



SUMMARY OF THE SIXTH CONFERENCE OF THE PARTIES TO THE BASEL CONVENTION: 9-14 DECEMBER 2002

The sixth meeting of the Conference of the Parties (COP-6) to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was held from 9-14 December 2002, in Geneva, Switzerland.

The meeting was attended by 400 officials representing more than 90 Parties, seven observer States, four UN bodies and agencies, and over 30 intergovernmental, non-governmental and other organizations. COP-6 opened with a preparatory segment, from 9-11 December, followed by a high-level segment for ministers and heads of delegations, which took place from 12-14 December.

The COP considered and adopted decisions on a range of issues relating to implementation of the Convention, amendment of the Convention and its annexes, and institutional, financial and procedural arrangements. Many of these decisions, including technical guidelines on the environmentally sound management of biomedical and healthcare wastes, plastic wastes, waste lead-acid batteries, and the dismantling of ships, had been examined and approved by the Subsidiary Bodies during the intersessional period. After lengthy negotiations, COP-6 also set the budget for 2003-2005, agreed on a compliance mechanism for the Convention, adopted a Strategic Plan, and finalized the Framework Agreement on the legal establishment of the Regional Centers for Training and Technology Transfer. With COP-6 ending many hours later than scheduled, most delegates departed from COP-6 fatigued but satisfied at completing their work on these important tasks. Nevertheless, broader goals such as hazardous waste minimization and entry into force of the Ban Amendment are certain to remain on the agenda for some time to come.

A BRIEF HISTORY OF THE BASEL CONVENTION

The Basel Convention was adopted in 1989 and entered into force on 5 May 1992. It was created to address concerns over the management, disposal and transboundary movement of the estimated 400 million tonnes of wastes hazardous to people or the environment that are produced worldwide each year. The main principles of the Convention are that: transboundary movements of hazardous wastes should be reduced to a minimum consistent with

their environmentally sound management; hazardous wastes should be treated and disposed of as close as possible to their source of generation; and hazardous waste generation should be reduced and minimized at source. There are currently 152 Parties to the Convention.

Since entry into force in 1992, Parties have continued to review implementation of the Convention and have considered additional actions through the COP, which has met five times. The COP has been assisted by various subsidiary bodies, including a Technical Working Group, Legal Working Group and Expanded Bureau. The Basel Convention Secretariat is based in Geneva.

COP-1: The first COP was held in Piriapolis, Uruguay, from 3-4 December 1992. COP-1 requested industrialized countries to prohibit transboundary movements of hazardous wastes for disposal to developing countries. It also noted that transboundary movements of wastes destined for recovery and recycling take place in accordance with the requirement that the wastes be handled in an environmentally sound manner (Decision I/22). Since Decision I/22 was not legally binding, a "pro-ban coalition," consisting of developing countries, Greenpeace and the Nordic States, urged delegates to adopt a binding amendment to the Convention. The issue of hazardous wastes destined for recycling and recovery was forwarded to the Technical Working Group for further study.

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COP-2: During the second COP, held in Geneva from 21-25 March 1994, Parties agreed on an immediate ban on the export of hazardous wastes intended for final disposal from OECD to non-OECD countries. Parties also agreed to ban, by 31 December 1997, the export of wastes intended for recovery and recycling (Decision II/12). The issue of whether or not the ban was legally binding was unclear, since Decision II/12 was not incorporated into the text of the Convention itself.

COP-3: At the third COP, held in Geneva from 18-22 September 1995, the ban was adopted as an amendment to the Convention (Decision III/1). The Ban Amendment does not use the OECD/non-OECD membership distinction, but bans the export of hazardous wastes for final disposal and recycling from Annex VII countries (EU, OECD and Liechtenstein) to non-Annex VII countries. The amendment thus is not in itself a barrier for non-OECD countries to retain the option of receiving OECD hazardous wastes for recycling purposes by joining Annex VII. This amendment will enter into force following its 62nd ratification. To date, it has been ratified by 34 Parties. COP-3 further mandated the Technical Working Group to continue its work on the characterization of "hazardous wastes" and the development of lists of wastes that are hazardous (Decision III/12).

COP-4: Two of the major decisions adopted at the fourth COP, held in Kuching, Malaysia, from 23-27 February 1998, related to the Ban Amendment. COP-4 considered proposals by countries, including Slovenia, Israel and Monaco, to join Annex VII and decided that the composition of this annex would remain unchanged until the Ban Amendment enters into force (Decision IV/8). In this decision, COP-4 also requested the Secretariat to undertake a study of the issues related to Annex VII. On the clarification of which wastes should be included under the ban, COP-4 considered the proposal put forward by the Technical Working Group on List A, identifying wastes characterized as hazardous, and List B, identifying non-hazardous wastes. COP-4 decided to incorporate these lists as Annex VIII and Annex IX, respectively.

COP-5: COP-5 met in Basel, Switzerland, from 6-10 December 1999. With over 450 participants in attendance and 115 Parties represented, delegates celebrated the tenth anniversary of the adoption of the Convention. They also adopted the Protocol on Liability and Compensation for damage resulting from transboundary movements of hazardous wastes and their disposal and a "Basel Declaration" for promoting the environmentally sound management of hazardous wastes over the next ten years, along with a decision setting the next decade's agenda.

The COP adopted a number of decisions covering Convention implementation and monitoring, legal matters, prevention and monitoring of illegal traffic, technical matters, and institutional, financial and procedural arrangements. Fifty-six ministers and other heads of delegation addressed COP-5 during its high-level segment.

INTERSESSIONAL HIGHLIGHTS: Numerous relevant meetings have been held since COP-5, including those of the Subsidiary Bodies, as well as various other international, regional and subregional events. The Legal Working Group considered a variety of issues in the lead-up to COP-6, including: compliance with the Basel Convention; prevention and monitoring of illegal traffic; an emergency fund or mechanism; draft guidance elements for bilateral, multilateral and regional agreements or arrangements; the dispute settlement mechanism; and the legal implications of the dismantling of ships. The Technical Working Group worked on draft technical guidelines on the environmentally sound manage-

ment of lead-acid battery wastes, plastic wastes, biomedical and healthcare wastes, recycling/reclamation of metals and metal compounds, the full and partial dismantling of ships, and persistent organic pollutants (POPs) as wastes. The Working Group for Implementation (previously called the Open-ended *Ad Hoc* Committee for Implementation) examined the budget, the Basel Convention Regional Centers (BCRCs) and the draft decisions to be submitted to COP-6. The Expanded Bureau also met during the intersessional period, considering institutional arrangements under the Basel Convention, budgetary matters, and the provisional agenda and organizational matters for COP-6.

