoption of the agenda.