

BASEL COP9 HIGHLIGHTS: TUESDAY, 24 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 for its second day on Tuesday 24 June, 2008. Delegates convened in the COW throughout the day and contact groups on technical matters, BCRCs and ship dismantling met concurrently. A finance and work programme contact group convened during the afternoon.

COMMITTEE OF THE WHOLE

REVIEW OF IMPLEMENTATION OF DECISIONS ADOPTED BY COP9: Cooperation and coordination among the Basel, Rotterdam and Stockholm conventions: Osvaldo Álvarez (Chile), Kerstin Stendhal (Finland) and Yue Ruisheng (China), Co-Chairs of the *Ad Hoc* Joint Working Group (AHJWG) on Enhancing Cooperation and Coordination between the Basel, Rotterdam and Stockholm conventions, presented the deliberations of the Group (UNEP/CHW.9/INF/19), a proposed recommendation (UNEP/CHW.9/14) and a note on the costs and organizational implications of establishing certain joint services of the three conventions (UNEP/CHW.9/INF/20). They noted that the proposed recommendation would: improve the implementation of the conventions at the national, regional and global levels while maintaining the autonomy of each convention; raise the political profile of the three conventions; and contribute to discussions on international environmental governance (IEG).

BRAZIL said that the recommendation broke new ground and should be considered section-by-section. The EU countered that the recommendation had been adopted by consensus by all regions and reflected a carefully worded compromise. NEW ZEALAND, INDIA, ETHIOPIA, POLAND, NORWAY, SWITZERLAND, URUGUAY, AUSTRALIA, the AFRICAN GROUP, INDONESIA, TRINIDAD AND TOBAGO, ARGENTINA and CANADA supported its adoption. The EU said if parties to the Basel Convention were to adopt the recommendation, they would put the Convention as a forerunner of the process and send a positive signal to the IEG process in the UN. NEW ZEALAND, supported by MEXICO, said that the work of the AHJWG represented a way forward in driving IEG discussions.

In response to several questions from BRAZIL, the AHJWG Co-Chairs clarified that, on issues such as compliance, where only the Basel Convention had a mechanism, information would be exchanged once the Rotterdam and Stockholm conventions developed such mechanisms. Regarding BCRCs, they said the

recommendation would ensure BCRCs delivered their work in accordance with defined priorities. UNEP discussed resource mobilization and said it supported enhanced synergies and cooperation and would meet the costs of the recommendation as outlined in the document (UNEP/CHW.9/INF/30). JAPAN supported the recommendation provided that it did not result in an increased budget for the three conventions. Further discussion on the issue was deferred until Wednesday.

Financial Matters: Kummer Peiry presented the budget (UNEP/CHW.9/35) and stressed the need to consider financial matters and priorities together. She explained that three scenarios had been developed, namely: the Executive Secretary's assessment of the required rate of growth; increasing the operational budget of 2007-2008 by 10 per cent nominal growth; and maintaining the 2007-2008 level in nominal terms. She stressed the first scenario was the only one that would allow the Secretariat to continue activities at its current level, and proposed that a working group consider the work programme as well as the budget, so that the two were compatible.

In the ensuing discussion, the EU said it would propose a one-time, three-year budget instead of following the customary biennial cycle. He said this would both provide significant cost savings and bring the Basel Convention's budget cycle in line with those of UNEP and the Stockholm Convention, as recommended by the AHJWG. JAPAN, NORWAY and SWITZERLAND expressed interest in the proposal. The EU urged parties still in arrears to pay their assessed contributions. He suggested the Secretariat prepare a report on its efforts to correct this situation for COP10. JAPAN and MEXICO supported zero nominal growth in contributions and said that a more efficient use of resources should be pursued.

NORWAY opined that the Secretariat's advisory role demanded increased resources and, supported by SWITZERLAND, urged that core activities be financed through the core budget rather than through voluntary contributions. SWITZERLAND said it could support a 10 per cent budget increase, provided that synergies with the Rotterdam and Stockholm conventions were improved and all parties paid their contributions. The Committee agreed to establish a contact group on finance and the work programme to be co-chaired by Karel Blaha (Czech Republic) and Messalegne Mesfin (Ethiopia).

Resource mobilization and sustainable financing: The Secretariat outlined its resource mobilization activities (UNEP/CHW.9/34). The EU said future actions should be conducted within the context of the review of the Strategic Plan and called on the Secretariat to work with donors to develop innovative projects. He said a new decision for resource mobilization was

not required at COP9. The draft decision was forwarded to the contact group on finance and the work programme for further consideration.

OTHER MATTERS

Strategic issues for consideration by COP10 and COP11:

The Secretariat introduced a draft decision on a process to evaluate the effectiveness of the Basel Convention at COP11 (UNEP/CHW.9/38), noting that Article 15(7) of the Convention required such an evaluation.

Several delegations said the proposed evaluation was timely. The EU suggested that its scope was too ambitious and risked taking a large portion of the Secretariat's limited time and resources. He cautioned against delaying the ongoing review processes and the entry into force of the Ban Amendment. TANZANIA urged that the Ban Amendment not be subjected to the evaluation process before its entry into force. NIGERIA, supported by SRI LANKA and others, requested the purpose of the evaluation be clarified. CANADA and SWITZERLAND proposed that COP9 launch a solid evaluation process with guidance from parties and that an *ad hoc* working group be established for that purpose. NORWAY and JAPAN supported a step-by-step process and said that it was premature to decide that a review of the Convention should be conducted at COP11. JAPAN urged basing the evaluation on scientific data to ensure its objectivity. The Committee agreed to consider the draft decision in informal consultations to be led by Canada on Wednesday morning.