The sound management of chemicals and hazardous waste was also addressed at the World Summit on Sustainable Development (WSSD), held in Johannesburg from 26 August to 4 September 2002. Delegates agreed to text in the Johannesburg *Plan of Implementation* supporting entry into force of the Rotterdam Convention on Prior Informed Consent (PIC) by 2003 and the Stockholm Convention on POPs by 2004. The *Plan of Implementation* also contains commitments to: promote efforts to prevent international illegal trafficking of hazardous chemicals and hazardous waste, as well as damage resulting from the transboundary movement and disposal of hazardous waste; and further develop a strategic approach to international chemicals management based on the Bahia Declaration and Priorities for Action beyond 2000 of the Intergovernmental Forum on Chemical Safety by 2005.

COP-6 REPORT

COP-6 opened on Monday morning, 9 December, with a welcoming ceremony, including a performance about hazardous wastes by 20 children, and an audio-visual presentation outlining the work and achievements of the Basel Convention.

In his opening remarks, COP-5 President Philippe Roch, State Secretary, Director of the Swiss Agency for the Environment, Forests and Landscape, drew delegates' attention to the adoption at COP-5 of the Basel Declaration and the Protocol on Liability and Compensation. Highlighting other recent developments, he noted progress on partnerships to advance work under the Convention, including Swiss funding for a new Secretariat position focusing on partnerships. On regional activities, he drew attention to the Rabat Declaration on African cooperation, and the need for adequate funding for Basel Convention Regional Centers (BCRCs). He endorsed broadening the Convention's scope to include non-toxic wastes, and urged a global strategy for chemicals-related multilateral environmental agreements (MEAs) as a follow-up to the World Summit on Sustainable Development (WSSD).

Basel Convention Executive Secretary Sachiko Kuwabara-Yamamoto thanked outgoing COP-5 President Roch and the Expanded Bureau for their work during the past three years. She urged Parties to ratify the Ban Amendment, which has 34 ratifications but requires 62 for entry into force, and the Protocol on Liability and Compensation, which currently has 13 signatures but no ratifications. Outlining her expectations for COP-6, she said delegates should adopt a number of technical guidelines, and highlighted agenda items on compliance, the Strategic Plan, and BCRCs. She warned that BCRCs "will not survive" without clear legal status and full support from Parties. She announced that the theme of COP-6 would be "partnerships for implementation."

Vijay Samotra, on behalf of UNEP Executive Director Klaus Töpfer, expressed UNEP's continuing support for the Basel Convention and its implementation, emphasized UNEP's ongoing work on the Guidelines on Enforcement and Compliance with



MEAs, and encouraged delegates to adopt a compliance mechanism and technical guidelines for the environmentally sound management of hazardous wastes.

ORGANIZATIONAL MATTERS: On Monday morning, 9 December, delegates elected Ioan Jelev, Romania's Secretary of State for the Environment, as the President of COP-6. Ephraim Buti Mathebula (South Africa), Andreas Jaron (Germany), and Toshiyuki Taga (Japan) were elected Vice Presidents, with Maria Cecilia Rozas (Peru) as Rapporteur. The Plenary then adopted the provisional agenda of the meeting (UNEP/CHW.6/1/Add.1) without amendment, and agreed on the organization of work. The credentials of 91 Parties were approved in Plenary on Friday, 13 December.

In conducting their work, participants convened in Plenary sessions, working groups, contact groups, sub-groups, and informal meetings, considering and adopting decisions on agenda items relating to implementation of the Convention, amendment of the Convention and its annexes, institutional, financial and procedural arrangements, and various other matters. This report is organized according to this agenda.

IMPLEMENTATION OF THE BASEL CONVENTION

BASEL DECLARATION AND THE TEN-YEAR STRATEGIC PLAN: Parties considered this agenda item in the Plenary session held on Monday, 9 December, and in the Working Group on Strategic Plan and BCRCs, which met from Monday to Thursday, 9-12 December.

On Monday, 9 December, the Plenary considered: the draft Strategic Plan for the implementation of the Basel Convention (2000-2010) (UNEP/CHW.6/3); a Secretariat's Note on the draft Plan (UNEP/CHW.6/3/Add.1), and a Secretariat's Note on the Basel Declaration on environmentally sound management (UNEP/CHW.6/2). The Strategic Plan contains text outlining aims, vision, strategies and activities for 2003-2004, as well as an Action Table for 2003-2004 and 2005-2010 describing activities under the relevant fields of the Basel Declaration. Canada and Japan said the Plan should be more focused. Nepal stressed the special needs of landlocked developing countries, and the Bahamas said deliberations on the Plan should not only focus on developing countries. A Working Group on the Strategic Plan and BCRCs, co-chaired by Fatoumata Touré (Senegal) and Geoffrey Thompson (Australia), was formed to consider these matters in more detail.

On Tuesday, 10 December, during the Working Group's discussion, Germany, supported by many other speakers, stressed that projects under the Plan need concrete descriptions and clear terms of reference. He also highlighted the link between the Plan and the budget, stressing the difficulty of adopting the Plan before the budget is approved. Nigeria and others supported starting implementation of the Plan with pilot projects for 2003-2004, while others preferred adopting the Plan at this COP and prioritizing the activities for funding purposes. A contact group was formed to develop criteria for the selection of projects under the Plan.

On Thursday, 12 December, the Working Group considered a paper presented by the contact group that outlines criteria for the selection of projects within the Plan. Co-Chair Thompson noted that the criteria would be used for allocating funding for projects to implement the Plan, and the COP would authorize the Secretariat to use the criteria in selecting such projects. Delegates also commented on: subjectivity of the criteria; commonality of the projects; and equal distribution of projects and funding among regions. During a late night session, the Group considered a draft

decision on using the criteria to select projects, and approved the decision together with annexed criteria for the selection of projects within the Plan.

The debate on the draft decision on the Plan was based on the Co-Chairs' revised text and centered on whether COP-6 should adopt the Plan as a whole or only the Action Table for 2003-2004, leaving the Action Table for 2005-2010 to be decided by COP-7. After a lengthy debate, the Group approved a compromised text that adopts the Plan as a whole and requests the appropriate Subsidiary Body to review and amend the Action Table to be considered at COP-7.

