

BASEL COP9 HIGHLIGHTS: MONDAY, 23 JUNE 2008

The ninth meeting of the Conference of the Parties (COP9) to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal convened on Monday 23 June, 2008. In the morning delegates enjoyed a welcoming ceremony and heard opening speeches. During the afternoon, delegates addressed organizational matters and established a Committee of the Whole (COW) to discuss substantive agenda items. In the evening, contact groups met on the Basel Convention Regional Centres (BCRCs), and on technical matters and dismantling of ships.

OPENING OF THE MEETING

Hyoman Yasa, Executive Secretary, Province of Bali, delivered a welcoming speech on behalf of the Governor of Bali, highlighting the Province's efforts to protect the environment, and underscoring the links between a healthy environment and a sound economy.

COP8 President John Njoroge Michuki, Minister of Environment (Kenya), noted that several COP8 decisions had not been implemented due to a lack of funds. He expressed hope that COP9 would address pending issues, including the establishment of a financial mechanism and the interpretation of paragraph 5 of Article 17 (entry into force of amendments).

Delegates elected Rachmat Nadi Witoelar Kartaadipoetra, State Minister for the Environment (Indonesia), as COP9 President by acclamation. He underscored the theme of the conference "Waste Management for Human Health and Livelihood," noting the impacts of hazardous waste on people and nature. He said the illegal traffic of hazardous waste showed no sign of decreasing and the generation of such waste was increasing.

Katharina Kummer Peiry, Executive Secretary of the Basel Convention, reminded delegates of the Convention's achievements, including: tackling the problem of e-waste; engaging in international efforts on ship dismantling; collaborating with UNEP to strengthen Côte d'Ivoire's hazardous waste handling capacity; increasing stakeholder involvement; strengthening the capacities of developing countries through the BCRCs; and formulating draft technical guidelines for used tyres and mercury waste. She pointed to challenges facing the Convention, including considering the recommendations of the *Ad Hoc* Joint Working Group on Enhancing Cooperation

and Coordination among the Basel, Rotterdam and Stockholm conventions and the creation of a solid financial basis for the Basel Convention. She hoped that COP9 would place the Basel Convention firmly on the international agenda and reaffirm its implementation as a prerequisite to sustainable development.

Chile, on behalf of the GROUP OF LATIN AMERICAN AND CARIBBEAN COUNTRIES (GRULAC), lamented the strategic plan's slow implementation and expressed concern about the English-only availability of some official documentation at this meeting. Nigeria, on behalf of the AFRICAN GROUP, highlighted toxic waste dumping incidents in Nigeria and Côte d'Ivoire and encouraged: a "more pragmatic approach" to financing; resolution of the debate over the Ban Amendment's entry into force; and further capacity building efforts for the Convention's enforcement. CÔTE D'IVOIRE expressed appreciation to the international community for its support in dealing with hazardous waste in Abidjan and offered to host COP10. Egypt, on behalf of the ARAB GROUP, raised concern about the increase in illegal global trade of hazardous waste, particularly in areas of armed conflict. The United Kingdom, on behalf of the WESTERN EUROPEAN AND OTHERS GROUP (WEOG), emphasized the challenges facing the Convention.

ORGANIZATIONAL MATTERS

Delegates elected Mary Harwood (Australia), Magda Gosk (Poland), Osvaldo Álvarez (Chile), and Angelina Madete (Tanzania) as COP9 Vice Presidents. Angelina Madete was elected Rapporteur. Delegates adopted the provisional agenda (UNEP/CHW9/1 and Add.1) without amendment. COP9 President suggested, and delegates agreed, to establish a COW to address substantive agenda items, with Mary Harwood as Chair.

COMMITTEE OF THE WHOLE

Chair Harwood opened the deliberations in the afternoon. Regarding the issues to be addressed, SWITZERLAND highlighted the formulation of a strong commitment to the sound management of hazardous wastes and the review of the implementation of the Convention and of the Strategic Plan as priorities. CANADA and NORWAY stressed the importance of the review of the effectiveness of the Convention.

REVIEW OF IMPLEMENTATION OF DECISIONS

ADOPTED BY COP9: Basel Convention Regional and Coordinating Centres (BCRCs): Chair Harwood opened discussion on: a recommendation of the South Asia Co-operative Environment Programme (SACEP) to establish a new BCRC in

South Asia (UNEP/CHW.9/INF/8); a regional needs assessment report (UNEP/CHW.9/INF/8/Add.1); comments on the referred proposal (UNEP/CHW.9/INF/9); and a review of the proposal (UNEP/CHW.9/8). Several delegates explicitly reiterated the importance of BCRCs as an implementation instrument for the Basel Convention, but disagreed over whether a new centre should be established. France, on behalf of the EU, and CANADA suggested that decisions on the establishment of new centres be postponed until after the review of existing centres is complete. IRAN cautioned against overlap in BCRC membership. PAKISTAN commented that no regional centre was fully addressing the issues of e-waste and ship dismantling in South Asia.

SACEP stressed that its proposal had been long-standing and endorsed by its eight member countries. LIBYA stated that the establishment of the new centre should have been approved earlier. Delegates agreed to refer this issue to the Contact Group on BCRCs.

