



BASEL COP-7 HIGHLIGHTS: WEDNESDAY, 27 OCTOBER 2004

Delegates convened in Plenary throughout the day to continue deliberations on draft decisions contained in the compilation submitted by the Open-ended Working Group (OEWG). Delegates engaged in discussions on the Basel Convention Partnership Programme, workshops on the Basel Protocol on Liability and Compensation, and the mechanism for promoting implementation and compliance.

Working Groups convened to discuss dismantling of ships, technical guidelines on persistent organic pollutants (POPs), and financial matters. A Contact Group continued consideration of a draft ministerial statement on partnerships for the global waste challenge.

PLENARY

IMPLEMENTATION OF THE DECISIONS ADOPTED BY COP-6: International cooperation: Ibrahim Shafii, Secretariat, introduced a decision on international cooperation (UNEP/CHW.7/2), noting that Australia had submitted an amended document (UNEP/CHW.7/CRP/2). The decision was adopted as revised by Australia.

Follow up to WSSD: Shafii introduced a document on the follow up to the World Summit on Sustainable Development (UNEP/CHW.7/30), and a corresponding decision (UNEP/CHW.7/2). Delegates adopted the decision without amendment.

Basel Convention Partnership Programme: Milton Catelin, Secretariat, introduced a document containing a draft decision on the Basel Convention Partnership Programme (UNEP/CRP.7/13). SWITZERLAND introduced a proposal for a draft decision on the Mobile Phone Partnership Initiative (UNEP/CHW.7/CRP.4/Rev.1). The Netherlands, for the EU, and supported by CANADA and CHILE, expressed concern at possible budgetary implications of the Swiss decision. SWITZERLAND said the programme will be funded by voluntary contributions. The decisions were adopted without amendment.

Collaboration with the South Pacific Regional Environmental Programme: Nelson Sabogal, Secretariat, introduced documents on collaboration between the Basel Secretariat and the South Pacific Regional Environmental Programme (SPREP) (UNEP/CHW.7/7, INF/7), and on SPREP's business plan (UNEP/CHW.7/INF/6.Add.1). AUSTRALIA and NEW ZEALAND supported the development of a joint facility for the region. SPREP stressed the need for a regional approach to implementing chemicals-related multilateral environmental agreements.

Basel Protocol on Liability and Compensation: Donata Rugarabamu, Secretariat, introduced the report on workshops on the Basel Protocol on Liability and Compensation, a document

containing country comments, a draft manual on implementation of the Protocol (UNEP/CHW.7/INF/11, 11/Add.1 and INF/12) and a decision on the item (UNEP/CHW.7/2). GERMANY, supported by the US, urged inclusion of text indicating that the manual does not represent a legal interpretation of the Protocol. CANADA expressed concern that the manual does not reflect how dualist legal systems may integrate the Protocol into national legislation. SENEGAL called for a workshop for French-speaking countries in order to speed up ratification. MOROCCO supported this request, and called for workshops for Arabic-speaking countries. BOTSWANA suggested the development of regional mechanisms to enable countries to cover costs associated with accidents involving hazardous wastes.

COSTA RICA and the EU noted the need for further work on the manual, and the UK suggested referring to the need for further work in the preamble of the draft decision. Rugarabamu outlined an amendment proposed by Canada, which mandates the OEWG to approve and adopt the manual, allowing time for its improvement. Plenary adopted the draft decision with amendments suggested by the UK and Canada.

Mechanism for promoting implementation and compliance: The report of the Committee for Administering the Mechanism for promoting implementation and compliance (UNEP/CHW.7/20) was introduced by the Committee's Chair, Roy Watkinson (UK). Rapporteur Akiho Shibata (Japan) reported on the first biannual work of the Committee and introduced a draft decision and a draft work programme for the period 2005-6, contained in the report.

Following consideration of amendments to the decision and the draft work programme proposed by Japan (UNEP/CHW.7/CRP.8), delegates agreed to include a reference in the decision to paragraph 21 of the mechanism's terms of reference, on the Committee's obligation to undertake a general review.

The EU proposed deleting text on the need to provide sufficient funding for the Committee's activities, while CANADA opposed the deletion. The US said it was premature to consider alternative funding sources for the Committee. Delegates agreed to suspend consideration of the decision pending conclusion of discussions in the Working Group on financial matters.

Delegates elected Ratemo Michieka (Kenya), Jürg Bally (Switzerland), Abdul Hamid (Pakistan), Ilze Donina (Latvia), and Yocasta Valenzuela (Dominican Republic) as members of the Compliance Committee.

Guidelines for preparation of national legislation for implementation of the Basel Convention: Rugarabamu introduced a draft decision on the guidelines (UNEP/CHW.7/23) and outlined an amendment proposed by Germany, which requests the Secretariat to finalize a checklist for the preparation of national legislation. The decision was adopted with the German amendment.



Work on hazardous characteristics: Gregory Helms (US), Chair of the informal Working Group on the draft guidance paper on hazardous characteristic H11, reported that the Group had made progress through bilateral consultations, and hoped to have a document for approval at COP-7.

Chair Watkinson reported on progress from the informal Working Group on a draft guidance paper on hazardous characteristic H6.2, noting participants had agreed on the need to ensure consistency with its definition in transport legislation.

Status of implementation of decision V/39 on the logo of the Basel Convention: Shafii explained that the Convention's logo is protected under intellectual property laws, as explained in the report on the status of implementation of decision VI/39 on the logo (UNEP/CHW.7/INF/14).