On Friday, 13 December, the Plenary adopted the draft decision on the adoption of the draft Strategic Plan and the draft decision on criteria on selection of projects for funding projects under the Strategic Plan. The Plenary also adopted a draft decision on the Basel Declaration presented by the Working Group.

Final Decisions: In the decision (UNEP/CHW.6/CRP.24), the COP adopts the Strategic Plan and requests the appropriate Subsidiary Body to review the Action Table and submit it to COP-7 for further consideration. In order to implement the Plan, the COP: agrees to mobilize resources to implement the Plan for 2003-2004 and to develop a financial strategy for 2005-2010; appeals to Parties and other stakeholders to provide financial and other resources for implementation of the Plan; and requests the Secretariat to cooperate with Parties to develop financial plans including access to Global Environment Facility and other funding to support the Plan.

The decision also requests the appropriate Subsidiary Body to consider the project proposals submitted by Parties and BCRCs and to choose those that qualify for funding in accordance with the criteria annexed to the decision.

The annex contains two groups of criteria for the selection of project proposals for implementation of the Basel Declaration through the Plan. The first group of criteria focuses on the relevancy of the projects, and the second group focuses on the value of the projects.

In the final decision on the Basel Declaration (UNEP/CHW.6/CRP.25), the COP requests the Secretariat to report to the Subsidiary Body on the progress in the implementation of the Declaration and to prepare a consolidated report for COP-7.

BASEL CONVENTION REGIONAL CENTERS: This agenda item was taken up by the Working Group on the Strategic Plan and BCRCs. This Working Group, co-chaired by Geoffrey Thompson and Fatoumata Touré, met from Monday onwards and concluded discussions on the Framework Agreement on Wednesday, 11 December. Delegates considered several issues related to this agenda item, focusing on a document on the establishment and functioning of the BCRCs (UNEP/CHW.6/4), which contained a draft decision concerning the Framework Agreement for the legal establishment of Centers and the Secretariat's mandate regarding its implementation. The document further included two annexes outlining the core functions of the BCRCs and the roles and functions of the coordinating centers. On Monday, 9 December, Executive Secretary Kuwabara-Yamamoto introduced the documents and made general comments.

Working Group discussions on BCRCs focused on elements of the Framework Agreement, the role of donors, funding provisions, and BCRC core functions. On the Framework Agreement, Japan and Canada stressed the need for cooperation and coordination among the BCRCs. Finland proposed a reference to host countries' contributions, and Zambia highlighted difficulties for host coun-



tries in committing to regular contributions. Canada, France, Germany and the US objected to a reference to the roles of donors in the Framework Agreement, with Canada recommending that donors should be referenced in the Centers' business plans. Egypt, supported by Colombia, the UK, Uruguay and Zambia, proposed language referring to "involvement of donors with respect to the financial and technical assistance to support the Center."

A separate drafting group, which was formed to address language on funding-related matters, produced a package solution. Germany opposed a reference to the Basel Convention Trust Fund, noting that this Fund cannot be directly used for BCRCs. Delegates agreed to compromise language referring to "contributions from the Basel Convention Trust Fund, as agreed periodically by the COP."

On BCRC core functions, delegates discussed the development of synergies with other MEAs. The US raised concerns that the Stockholm Convention on POPs had yet to agree on a decision on cooperation with the BCRCs. Delegates accepted compromise text reflecting "development of synergies, where appropriate, with other MEAs." Delegates also adopted a new paragraph requesting cooperation with the Stockholm Convention on POPs on implementing Basel-related decisions taken at POPs INC-6 (UNEP/CHW.6/31) and deleted a similar paragraph from the document on establishment and functioning of BCRCs (UNEP/CHW.6/3).

On Wednesday, 11 December, following agreement among Parties on the Framework Agreement, the Plenary considered a document containing a draft decision on the business plans of the BCRCs (UNEP/CHW.6/4/Add.1), the proposed business plans submitted by the BCRCs (UNEP/CHW.6/INF/5), and took note of the progress report on BCRC activities (UNEP/CHW.6/5). The Plenary adopted the decision on the BCRC business plans on Friday, 13 December.

Parties then considered a feasibility study and a draft decision on the proposal by Iran to establish a BCRC for West and Central Asia in Tehran (UNEP/CHW.6/INF/8 and CRP.5). Iran noted that the proposal would authorize finalization of the feasibility study, producing more detailed information for consideration at COP-7. The Plenary adopted the draft decision.

The Plenary also considered and adopted a decision on the establishment of a Regional Center for French-speaking African countries in Senegal (UNEP/CHW.6/6). Commenting on this, France expressed its interest in developing activities in this BCRC and stated that it would be ready to support activities beginning in 2004.

In addition, Parties considered a feasibility study and a proposal by Australia, New Zealand, Papua New Guinea and Samoa for the establishment of a Pacific Regional Center for the joint implementation of the Basel and Waigani Conventions, integrated with the South Pacific Regional Environment Programme (SPREP) (UNEP/CHW.6/INF/16 and CRP.6). Noting that the proposal had been endorsed by ministers from countries in the region, New Zealand highlighted the complementary aims of the two Conventions and stated that establishment of a regional center would enhance efficiency in implementation of both Conventions. The Plenary adopted this decision, with minor amendments.

On Wednesday, 11 December, Egypt, on behalf of a group of Arab States, presented a proposal to change the name of the Regional Center of the Arabic-speaking States to the Regional Center of the Arab States (UNEP/CHW.6/CRP.11) to better reflect that it was more than language that united the Center's members. The Plenary adopted this proposal.

Uganda, on behalf for the African Group, introduced a draft decision on the cooperation between the Secretariats of the Basel Convention, the African Ministerial Conference on the Environment (AMCEN) and the New Partnership for Africa's Development (NEPAD), the BCRCs in Africa and other stakeholders on implementation of NEPAD's Environmental Initiative (UNEP/CHW.6/CRP.13). The Plenary adopted the decision without amendment.

Final Decisions: The decision on the establishment and functioning of the BCRCs (UNEP/CHW.6/L.1/Add.1) adopts a core set of elements for the Framework Agreement to be signed between the Secretariat, on behalf of the COP, and the representative of the host countries' governments. It mandates the Secretariat to negotiate and sign, on behalf of the COP, the Framework Agreement and endorses the role of the BCRCs in carrying out the implementation of the Basel Declaration and the priority actions of the Strategic Plan, using contributions from the Basel Convention Trust Fund, as periodically agreed by the COP. The appendices to the decision outline the core functions of the BCRCs and the roles and functions of the coordinating centers of the Convention.

