



## **BASEL COP-7 HIGHLIGHTS: TUESDAY, 26 OCTOBER 2004**

On Tuesday, delegates to COP-7 met in Plenary to continue their review of the compilation of draft decisions forwarded to COP-7 by the Open-ended Working Group (OEWG). Delegates engaged in discussions on a number of issues, including framework agreements and business plans of the Basel Convention Regional Centers (BCRCs), issues relating to the Ban Amendment, and enlarging the scope of the Trust Fund.

Working Groups convened to address technical guidelines on persistent organic pollutants (POPs), ship dismantling, and financial matters. The Contact Group on Partnerships for the Global Waste Challenge continued its deliberations on a document to guide interactive discussions at the high-level segment.

### **PLENARY**

Guillermo Valles, Uruguay's Ambassador to Switzerland, chaired the meeting throughout the day, as COP-7 President Saul Irueta, Uruguay's Minister of the Environment, was unable to attend.

**IMPLEMENTATION OF THE DECISIONS ADOPTED BY COP-6: Framework agreements and business plans of the BCRCs:** Nelson Sabogal, Secretariat, introduced an item on framework agreements and business plans for the BCRCs (UNEP/CHW.7/INF/6 and 7). The RUSSIAN FEDERATION proposed a revision of the business plans included in the document on the framework agreements and business plans of the Basel Convention (UNEP/CHW.7/5). BURUNDI suggested conducting inventories of hazardous wastes in countries facing crises and conflicts.

On funding of the BCRCs, UGANDA, EGYPT, ZAMBIA, BOTSWANA, INDONESIA, SENEGAL and NIGERIA emphasized the importance of increasing both financial and technical resources. JAPAN opposed using the Reserve Fund to fund BCRC activities. The EU proposed the removal of brackets around text on host countries accepting financial responsibility for the BCRCs in the draft decision on BCRCs (UNEP/CHW/7.2). Plenary decided to establish a contact group to incorporate countries' comments into the report on progress made on BCRCs (UNEP/CHW.7/3).

**Implementation of the Environment Initiative of New Partnership for Africa's Development as it relates to hazardous wastes and other wastes:** Executive Secretary Kuwabara-Yamamoto introduced a document and a draft decision on the issue (UNEP/CHW.7/30 and 7.2). The decision was adopted without amendment.

**Implementation of decision III/1 on amendment of the Basel Convention:** Donata Rugarabamu, Secretariat, introduced

a draft decision on implementation of Decision III/1 (UNEP/CHW/7.2), noting that it was intended to expedite the process of ratification, acceptance, formal confirmation or approval of the Ban Amendment. ETHIOPIA proposed deleting text requesting the Secretariat to respond to requests for advice relating to ratification, stating that this goes beyond the Secretariat's mandate.

**Analysis of issues relating to Annex VII:** Rugarabamu introduced a document on the analysis of issues related to Annex VII (UNEP/CHW.7/12) and a corresponding draft decision (UNEP/CHW/7.2).

The Netherlands, on behalf of the EU, suggested deleting text in the draft decision calling on Parties to accede to the Ban Amendment and on non-Parties to accede to the Convention.

The Basel Action Network (BAN) drew attention to confusion concerning the number of ratifications required for the Ban Amendment to enter into force, following the Secretariat's receipt of a letter from the UN Office of Legal Affairs (OLA) stating that ratification by three-fourths of current Parties is required, rather than three-fourths of those Parties that accepted the Ban Amendment at COP-3. He urged Parties to interpret Article 17 as applying to the number of Parties at the time of the adoption of the Amendment.

CANADA suggested reflecting UN OLA's opinion in the document on the analysis of issues related to Annex VII (UNEP/CHW/7/12). GREENPEACE said other legal opinions should also be reflected. ETHIOPIA stressed that interpretation of the Convention was primarily the responsibility of Parties.