Institutional arrangements: Shafii introduced a draft decision asking Parties to submit comments on the functioning of subsidiary bodies for consideration by COP-8 (UNEP/CHW.7/25). The decision was adopted without amendment.

National classification and control procedures for the import of wastes contained in Annex IX: Shafii introduced a consolidated report and analysis of questionnaires on this item (UNEP/CHW.7/17), and the corresponding decision (UNEP/CHW.7/16). The EU expressed concern that the questionnaire reflects the tendency of developing countries to treat non-hazardous wastes as hazardous. The decision was adopted without amendment.

Harmonization of lists of wastes and related procedures: Shafii introduced a draft decision on revised forms of notification and movement document based on OECD forms (UNEP/CHW.7/18). CHILE requested consultations on the issue, and GERMANY, AUSTRALIA and COSTA RICA supported the request. The item will be reopened following consultations between interested Parties.

Review of scientific information on the disposal of PVC wastes: Shafii introduced a decision on this item (UNEP/CHW.7/10). Expressing concern at the connection between ongoing work on hazardous characteristics H10, 11 and 13 and the classification of PVC wastes, INDIA proposed deleting text making that connection. GREENPEACE and AUSTRALIA opposed the amendment. GERMANY proposed deleting the reference to PVC-coated cables, and adding "for example" before PVC. The decision was adopted as amended by Germany.

Implementation of existing technical guidelines: Chair Guillermo Valles, Uruguay's Ambassador to Switzerland, introduced the document on this item (UNEP/CHW.7/9). Plenary adopted the draft decision, with an amendment extending the deadline for the submission of comments on the guidelines to July 2005.

Draft Work Programme of the OEWG for 2005-2006: Chair Valles introduced the document on this item (UNEP/CHW.7/14). Noting that the scope of the work programme depends on resource availability, the EU proposed postponing a decision on this item, pending conclusion of the Working Group on financial matters.

Establishment of a Basel Convention Regional Center in Tehran: Chair Valles introduced the document on this item (UNEP/CHW.7/CPR.11). IRAN outlined activities to establish the BCRC carried out to date. Plenary adopted the decision without amendment.

Technical guidelines on POPs: Michael Ernst (Germany) reported on progress in the Working Group on POPs, noting that participants had been able to agree on a level of 15 micrograms per kilogram for "low POP content wastes" containing dioxins and furans. Progress on outstanding issues will be reported to Plenary on Thursday.

Dismantling of ships: Watkinson, Chair of the Working Group on ship dismantling, reported on progress in drafting a decision. He said participants had agreed on preambular paragraphs and begun work on operative paragraphs, and indicated that the Group hoped to provide a draft decision for

consideration by Plenary on Thursday.

Partnerships for meeting the global waste challenge: The Secretariat reported on progress in the Contact Group on partnerships, noting that participants were near to reaching an agreement on the draft ministerial statement, but had not reached a consensus on whether a draft decision was needed. The Group will continue discussions on Thursday.

WORKING GROUPS

FINANCIAL MATTERS: The Working Group on financial matters, chaired by Jean-Louis Wallace (Canada), met throughout the day on Wednesday to discuss a draft budget prepared by the Secretariat.

On the creation of new posts in the Basel Secretariat, the Latin American and Caribbean Group, supported by INDIA, JAPAN and the RUSSIAN FEDERATION, opposed the creation of the new P3 post on compliance, and suggested merging the P4 post on fund raising with the P5 post on partnerships to form one post funded by voluntary contributions. COLOMBIA, supported by the US, objected to the creation of the P3 post and suggested deferring a decision until COP-8. The EC, supported by SWITZERLAND, warned that funding the new post by voluntary contributions would make it uncertain, and asked whether existing staff had the capacity to carry out compliance work. GERMANY said the proposed work programme was linked to the creation of new posts.

Sachiko Kuwabara-Yamamoto, Executive Secretary, explained that the Secretariat is obliged to carry out operational work to meet the needs of Parties, and stressed the importance of creating a new post on partnerships.

The EC suggested including the budget for delegates' travel in the voluntary fund. Chair Wallace raised concern over this proposal, as support for developing countries' travel to meetings has traditionally been difficult to obtain.

Kuwabara-Yamamoto urged delegates to identify priority activities in order to reduce the budget. Among the elements proposed for reducing the budget, delegates mentioned: reducing the number of meetings of the COP and of the OEWG; reducing translation costs; and creating one post on resource mobilization instead of the three posts contained in the original draft budget.

DISMANTLING OF SHIPS: The Working Group on ship dismantling met on Wednesday afternoon to discuss: the competences of the International Labour Organization, the International Maritime Organization and the Basel Convention with respect to ship dismantling; flag State responsibilities; and the obligation of Parties to implement the Basel Convention, in particular that of obtaining prior informed consent from importing Parties and of ensuring environmentally sound management of hazardous wastes.

IN THE CORRIDORS

The third day of COP-7 saw opinions diverge over whether the Contact Group on partnerships for meeting the global waste challenge should confine itself to focusing on a ministerial declaration on partnerships, or whether the Group should also consider a draft decision to be adopted at COP-7. Developed countries favored a ministerial declaration, arguing that a decision would be redundant since the question of partnerships is already addressed in several of the decisions before COP-7. Developing country delegates and non-governmental organizations strongly supported a decision, believing that it would signal a real commitment by Parties to implement waste minimization at source and meet the global waste challenge through partnerships and financial commitments. Some developing country delegates felt that only having a ministerial declaration would represent "business-as-usual," at a time when the Basel Convention is in critical need of sustainable and adequate financial support.