Strategic Plan for the Implementation of the Basel

Convention: The Secretariat introduced a report on the work programme (UNEP/CHW.9/4) and a review of the Strategic Plan (UNEP/CHW.9/5). The EU said the implementation of the Strategic Plan was not effective enough and, with SWITZERLAND and CHINA, called for an analysis of its successes and failures. He highlighted that UNEP had made hazardous wastes one of its priorities and that the new strategic plan should reflect this.

The implementation of the timing and construction of a new strategic plan was referred to the informal group chaired by Canada for further exploration.

Legal matters: Regarding a draft decision proposed by the Secretariat on the Technical Cooperation Trust Fund (UNEP/CHW.9/27), ARGENTINA proposed adding a reference urging the parties that were in a position to do so to contribute to the Fund. With this amendment, the Committee referred the draft decision to plenary. On enforcement (UNEP/CHW.9/28), the COW agreed to forward the draft decision to plenary without amendment. On the Protocol on Liability and Compensation (UNEP/CHW.9/29), KENYA proposed a sentence requesting the Secretariat to prepare an information paper analyzing recent hazardous waste dumping incidents. The draft decision, as amended by Kenya, was forwarded to plenary.

Draft decisions on national definitions of hazardous wastes (UNEP/CHW.9/31) and on agreements and arrangements (UNEP/CHW.9/32) were forwarded to plenary without amendment.

A note and draft decision on designation of competent authorities and focal points (UNEP/CHW.9/33) was also approved and forwarded to plenary without amendment.

A note on the interpretation of Article 17(5) (UNEP/CHW.9/30) and comments received from parties (UNEP/CHW.9/INF/27) were discussed. Stating that the issue was a strictly legal one, JAPAN said consideration of the matter should be detached from political considerations and, with INDIA, NEW ZEALAND, REPUBLIC OF KOREA and THAILAND, expressed support for the "current time approach" in line with the practice of the UN Office of Legal Affairs. The EU and NORWAY backed the "fixed time approach" and urged resolving the issue at COP9 to ensure early entry into force of the Ban

Amendment. BRAZIL and others said the Convention would be strengthened by the Ban Amendment's entry into force. The Basel Action Network said that "great damage" was being done by the Ban Amendment lying in a "bureaucratic coma" and urged parties to reject the current time approach, as it would be the Amendment's "death sentence."

CONTACT GROUPS

BCRCs: The group discussed the review of the operation of BCRCs (UNEP/CHW.9/7) throughout the day. On the issue of developing strategies for sustainable financing, BCRC host countries called for a global financing model that could apply across centres and be individually implemented. Others emphasized that financial models should be developed by each centre independently. Participants disagreed on who should be named in the draft decision to support the work of the centres. Suggested actors included: developed countries, host countries, regional members served by the centres, multilateral donors and those with the capacity to contribute. Some participants focused on the need for immediate support for BCRCs, while others stressed the importance of building the BCRCs' self-sufficiency and autonomy.

TECHNICAL MATTERS: The contact group on technical matters met in the morning to discuss the table of contents (ToC) of the draft revised technical guidelines on the ESM of used tyres. Participants strove for consistency with other Basel Convention technical guidelines, reordered paragraphs and debated what should be included in annexes and appendices. In the afternoon, they reviewed and agreed on the draft decisions on mercury and POP wastes. Discussions continued on the revised ToC and consensus was reached after a debate on, among other things, keeping terminology strictly in line with that of the Convention or going for a clear and useable set of guidelines that would be applied by people who may not be familiar with the Convention. In the evening, discussions centered on the draft decision on tyres.

DISMANTLING OF SHIPS: Discussions focused on the OEWG's work programme on ship dismantling. Participants agreed the OEWG would carry out a preliminary assessment on whether the IMO ship recycling convention, once adopted, establishes an equivalent level of control to that of the Basel Convention. Some favored reiterating the Basel Convention's principles as guidelines for the task, while others argued that the OEWG's work should be situated in a more general context and not be prejudged with regard to equivalence in the levels of control. The OEWG's work on the duplication of regulatory instruments was deferred because the outcome of the IMO convention remained unknown. In the afternoon the group discussed the Global Programme for Sustainable Ship Recycling, with one country voicing concerns about the Programme's narrow focus on Asia. In the evening, participants agreed on an amended draft decision to be forwarded to the COW for approval.

IN THE CORRIDORS

Some delegates feared that the process to evaluate the effectiveness of the Convention proposed by the Secretariat represented yet another effort by long-time Ban opponents to delay the entry into force of the Ban Amendment. According to some rumblings, behind the proposal lay a "hidden agenda" to weaken, rather than strengthen, the Convention's key objectives, in particular the minimization of transboundary movements of hazardous wastes and the minimization of waste generation at source.

Concerns were heightened by a rumor that a "non-paper" was being prepared on the interpretation of Article 17(5) whereby the COP would assert that the number of ratifications required for the Ban Amendment had not yet been met.