The decision on the BCRC business plans (UNEP/CHW.6/L.1/Add.1) requests the Secretariat to provide further assistance to the BCRCs in finalizing their business plans and authorizes the Secretariat to facilitate access to financial resources, using contributions from the Basel Convention Trust Fund, as periodically agreed by the COP. It urges the BCRCs to intensify their fund-raising activities and requests the Secretariat to report to COP-7 on the implementation of the plans.

Decisions on individual BCRCs (UNEP/CHW.6/L.1) include the selection of Dakar, Senegal, to host the Regional Center for French-speaking African countries. The decision concerning the West and Central Asian BCRC in Tehran, Iran, invites the Government of Iran to complete the feasibility study and requests it to submit a final proposal for the establishment of a Center to COP-7. The decision on the Pacific Regional Center requests, *inter alia*, the Secretariat to negotiate a memorandum of understanding with SPREP for the operation of the joint regional center and to promote ratification of both Conventions in the region. The decision on the implementation of NEPAD's Environmental Initiative mandates the Basel Secretariat and the BCRCs in Africa to cooperate closely with the AMCEN Secretariat, the NEPAD Secretariat and other stakeholders to develop and implement activities in the NEPAD Environmental Initiative that support the implementation of the Basel Declaration and the Strategic Plan.

CAPACITY-BUILDING ACTIVITIES WITHIN THE CONVENTION: On Wednesday, 11 December, Executive Secretary Kuwabara-Yamamoto introduced a progress report on BCRC activities (UNEP/CHW.6/5), and a report containing a draft decision on capacity-building activities under the auspices of the Convention (UNEP/CHW.6/8). Delegates took note of the report on BCRC activities. Argentina, Bolivia and Peru highlighted the Information Exchange Network on Capacity Building for the Sound Management of Chemicals (INFOCAP) as an essential tool for capacity building. On Friday, 13 December, the Plenary adopted the decision.

Final Decision: The decision (UNEP/CHW.6/L.1) requests the Secretariat to continue promoting public awareness of the Convention, subject to the availability of funds, and to continue developing training programmes and organizing national and regional training activities. It further requests the Secretariat to report on implementation of activities to COP-7.



LEGAL MATTERS: Compliance: On Monday, 9 December 2002, Executive Secretary Kuwabara-Yamamoto introduced a Secretariat's Note containing a draft decision on monitoring the implementation of and compliance with the Basel Convention (UNEP/CHW.6/9). COP-5 Decision V/16 requested the Legal Working Group to prepare a draft decision establishing a mechanism for promoting implementation and compliance for adoption at COP-6. Alistair McGlone (UK), Chair of the informal consultations on compliance held from 7-8 December 2002, reported considerable progress during the consultations, but highlighted unresolved issues, including the composition of the Committee, procedures for submissions on non-compliance, and additional measures. He introduced proposed compromise text for a draft decision on the compliance mechanism (UNEP/CHW.6/CRP.4) to the Plenary. A working group, and later an informal group, met from Monday to Wednesday, 9-11 December, and concluded a revised text, which was considered in Plenary on Thursday, 12 December. Several States expressed satisfaction at the compromise text, which was adopted, and many speakers praised Chair McGlone for his skillful handling of the negotiations. The Netherlands said it would have preferred a "stronger and broader mechanism," noting that they did not consider it a precedent for other agreements.

On Friday, 13 December, the Bureau proposed a text (UNEP/CHW.6/CRP.22) outlining an interim procedure for electing members of the Compliance Committee, which called on Parties to nominate candidates for the Committee prior to the first meeting of the Open-ended Working Group (OEWG). The proposal was considered and adopted by Plenary on Friday evening.

Final Decision: The decision on the compliance mechanism (UNEP/CHW.6/CRP.12) sets out the mechanism's objectives to assist Parties in compliance and implementation of the Convention. The mechanism is a non-confrontational, flexible and non-binding tool that aims to prevent problems. It will be administered by a Committee composed of 15 members reflecting an equitable geographic representation of the five UN regional groups. Submissions to the Committee may be made by: a Party regarding itself; one Party regarding another Party; or the Secretariat. Submissions regarding compliance are forwarded to the Party in question who may respond or provide comments. The Committee will then consider these materials in a closed meeting, unless the Party in question agrees otherwise. The Committee may provide advice to the Party to facilitate compliance such as: advice on regulatory regimes; assistance including financial and technical support; elaboration of voluntary compliance action plans; and/or follow-up arrangements. The Committee may also review general issues of compliance and implementation of the Convention and may recommend that the COP take additional measures regarding specific cases.

Emergency Fund/Financial Mechanism: This agenda item was taken up in Plenary on Tuesday, 10 December. Parties considered and approved a draft decision on enlarging the scope of the Technical Cooperation Trust Fund (UNEP/CHW.6/10), including interim guidelines on emergency assistance, compensation, and accident and damage prevention in an annex.

Final Decision: In this decision (UNEP/CHW.6/L.1), the COP approves the guidelines for the implementation of Decision V/32. The guidelines are annexed to the final decision. The guidelines focus on emergency assistance, compensation for damage to the environment, capacity building, technology transfer, and developing measures to prevent accidents and damage to the environ-

ment caused by the transboundary movement of wastes and their disposal. The COP invites developing countries and countries with economies in transition to submit to the Secretariat project proposals for development of capacity building and transfer of technology, and encourages Parties and the Secretariat to continue working on the improvement of the existing mechanism, or on establishment of a new mechanism, if necessary.

Protocol on Liability and Compensation: On Wednesday, 11 December, the Plenary considered a Secretariat's Note and a draft decision (UNEP/CHW.6/12) on the Protocol on Liability and Compensation for damage resulting from transboundary movements of hazardous wastes and their disposal. The draft decision was adopted along with two annexes.

Final Decision: The decision (UNEP/CHW.6/L.1) calls on Parties to expedite the process of ratification of the Protocol, with a view to allowing the first meeting of the Parties to the Protocol to be convened in conjunction with COP-7. It also calls on non-Parties to ratify the Convention and the Protocol. The decision invites the Parties to provide to the Secretariat the answers, views and comments to the questionnaire contained in the annex and requests the Secretariat to prepare a summary and a compilation of the submissions by Parties and present them to the OEWG for consideration. For the purpose of ratification and implementation of the Protocol, the decision approves a work plan that outlines activities to be undertaken by the OEWG and the Secretariat, including the organization of five workshops for addressing various aspects of and obstacles to the process of ratification. The work plan deals with activities for the provision of legal and technical assistance to Parties in the process of ratification, and preparation of a detailed Instruction Manual for the implementation of the Convention.

