

BASEL COP9 HIGHLIGHTS: WEDNESDAY, 25 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 third day on Wednesday, 25 June 2008. Delegates met in the COW throughout the day, informal consultations were held on evaluation and strategic planning, and contact groups on BCRCs and finance and the work programme met concurrently. In the late afternoon, an open-ended consultation discussed an initiative by COP9 President on the Ban Amendment.

COMMITTEE OF THE WHOLE

Contact groups reported on the progress of their work. Finance and work programme contact group Co-Chair Bláha outlined pending issues, including: a proposal by the EU to replace the OEWG with a small technical group; staffing matters; and a proposal to change the currency of contributions.

Legal matters contact group Chair Jürg Bally reported that progress had been made addressing the interpretation of Article 17(5) but no consensus had been reached.

REVIEW OF IMPLEMENTATION OF DECISIONS ADOPTED BY COP8: Technical Matters: Delegates agreed to forward to plenary draft decisions without amendment on: the review of technical guidelines, on incineration and land, specially engineered landfill, and wastes collected from households (UNEP/CHW.9/21); and the national classification and control procedures for the import of wastes contained in Annex IX (UNEP/CHW.9/26).

During discussions on the review of work on the guidance papers on characteristics H10 (liberation of toxic gases in contact with air or water) and H11 (chronically toxic substances or wastes) (UNEP/CHW.9/22), the EU suggested, and delegates agreed, to postpone the date for submitting comments to the Secretariat to 31 January 2009, and to work on characteristic H11 but not H10. The papers were forwarded to plenary with minor amendments.

The review of cooperation with the World Customs Organization and its Harmonized System Committee pursuant to decision VIII/20 (UNEP/CHW.9/23) was discussed. New text requesting the Secretariat to compile an analysis of its work on the subject and prepare a report for submission to the OEWG's seventh session was added, and the draft decision was forwarded to plenary as amended.

The Secretariat introduced a review or adjustment of the lists of wastes contained in Annexes VIII and IX of the Basel Convention (UNEP/CHW.9/24). Delegates agreed to note progress on this issue in the report of the meeting.

An amended draft decision on harmonization and coordination (UNEP/CHW.9/25) was forwarded to plenary after the EU proposed adding a new second paragraph inviting nominations for the chair of the Joint Correspondence Group by 30 November 2008.

On hazardous waste minimization pursuant to decision VIII/23, the Secretariat reported that no parties had submitted input on their experiences. Delegates agreed to discuss this during consideration of the new strategic framework and the effectiveness of the Basel Convention.

Delegates forwarded the draft decisions on technical guidelines on the ESM of mercury waste (UNEP/CHW.9/CRP.2) and on POP wastes (UNEP/CHW.9/CRP.3) to plenary, noting that some of the dates and references may be amended subject to the outcome of the finance and work programme contact group. The draft decision on ESM of used tyres (UNEP/CHW.9/CRP.6) was also referred to plenary.

Cooperation and coordination among the Basel, Rotterdam and Stockholm conventions: IRAN requested additional time to study the AHJWG recommendation, but agreed to refer the matter to plenary.

International cooperation and coordination: The Secretariat introduced a report and draft decision on international cooperation and coordination (UNEP/CHW.9/15) and the draft decision was forwarded to plenary.

The Secretariat presented a report on cooperation between the Basel Convention and the International Maritime Organization (IMO) (UNEP/CHW.9/16) pursuant to decisions VIII/9 and OEWG-VI/18. IMO pointed out that the secretariats of the Basel Convention and IMO had set up a joint technical cooperation project designed to build the hazardous waste management capacity of the Government of Côte d'Ivoire and others in the region. JAPAN called for further information and analysis before discussing the issue, while CHINA, supported by ARGENTINA, MEXICO and LIBYA, supported establishing a mechanism for cooperation between the Basel Convention and the IMO. Delegates inserted a paragraph under "proposed actions" of the draft decision, encouraging the Secretariat to continue strengthening its cooperation with IMO in relation to MARPOL and other relevant instruments.

Nairobi Declaration on the ESM of Electrical and Electronic Waste and decision VIII/2: The Secretariat introduced a note and draft decision on the ESM of e-waste (UNEP/CHW.9/9). CHILE supported the establishment of an e-waste multi-stakeholder advisory body but the EU, CANADA, ARGENTINA, SWITZERLAND and BRAZIL said more discussion was needed. The EU preferred to establish a working group to support the partnership on computing equipment. Stressing that the draft decision could be interpreted as promoting transboundary movements of hazardous e-waste, CHILE urged an explicit reference to the "3Rs" concept

applying to domestically generated e-waste. The EU suggested that the proposed e-waste work plan in the draft decision should include the preparation of guidelines on transboundary movements of e-waste, in particular on the distinction between waste and non-waste. CANADA urged prioritization of efforts to achieve concrete results. The draft decision was referred to the contact group on technical matters.

Partnership Programme: Osvaldo Álvarez (Chile) presented the Partnership for Action on Computing Equipment (PACE) (UNEP/CHW.9/13) and a revised draft decision (UNEP/CHW.9/CRP.1) of the interim group on PACE.

Marco Buletti (Switzerland) introduced a progress report on the Mobile Phone Partnership Initiative (UNEP/CHW.9/INF/16), proposed changes to the overall guidance document on the ESM of end-of-life mobile phones (UNEP/CHW.9/11) and a draft decision to adopt it (UNEP/CHW.9/12), and said the Mobile Phone Working Group had completed its work.