CANADA, supported by the US, said a number of developing countries have developed the capacity to ensure the environmentally sound management (ESM) of hazardous wastes since the adoption of the Ban Amendment. NEW ZEALAND suggested that the amendment might restrain the development of ESM. Noting that developing countries have to manage domestically generated wastes, MALAYSIA said the global effort to stop the flow of wastes to developing countries should be supported. GREENPEACE and BAN emphasized the need for Parties to implement their obligations under the Convention, including minimization of transboundary movements of hazardous wastes, minimization of waste generation, and domestic self-sufficiency in waste management.

AUSTRALIA, with NEW ZEALAND and INDIA, said the current membership criteria for Annex VII, which depend on membership of the EU or the OECD, are arbitrary and discriminatory. NORWAY, with the EU and EGYPT, said discussions on Annex VII should not be re-opened until the Ban amendment comes into effect.

**Designation of competent authorities and focal points:** Rugarabamu introduced a *List of Competent Authorities and*



*Focal Points* (UNEP/CHW.7/INF/3), and a draft decision on their designation (UNEP/CHW.7/2). The draft decision was adopted without amendment.

**Guidance elements for bilateral, multilateral or regional agreements:** Requesting Parties to report under Article 11 of the Convention on agreements to which they are parties, Rugarabamu introduced three documents on this item (UNEP/CHW.7/INF/13, /Corr.1 and /Corr.2), and a draft decision on agreements under Article 11 (UNEP/CHW.7/2). The decision was adopted without amendment.

**Amendment to rule 29 of the rules of procedure:**

Rugarabamu introduced a draft decision on an *Amendment to Rule 29 of the Rules of Procedure* (UNEP/CHW.7/2), which would open meetings of the COP and the working groups to the public, unless otherwise stipulated by those bodies, as well as a document summarizing relevant rules from other multilateral environmental agreements (MEAs) (UNEP/CHW.7/INF/15). CANADA opposed this amendment, saying practice would not be consistent with that of other MEAs. The NETHERLANDS and MALAYSIA supported the draft decision. On text referring to meetings to which the public would have access, ETHIOPIA proposed adding committee meetings. The draft decision was adopted as amended by Ethiopia.

**Interim guidelines for the implementation of decision**

**V/32:** Rugarabamu introduced a draft decision on the enlargement of the scope of the Trust Fund to provide an emergency fund (UNEP/CHW/7/2). The EU, supported by NEW ZEALAND, proposed the deletion of text referring to the establishment of a new mechanism. CUBA, CHILE, ARGENTINA, UGANDA, SENEGAL, BOTSWANA and SOUTH AFRICA opposed the deletion. Chair Vallas requested interested countries to hold informal consultations on the matter.

**Illegal Traffic:** Rugarabamu introduced guidance elements for a draft manual on illegal traffic (UNEP/CHW.7/24), and a draft decision on illegal traffic (UNEP/CHW.7/2). ARGENTINA and CHILE called for the manual to reflect regional circumstances. MALAYSIA proposed text on cooperation between Parties in the verification of customs documentation. Delegates agreed on an EU proposal to forward the manual to the OEWG for improvement.

**Transmission of information, including implementation of decision II/12:** Rugarabamu introduced a draft decision on the issue (UNEP/CHW/7.2). The decision was adopted with a minor amendment proposed by CUBA.

**National definitions of hazardous wastes:** Rugarabamu introduced a draft decision on national definitions of hazardous wastes (UNEP/CHW.7/2). The decision was adopted without amendment.

**Work on hazardous characteristics:** Ibrahim Shafi, Secretariat, presented work on hazard characteristics (UNEP/CHW.7/11 and Add.1, 2 and 3). Delegates agreed to hold further consultations in a Working Group chaired by the UK and the US on Wednesday.

**Application for plastic coated cable scrap:** Chair Valles introduced a document presented by India on the application for plastic coated cable scrap (UNEP/CHW.7/15), and a corresponding draft decision (UNEP/CHW.7/2). A contact group will meet on Wednesday to discuss the issue.