The annexes to the decision contain a questionnaire for Parties on ratification of and accession to the Protocol, and a work plan for the facilitation of the Protocol's ratification and its implementation.

Prevention and Monitoring of Illegal Traffic in Hazardous Wastes and Other Wastes: This agenda item was taken up during the Plenary on Tuesday, 10 December, when delegates considered and adopted a draft decision containing guidance elements for detection, prevention, and control of illegal traffic in hazardous wastes.

Final Decision: In this decision (UNEP/CHW.6/13), the COP approves the guidance elements for detection, prevention and control of illegal traffic in hazardous wastes annexed to the decision, and requests the Secretariat to assist Parties in implementing the guidance elements at the national level. The annexed guideline elements include information on national capacity building and international cooperation, prevention of illegal traffic, management of alleged and confirmed cases, and the use of electronic information.

Bilateral, Multilateral or Regional Agreements or Arrangements: On Tuesday, 10 December, the Plenary considered a Note by the Secretariat (UNEP/CHW.6/14) containing information and a draft decision on Parties' reports on their bilateral, multilateral or regional agreements or arrangements relating to the transboundary movement of hazardous wastes or other wastes, and adopted the decision. The following day, delegates discussed a related text containing guidance elements for Parties in the preparation of such agreements or arrangements (UNEP/CHW.6/15). Following informal consultations, delegates concluded that such guidance elements should not be adopted at COP-6, and agreed to request the OEWG to consider the issue further and report to COP-7.



Final Decision: The decision (UNEP/CHW.6/L.1) takes note of such agreements or arrangements and draws attention to Article 11 of the Convention, which requires Parties to notify the Secretariat of such agreements. The decision requests Parties that have not notified the Secretariat of such agreements to do so, taking into account the list of questions annexed to COP Decision II/10. It also requests the Secretariat to continuously update the list of agreements currently in force, and asks the OEWG to report back to COP-7 on draft guidance elements for such agreements.

TECHNICAL MATTERS: Preparation of Technical Guidelines: On Monday, 9 December, the Plenary considered technical guidelines on environmentally sound management of biomedical and healthcare wastes (UNEP/CHW.6/20 and Corr.1); plastic wastes and their disposal (UNEP/CHW.6/21); waste lead-acid batteries (UNEP/CHW.6/22); and full and partial dismantling of ships (UNEP/CHW.6/23). Many Parties supported these guidelines, noting that they had been discussed and agreed by the Technical Working Group. The EU proposed several amendments to the guidelines on dismantling ships (UNEP/CHW.6/CRP.1). Delegates adopted the first three guidelines, and agreed to consult informally on the EU's proposals. On Tuesday, 10 December, Parties adopted the guidelines on dismantling ships (UNEP/CHW.6/23), including the amendments proposed by the EU, as well as some by India regarding ship-breaking practices and standards. Further amendments were also added recognizing the ILO's specialization in formulating international labor standards.

Parties also adopted a decision on progress made in the preparation of technical guidelines on POPs as wastes (UNEP/CHW.6/24).

Final Decisions: Biomedical and Healthcare Wastes: The final decision on biomedical and healthcare wastes (UNEP/CHW.6/L.1) adopts the technical guidelines, invites Parties and others to use the guidelines and report to COP-7, through the Secretariat, on their experiences and on any difficulties, and requests the Secretariat to continue its cooperation with the World Health Organization and the UN Committee of Experts on the Transport of Dangerous Goods. The guidelines, contained in an annex, provide detailed information on types of healthcare wastes, hazards from such wastes, capacity building, training, treatment and other issues.

Plastic Wastes and their Disposal: This decision (UNEP/CHW.6/L.1) adopts the technical guidelines, requests the Secretariat to disseminate the guidelines to Parties, NGOs and industry, and invites Parties and others to report to COP-7 on their experiences. The guidelines, which are contained in an annex, provide information and guidance on the environmentally sound management of plastics wastes, plastic-coated cable scrap, and plastic fraction in cable scrap.

Waste Lead-acid Batteries: The decision (UNEP/CHW.6/L.1) adopts the guidelines, which are contained in an annex and include information on technical data, recycling and pre-recycling steps, environmental control measures and monitoring, and health considerations relating to waste lead-acid batteries.

Full and Partial Dismantling of Ships: The decision (UNEP/CHW.6/L.1) adopts the guidelines, which are contained in an annex, setting out information on principles, good practice, and recommendations in relation to ship dismantling. The decision determines that the legal aspects of this issue will remain on the agenda for consideration by the OEWG, which will present recommendations to COP-7. It also encourages the International Maritime Organization to consider establishing the necessary incentives for ship owners to request ship dismantling in accordance with the guidelines.

Persistent Organic Pollutants as Wastes: The decision on the preparation of guidelines on POPs as wastes (UNEP/CHW.6/L.1) encourages the OEWG to complete its work on guidelines in 2003 for consideration and adoption at COP-7. It also requests the OEWG to continue and reinforce its cooperation with the appropriate Subsidiary Body of the Stockholm Convention to ensure mutual support and consistency in implementation.

Development of Work on Hazardous Characteristics: On Monday, 9 December, Executive Secretary Kuwabara-Yamamoto introduced two documents containing a draft decision on the progress of work on hazard characteristic H6.2 on infectious substances (UNEP/CHW.6/25 and CRP.3) and a draft decision on development of work on hazardous characteristic H12 on ecotoxic substances and wastes (UNEP/CHW.6/26), which contained in its annex the Interim Guideline on hazardous characteristic H12. The Plenary adopted these decisions, with minor amendments by the EU.

Final Decisions: On hazard characteristic H6.2 (infectious substances), the decision (UNEP/CHW.6/L.1) requests the OEWG to review the paper based on the work of the UN Sub-Committee of Experts on the Transport of Dangerous Goods. This decision further requests the Secretariat to continue consultations with relevant bodies. On the Interim Guideline on hazardous characteristics H12 (ecotoxic substances), the decision (UNEP/CHW.6/L.1) requests the Secretariat to publish the Guideline in the UN six official languages and to facilitate its dissemination.