The Secretariat introduced a report on the implementation of the Partnership Programme work plan for 2007-2008 and the work plan for 2009-2010 (UNEP/CHW.9/10). She said the latter included some new ideas, such as a Basel Business Forum and a Basel NGO Forum.

NORWAY suggested referring these issues to a contact group. The EU supported adoption of the overall guidance document on mobile phones, but BRAZIL and PAKISTAN did not. BRAZIL said the guidance document appeared to operate outside the Convention's framework. Buletti clarified that the document duly implemented the Convention and called on industry to provide information to importing countries even when none of the countries involved defined mobile phones as wastes.

SWITZERLAND said partnerships were powerful tools to support the Convention's implementation. CANADA highlighted the importance of linkages, consistency and efficiency, and, with the EU, supported work of the partnership programme. The US pledged \$US 75,000 to the partnership programme. FAO said it was committed to strengthening its relationship with the Basel Convention Secretariat. The deliberations continued in the contact group on technical matters.

National Reporting: The Secretariat introduced a draft decision (UNEP/CHW.9/17) and an information paper (UNEP/CHW.9/INF/23) on national reporting. He announced that the online database on generation and transboundary movements of hazardous wastes and other wastes was fully operational, but expressed concern about a decrease in the number of parties reporting such data. The EU and SWITZERLAND stressed the importance of data reporting for the Convention's effective implementation. SWITZERLAND highlighted the need to train parties to provide such information, which he said would have budgetary implications. The draft decision was approved and forwarded to plenary without amendment.

Dismantling of ships: Delegates considered a draft decision on ship dismantling (UNEP/CHW.9/CRP.5) and referred it to plenary with minor amendments.

WORK PROGRAMME FOR THE OEWG FOR 2009-2010: Chair Harwood noted that work on this item was contingent on the outcomes of several contact groups. The Secretariat described the draft work programme for the OEWG (UNEP/CHW.9/27) and the associated compilation of comments (UNEP/CHW.9/INF/36). SWITZERLAND stated that the adoption of a zero growth budget would impact the OEWG, and one scenario would see the OEWG replaced with a technical working group. URUGUAY stressed the need for an OEWG meeting prior to COP10. Recognizing the impact of budgetary decisions on the OEWG work programme, delegates agreed to refer the issue to plenary subject to the outcome of the finance and work programme contact group deliberations.

COMPLIANCE COMMITTEE: Compliance Committee Chair Bally introduced the report of the Committee for administering the mechanism for promoting implementation

and compliance of the Basel Convention and a proposed work programme for the Committee for the period 2009-2010 (UNEP/CHW.9/3). Delegates referred the draft decision to plenary.

CONTACT GROUPS

BCRCs: Debates about BCRC autonomy were resolved by including a preambular paragraph recalling a COP decision (VI/4, paragraph 4) about the eventual self-sufficiency of the BCRCs. Financial concerns were addressed by text calling on the Secretariat to develop a strategic framework for financial sustainability that would assist BCRCs in developing individual strategies.

Reference to governance and administrative guidance was added to the description of the Secretariat's mandate, but the term "*inter alia*," which left open the potential for other roles of the Secretariat, remained bracketed. A second section, referring to the Technical Cooperation Trust Fund, was also left bracketed, and delegates agreed to forward the decision to the plenary as a CRP. A CRP was also forwarded on the SACEP proposal for a South Asian BCRC.

TECHNICAL MATTERS: The contact group on technical matters met in the afternoon and evening to discuss a draft decision on the ESM of e-waste (UNEP/CHW.9/9). The group agreed to delete the paragraph on establishing a multi-stakeholder advisory body on e-waste. Delegates also agreed to text assigning parties, BCRCs and other stakeholders the responsibility for continuing the work in developing pilot projects on the environmentally sound re-use, refurbishment and recycling of e-waste, and the Secretariat for facilitating the work.

One delegation was concerned about the additional resources required for preparing technical guidelines on e-waste in the work plan. Delegates agreed to add "contingent to the availability of funds" to the text, and reached consensus on the draft decision.

In the evening the group considered the draft decision on PACE (UNEP/CHW.9/CRP.1). With some amendments, including noting the importance of the Basel Convention transboundary movement controls, and agreeing that the partnership could not create or abrogate rights of responsibilities of parties under the Basel Convention, the group reached consensus.

FORMAL CONSULTATION ON COP9 PRESIDENT'S BAN AMENDMENT INITIATIVE: In the afternoon, delegates met to discuss a non-paper prepared by the COP9 President on the way forward regarding the Ban Amendment. The non-paper suggested, *inter alia*, that COP9 call upon all parties to "expedite" ratification of the Amendment in order to facilitate its entry into force and create "enabling conditions," including capacity-building activities and global partnerships, to achieve the Amendment's objectives. Although most agreed on the value of the non-paper, some cautioned against making it an alternative to introducing the Ban. Some said that the Ban was a moral issue and urged those who opposed it not to "stand in the way" of its entry into force.

IN THE CORRIDORS

As delegations struggled to gather their members, scattered in the numerous contact groups and informal sessions held in parallel to the fast-moving COW, some were relieved that on Thursday they could "take a rest." While some were concerned that Thursday might be a "lost day," others were confident the contact groups would continue their work in the wings to ensure a successful and timely completion of COP9's work. Some delegates hoped that the high level segment would enhance political support for issues such as synergies and the Ban Amendment, while others lamented the loss of momentum in the COW. Others saw the potential for the Forum to introduce novel ideas on how to link waste management with human health and livelihoods.