Technical Matters: The Secretariat introduced the revised technical guidelines on environmentally sound management (ESM) of used tyres and the related draft decision and noted that an informal consultation had been held on 22 June 2008. BRAZIL said that the revised technical guidelines furthered those adopted in 1999, improving sections on, *inter alia*, the prevention and reduction of waste generation and the potential risks to human health and the environment, and adding new parts, including on technical terms. The EU proposed several amendments, including to the draft's structure. CAMBODIA urged the guidelines to also address motorcycle tyres. THE REPUBLIC OF KOREA highlighted the issue of mosquitoes in tyre piles. The matter was referred to the contact group.

The EU, INDONESIA, TANZANIA and others supported further work on the technical guidelines on the ESM of mercury waste. Noting that work on mercury was occurring in various international fora, NORWAY suggested that it could be the building block for a future legally binding regime on mercury. JAPAN recalled the problems it faced with Minamata Disease, but cautioned that duplication with other efforts should be avoided.

Regarding the technical guidelines on the ESM of persistent organic pollutant (POP) wastes, the EU suggested that the Stockholm Convention on POPs include experts from the Basel Convention in its review of best available techniques (BAT) and best environmental practices (BEP) to improve coordination in waste management. INDONESIA disagreed with the inclusion of a concentration limit of POPs in wastes, explaining that this could lead to the import of waste with low POP contents.

Delegates referred discussion on technical guidelines on tyres, mercury waste and POP wastes to a contact group for further consideration.

Dismantling of ships: The Secretariat introduced the documents on ship dismantling: ESM of ship dismantling (UNEP/CHW.9/34); report of the Marine Environment Protection Committee (MEPC) of IMO (UNEP/CHW/INF/28); compilation of comments on the ESM of ship dismantling (UNEP/CHW/INF/29); and a document submitted by the Basel Secretariat to the MEPC (UNEP/CHW/INF/30). INDONESIA said that effective short and medium term measures for the ESM of ship dismantling should be explored and discussed, and the level of control clarified. The EU noted it would monitor progress in the development of the IMO draft Convention on the Safe and Environmentally Sound Recycling of Ships to ensure that

it established a level of control equivalent to that of the Basel Convention. The NGO PLATFORM ON SHIPBREAKING and the BANGLADESH ENVIRONMENT LAWYERS ASSOCIATION expressed concern that the proposed IMO convention would not have the same level of control. CHINA highlighted the importance of technical assistance and support to developing countries to enable them to achieve environmentally sound ship recycling. TURKEY urged parties to support its pilot project on ship dismantling. A contact group was established to discuss the draft decision on ship dismantling.

CONTACT GROUPS

BCRCs: Prakash Kowlessar (Mauritius) chaired the contact group and asked delegates to craft a draft decision by Wednesday, based on the Secretariat's proposed text (UNEP/CHW.9/7). Delegates supported a proposal to encourage information and expertise exchange among the BCRCs', as it was seen to promote South-South cooperation.

Adding "promoting political guidance," as set by the COP for BCRCs, to the role of the Secretariat led to debate, as some felt this pre-empted other decisions about the BCRCs' independence. Some delegates stressed the need to focus on BCRC's self-sufficiency, while others emphasized the continued role of the Secretariat in supporting their activities.

TECHNICAL MATTERS: The contact group on technical matters, chaired by Mohammed Khashashneh (Jordan), gathered in the evening. Delegates discussed EU proposals on: the draft revised technical guidelines on the ESM of used tyres; and revision of the draft decisions on the ESM of POP wastes, and of mercury waste. They agreed to reconvene on Tuesday morning to discuss these two issues. On the EU proposal on ESM of POP wastes, the group agreed to prepare a new text, bracketing a few areas.

DISMANTLING OF SHIPS: Chaired by Roy Watkinson (UK), the contact group agreed to use the draft decision proposed by the Secretariat (UNEP/CHW.9/34) as the basis for work and identified several paragraphs, as well as the Global Programme for Sustainable Ship Recycling, as matters requiring further discussion. Delegates raised several issues of concern, including the lack of agreement about criteria for "equivalent level of control," the division of competences between the draft IMO ship recycling convention and the Basel Convention to avoid duplication of regulatory instruments, and the work programme for the OEWG.

IN THE CORRIDORS

As delegates began tackling COP9's heavy agenda, some, having based their positions on English-only documents, were concerned that this affected their ability to negotiate trickier matters. Most predicted protracted negotiations on the issue of financing, as the Secretariat's administrative costs and the costs of implementing the Convention in developing countries, in particular through the BCRCs, required a substantial increase in contributions. Many feared parties' pockets may not be deep enough at the present time, with waste low on governments' environmental shopping list. Others foretold of controversial issues, including the interpretation of Article 17(5) of the Convention and the entry into force of the Ban Amendment, the final adoption of the guidelines of the Mobile Phone Partnership Initiative - which some felt were not stringent enough, and the guidelines on the ESM of used tyres - on which one delegate was heard wondering if the Convention was "barking up the wrong tree" as many question whether used tyres should be considered "hazardous" at all.