REPORTING ON ARTICLES 13 AND 16 OF THE BASEL CONVENTION: On Tuesday, 10 December, delegates considered two draft decisions on reporting on Articles 13 (information transmission) and 16 (Secretariat) of the Basel Convention. Executive Secretary Kuwabara-Yamamoto introduced a Secretariat's Note containing a draft decision on the implementation of Decision V/14 on the transmission of information (UNEP/CHW.6/29) and a draft questionnaire on transmission of information in accordance with Basel Convention Articles 13 and 16. Delegates noted difficulties faced by some developing States in fulfilling their reporting obligations. The Plenary adopted the decision with minor amendments. Delegates also considered and adopted the report of the Parties on the implementation of Decision II/12 (UNEP/CHW.6/30), following an amendment adding Portugal to the list of OECD countries that have reported on implementation of Decision II/12 and III/1.

Final Decisions: The decision on the revised questionnaire (UNEP/CHW.6/L.1) requests Parties to use the questionnaire and its manual to report information in accordance with Articles 13 and 16, and requests the Secretariat to provide training to developing countries and other countries in need of assistance in meeting their reporting obligations by organizing workshops through, *inter alia*, Regional Centers. It further urges the Secretariat to make databases on Articles 13 and 16 available on the Secretariat website, and requests the Secretariat to analyze information collected from the questionnaire, compile documents and country fact sheets and make this information available. Lastly, it requests the Secretariat to continue exploring possibilities for developing indicators on hazardous waste to facilitate decision making and to report thereon to COP-7. The decision on the report on the implementation of Decision II/12 (UNEP/CHW.6/L.1) requests the Secretariat to submit a further consolidated report to COP-7.

COOPERATION AND PARTNERSHIP: International Cooperation: On Wednesday, 11 December, Executive Secretary Kuwabara-Yamamoto introduced a draft decision on international



cooperation with the UN, MEAs, specialized agencies, and other organizations (UNEP/CHW.6/31 and Corr.1), and drew attention to amendments proposed by the Strategic Plan and BCRC Working Group (UNEP/CHW.6/CRP.8), which had discussed the matter the previous day. The EU highlighted its own proposed amendments, which included text welcoming the work of the International Maritime Organization (IMO) and the ILO in connection with the environmentally sound management of ship dismantling, and requesting the Basel Secretariat to create a joint working group with the ILO and IMO. Following informal discussions, a final decision was adopted on Friday, 13 December, incorporating a number of these amendments.

Executive Secretary Kuwabara-Yamamoto also introduced a decision on cooperation with the World Trade Organization (WTO) (UNEP/CHW.6/31/Add.1 and Corr.1). Canada presented an alternative draft decision (UNEP/CHW.6/CRP.7), and delegates approved Canada's text.

Final Decisions: The decision on international cooperation (UNEP/CHW.6/L.1) notes the increased level of activities undertaken by the Secretariat to cooperate with other relevant bodies, secretariats and organizations, and requests it to take a series of actions and initiatives to continue and build on this work. This includes exploring the development of an inter-agency technical assistance project on ship dismantling with the IMO and ILO, and creating a joint working group with these organizations to achieve a common understanding of relevant problems and solutions, including the responsibility of ship owners, flag States and the roles of various other stakeholders. The decision also identifies opportunities for cooperation with the Stockholm Convention on POPs, the Rotterdam Convention on PIC, the FAO, World Customs Organization, World Health Organization, OECD, UNEP, and a range of other organizations and secretariats.

The decision on cooperation with the WTO (UNEP/CHW.6/L.1) requests the Basel Convention to seek observer status in the WTO Committee on Trade and Environment Special Session meetings, and to report to Parties on developments in the Committee. It further requests the Secretariat to consult with Parties when called on to provide general information to the WTO on the trade provisions of the Basel Convention, and to refer requests for interpretation of the Convention's trade provisions to the COP.

Partnerships: On Wednesday, 11 December, Executive Secretary Kuwabara-Yamamoto introduced draft decisions on partnerships with environmental NGOs, industry and business (UNEP/CHW.6/32) and on elements for a framework for cooperation with industry (UNEP/CHW.6/32/Add.1). The EU, supported by Canada, proposed merging the two draft decisions, and delegates adopted a single, revised text on Friday, 13 December.

Parties also adopted a draft decision introduced by Switzerland on a partnership initiative on the environmentally sound management of end-of-life mobile phones. The initiative involves the Basel Convention, UNEP, the Government of Switzerland, and many of the world's major mobile phone manufacturers, including LJ, Matsushita (Panasonic), Mitsubishi Electric, Motorola, NEC, Nokia, Philips, Samsung, Siemens and Sony Ericsson.

Final Decisions: The decision on partnerships with NGOs, industry and business (UNEP/CHW.6/CRP.16/Rev.1) requests the Secretariat to prepare a work programme on this issue for adoption by the OEWG. Once approved by the OEWG, it requests the Secretariat to initiate and implement this work programme, in consultation with the OEWG. It also requests the Secretariat to further develop the draft elements of a framework for cooperation with

industry that are appended to the decision, and to take into account the guiding principles on partnerships proposed by the fourth Preparatory Conference to the WSSD.

The decision on a partnership for management of end-of-life mobile phones (UNEP/CHW.6/CRP.20) establishes a small group of experts from Parties and/or Signatories interested in the initiative. It mandates the group to develop terms of reference and a draft work programme to be adopted by the OEWG. It also mandates the Secretariat to initiate projects within the limits of its available funding, to involve BCRCs where appropriate, and to report on progress at COP-7.

AMENDMENT OF THE BASEL CONVENTION AND ITS ANNEXES

AMENDMENT OF THE BASEL CONVENTION, INCLUDING ANALYSIS OF ISSUES REGARDING ANNEX VII: Report on the Implementation of the Ban Amendment:

Delegates considered the report on the implementation of the Ban Amendment contained in Decision III/1 (UNEP/CHW.6/33) in Plenary on Tuesday and Wednesday, 10-11 December. This report included a draft decision appealing to Parties to ratify the Amendment "as soon as possible." Delegates also considered a proposal by the EU (UNEP/CHW.6/CRP.2), which appeals to Parties to expedite the process of ratification of the Ban Amendment before COP-7, and calls on countries that are not Parties to the Convention to ratify the Convention and its Amendment. Australia opposed the EU's proposal and Canada expressed concerns regarding the proposed time limit for ratifying the Ban Amendment. Ethiopia, with others, supported the EU's text. Following further consultations, the EU revised its proposal (UNEP/CHW.6/CRP.14), and the decision was adopted, as amended.