**WORKING GROUPS**

**FINANCIAL MATTERS:** The Working Group on financial matters met Tuesday afternoon and was jointly chaired by Jean-Louis Wallace (Canada) and Oludayo Dada (Tanzania). The RUSSIAN FEDERATION, TANZANIA and SENEGAL highlighted the need for additional resources and, with the EU, supported the strategy outlined in the document on mobilizing resources for a cleaner future (UNEP/CHW.7/INF/8). Regarding the suggestion to seek funding from the Global Environment Facility (GEF), CHINA, BRAZIL and INDIA highlighted

GEF's limited resources. The US suggested integrating wastes in projects eligible for GEF funding such as POPs or Climate Change.

On the budget for the biennium 2005-2006 (UNEP/CHW/OEWG/3/23), Executive Secretary Kuwabara-Yamamoto explained that the over-expenditure had been caused by exchange rate fluctuations and translation costs.

The RUSSIAN FEDERATION, with the Group of Latin America and Caribbean, said use of the UN scale of assessment to determine countries' contributions should not increase developing countries' burden. The US, INDIA, the RUSSIAN FEDERATION and AUSTRALIA expressed concern about the budget increase for 2005-2006. The Working Group will meet on Wednesday to continue its deliberations.

**TECHNICAL GUIDELINES ON POPs:** The Working Group on Technical Guidelines for waste POPs, chaired by Michael Ernst (Germany), met in the morning. The group made good progress in revising the technical guidelines for the environmentally sound management of POP wastes (UNEP/CHW.7/8/Add.1 and /Add.2), and the draft decision on *Preparation of Technical Guidelines on POPs* (UNEP/CHW.7/2). Outstanding substantive issues include the level of "low POP content wastes" for dioxins and furans, and levels of atmospheric emissions from destruction technologies for POP wastes.

**DISMANTLING OF SHIPS:** The Working Group on the dismantling of ships met on Tuesday afternoon and based its discussions on a proposal submitted by the EU on elements for a decision on the environmentally sound management of ship dismantling. The Group will continue its deliberations on Wednesday.

**CONTACT GROUPS**

**PARTNERSHIPS FOR THE GLOBAL WASTE**

**CHALLENGE:** The contact group on partnerships for meeting the global waste challenge, chaired by André Corrêa Do Lago (Brazil), met throughout the day to discuss a note by the Secretariat on *Partnership for Meeting the Global Waste Challenge* (UNEP/CHW.7/27), and a *Proposed Ministerial Statement or Possible Elements for A Decision* (UNEP/CHW.7/27Add.1). Delegates agreed on the need for a ministerial declaration to send a strong political message to: attract possible donors; emphasize the positive role of the BCRs; stress the goal of waste minimization within the Basel Convention; and highlight linkages with other chemicals-related conventions to ensure that GEF funding can be accessed. Agreement could not be reached on whether the COP should take a decision on this matter. Some participants supported working on both a ministerial declaration and a decision, noting that a decision by the COP would send a stronger message. Others opposed adopting a new decision, arguing that many draft decisions already refer to partnerships. On Tuesday afternoon, the Secretariat submitted a working paper on draft elements for a COP decision on partnerships for meeting the global waste challenge. Discussions will resume on Wednesday.

**IN THE CORRIDORS**

During the second day of COP-7, an old disagreement between a number of developed country delegates and others regarding the Ban Amendment re-emerged. Some delegates felt that the entry into force of the Ban Amendment could inhibit the development of economically beneficial recycling industries, particularly in developing countries which, they argue, have recently acquired the capacity to manage hazardous wastes in an environmentally sound manner. Meanwhile, some developing country participants and NGOs expressed the opinion that countries with the capacity to manage hazardous wastes in a manner that protects human health and the environment should employ this capacity to manage their own wastes rather than importing wastes from other countries.