Final Decision: The decision (UNEP/CHW.6/L.1) strongly appeals to Parties to expedite the process of ratification, acceptance, approval or accession to the Ban Amendment "at the earliest opportunity." It also strongly appeals to States that are not Parties to the Convention to expedite the process of ratification, acceptance, approval or accession to the Convention and its instruments.

Analysis of Issues Related to Annex VII: On Tuesday, 10 December, Parties discussed a document containing a draft decision on the analysis of issues related to Annex VII of the Convention (UNEP/CHW.6/34) in Plenary. Participants noted the decision taken at COP-5 to keep Annex VII membership closed until the Ban Amendment has entered into force. Stating that continuation of the Annex VII study was not the best use of limited resources, the EU and Norway, supported by Hungary, Slovenia and Malta, requested to cease work on this analysis. Chile, Colombia, Mexico, Canada and Japan supported continuing the analysis. In addition, a written note was introduced by Arab countries (UNEP/CHW.6/CRP.18) on the Annex VII study. The note stated that these countries "deemed it futile to pursue the analysis and would accept whatever results had been achieved," and that they "considered it necessary to invest available funds and resources in other activities of benefit to the Convention."

A working group was established to address this issue, and met on Tuesday and Wednesday. On Friday, Switzerland reported to the Plenary on a compromise text developed by the working group. He said that the group had agreed that the Annex VII study should be finalized by COP-7 at the latest and recommended that financing to complete the analysis should come from the "consultancy post" of the budget, with a ceiling set between US\$20,000-30,000. The Plenary adopted the decision containing the compromise text.



Final Decision: The decision (UNEP/CHW.6/L.1/Add.1) states the COP's determination to finalize the Annex VII analysis by COP-7 at the latest. It requests the Secretariat to present the first draft of the analysis to the OEWG in 2003 and the final version in time for consideration by the last meeting of the OEWG before COP-7. The decision further invites Parties and others to provide the Secretariat with relevant materials or documentation that would assist it in finalizing the analysis, and requests the OEWG to oversee the Secretariat's work.

PROPOSED AMENDMENTS TO ANNEXES VIII AND IX OF THE CONVENTION: Proposed Amendments: On Wednesday, 11 December, the Plenary considered a document describing Parties' submissions on adjustment of the lists of wastes contained in Annex VIII or IX and a draft decision on this matter (UNEP/CHW.6/18). They also considered a proposal by the EU on harmonizing the listing systems for transfer of waste (UNEP/CHW.6/CRP.9). The Russian Federation questioned several proposals to amend Annex IX, including those on end-of-life motor vehicles and on waste textile floor coverings and carpets. Brazil noted that its national legislation regards all types of bituminous materials as hazardous and prohibits their import. Following informal consultations, delegates adopted the decision incorporating the EU's proposal, with amendments to reflect the Russian Federation's concerns.

Final Decision: The decision (UNEP/CHW.6/L.1) adopts several amendments to Annexes VIII and IX, including a new entry to Annex IX on waste end-of-life motor vehicles. It also requests the OEWG to give consideration to the official translation of the lists of wastes contained in the annexes and to provide guidance, as appropriate.

Issues related to Annex IX: On Wednesday, 11 December, COP-6 President Jeleu introduced a document containing a questionnaire concerning the national classification and control procedures for the import of wastes contained in Annex IX (UNEP/CHW.6/19). Parties agreed to a proposal by Chile to insert a note in the questionnaire clarifying that it is voluntary, and the document was adopted, as amended.

Final Decision: The decision (UNEP/CHW.6/L.1) adopts the questionnaire and requests the Secretariat to, *inter alia*, distribute it to all Parties and Signatories, compile their replies, make information available to all Parties in all UN official languages, and inform the OEWG of information received. It also requests the OEWG to further develop the draft information paper on issues related to Annex IX, based on responses to the questionnaire.

INSTITUTIONAL, FINANCIAL AND PROCEDURAL ARRANGEMENTS

INSTITUTIONAL ARRANGEMENTS: On Monday, 9 December, Executive Secretary Kuwabara-Yamamoto introduced a document prepared by the Secretariat setting out the options for streamlining the Subsidiary Bodies and rationalizing their activities (UNEP/CHW.6/35). A Working Group, co-chaired by Dick de Bruijn (Netherlands) and Donald Cooper (Bahamas), was established to deal with these issues and met daily throughout COP-6.

In the Working Group, Parties agreed that the current problems relating to the Subsidiary Bodies must be addressed. New Zealand identified a range of problems, including: too many meetings; weak meeting mandates; lack of full participation of all interested States; the Bureau addressing substantive issues; and late document distribution prior to meetings. Canada stressed the need for flexibility in the new arrangements and for broad terms of reference.

On Tuesday, 10 December, Co-Chair Bruijn proposed that: an OEWG be established until COP-7; the OEWG consist of a technical component and a legal/information component; a minimum of two meetings be held during the intersessional period (one meeting for each component), with a third possible meeting be held jointly to prepare for COP-7; the meetings be held in Spring and Autumn 2003, and in Spring 2004; and there be one co-Chair from a developing country and one from a developed country.

Agreement was reached to reduce the number of subsidiary bodies to an Expanded Bureau and an OEWG. Consensus on the composition of the Expanded Bureau could not be reached in the Working Group. The US proposed that it be composed of 12 members including members from the present and previous Bureaus and the co-Chairs of the OEWG. Germany recommended 13 members, including the Chair of the Compliance Committee. South Africa and Brazil argued that 15 members be selected, including the vice co-Chairs and rapporteur of the OEWG.

On arrangements for the OEWG, there was considerable debate in the Working Group around the use of interpretation and translation services at OEWG meetings. China stipulated that services in all six official UN languages should be provided. Japan and other developed countries favored the idea, but were concerned about budget implications. Noting that debate on this issue had been ongoing for several years, many developing country Parties stated that this was a priority issue for their delegations and that their positions were "not negotiable." Late on Thursday evening, 12 December, delegates agreed to allocate some funding in the budget for these services based partially on savings achieved from the streamlining of institutional arrangements. Text was agreed that OEWG meetings would be held in all six UN languages; however, Germany and Japan warned that this issue may be raised again in the future in the event of budget/funding shortages. Debate recurred on this issue late on Friday afternoon in discussions on the budget, when several developed countries proposed that travel expenses for developing country participants be partially paid from the Technical Cooperation Trust Fund to offset the interpretation and translation costs. After some discussion on the matter, Parties agreed to this proposal.

A work programme for the OEWG for 2003-2004 (UNEP/CHW.6/CRP.21) was also concluded, setting out the technical and legal tasks and activities of this new Subsidiary Body. Tasks include work on classification and hazard characterization of waste, technical guidelines on environmentally sound management, dismantling of ships, capacity building, the Emergency Mechanism, the Protocol on Liability and Compensation, prevention and monitoring of illegal traffic, and the dispute settlement mechanism.

Final Decision: The decision on institutional arrangements (UNEP/CHW.6/CRP.21/Rev.1), adopts Germany's proposal of 13 members for the Expanded Bureau. The Expanded Bureau's role is confined to administrative functions and financial powers limited to the approved budget. It is not permitted to access the Basel Convention Trust Fund's surplus. The COP agrees that admittance of observers to meetings of the Expanded Bureau will be left to the discretion of that body; however, members of the Expanded Bureau are obliged to consult with and report to other States in their regions on the Expanded Bureau's activities.

The decision agrees that the tentative schedule for the OEWG until COP-7 will be a technical meeting in April/May 2003, a legal/implementation meeting in September/October 2003, and a general



meeting in March/April 2004. It also decides that the OEWG may meet for no more than 18 days in total during the intersessional period and that meetings will be open to observers.

FINANCIAL MATTERS: On Monday, 9 December, Executive Secretary Kuwabara-Yamamoto introduced documents in Plenary prepared by the Secretariat setting out the finances of the Convention's trust funds and the proposed budget for 2003-2004 (UNEP/CHW.6/36 and Corr.1). The Working Group on financial matters and institutional arrangements discussed these items throughout the week and late into the final hours of the meeting.

The Working Group began its consideration of financial matters by discussing the document setting out the budget scenario (UNEP/CHW.6/36). The Secretariat presented a positive picture of the Convention's finances, with an estimated fund balance of US\$6,293,000 in the Basel Convention Trust Fund at the end of 2002. In addition, the fund balance had increased since COP-5 resulting from the payment of arrears, strong collection rates, high interest, and the rigid structure of the budget. The proposed budget presented by the Secretariat (UNEP/CHW.6/36) was based on a zero increase in overall contributions and a small increase in total operational costs.

Three key issues were discussed by the Working Group: the scale of assessments of contributions to the Basel Convention Trust Fund; the budget surplus; and the trimming of Secretariat expenditures. The budget was drafted in the form of a decision on financial matters and an annex setting out terms of reference of the Convention's trust funds (UNEP/CHW.6/CRP.23). Regarding contributions to the Trust Fund, several large developing countries and others were concerned that the UN's new scale of assessments were inequitable. Germany proposed increasing the spread of contributions among developing country Parties, however several small developed country Parties and others opposed this proposal. Brazil proposed that the UN scale of assessments be used with an adjustment so that no developing countries or countries with economies in transition would have larger contributions allocated to them when compared to the scale of assessments adopted in the previous session of the COP. With negotiators unable to reach a solution by late Friday, the Working Group forwarded the issue to Plenary for its consideration.

In other discussions in the Working Group, several participants also expressed concerns regarding the Convention's current budget surplus and the Secretariat's reliance on the surplus to "balance" the budget. The US, supported by several other developed countries, suggested that the surplus be paid back to donors. Canada argued it should be spent on certain priority issues in the Strategic Plan, while Mexico and France said it should be used for interpretation, translation, and developing country participation expenses. Germany recommended that it be gradually reduced to provide a "soft landing" when the budget surplus is diminished to zero.

Many Parties stressed the need for zero nominal growth in the budget. However, pressures for financing interpretation and translation services at OEWG meetings, the reclassification of Secretariat posts, the Strategic Plan, travel and other costs associated with the new compliance committee and other initiatives, resulted in increased expenditures. Savings from the rationalization of institutional arrangements provided some resources to address these new pressures; however, the achievement of zero nominal growth required cuts in proposed expenditures. With many countries concerned about the medium-term consequences of using the Basel Convention Trust Fund's surplus to finance these operational costs, cuts were secured by reducing spending on equipment and miscel-

laneous items, including reporting and communication costs. Nevertheless, several Parties noted that substantial reductions of the Trust Fund also resulted from the proposed budget. The budget was finally agreed early on Saturday morning, 14 December.

Final Decision: In the decision on the budget (UNEP/CHW.6/CRP.23/Rev.1), the COP agrees to maintain expenditures at the same level as the budget approved at COP-5 with zero nominal growth. It also adopts the UN scale of assessments for the apportionment of the expenses of the UN, with an attached interpretation by the President stating that, for 2003-2004, the difference in contributions between the new scale and the scale agreed at COP-5 should not affect developing countries or countries with economies in transition. Statements from Argentina, Egypt, on behalf of the G-77, and Canada, supported by Germany, setting out their views are appended to the decision. The decision also sets out a gradual and limited reduction of the trust fund surplus.

COMPETENT AUTHORITIES AND FOCAL POINTS: On Tuesday, 10 December, the Plenary took up the item on the designation of Parties' competent authorities and focal points for the Convention, adopting a decision on the matter without amendment.

Final Decision: The decision (UNEP/CHW.6/37) notes that the system of competent authorities and focal points serves to facilitate communication between the Secretariat and Parties; between governments allowing for notification of the transboundary movements of hazardous waste; and between governments and the public. The decision calls on Parties that have not yet designated competent authorities and focal points to do so. It invites non-Parties to identify contact points and requests that the Secretariat maintains the updated list.

REVIEW OF THE WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT

On Friday, 13 December, Executive Secretary Kuwabara-Yamamoto introduced a draft decision to Plenary on follow-up to the World Summit on Sustainable Development (WSSD) (UNEP/CHW.6/39).

Switzerland noted that the WSSD *Plan of Implementation* promotes the cooperation and coordination between the chemicals-related MEAs and that it builds on the Global Ministerial Environment Forum's efforts to promote the establishment of a chemicals and waste cluster. He stated that the decision concerning follow-up to the WSSD has the potential to form a basis for a comprehensive international regime for hazardous wastes. He also proposed an amendment to the draft decision to include language on cooperation with the Stockholm Convention on POPs. The Czech Republic urged the Basel Convention to cooperate with relevant MEAs on implementing the 10-year framework of programmes aimed at sustainable consumption and production agreed to in the *Plan of Implementation*. Japan reaffirmed its commitment to the *Plan* and the Rio Principles, and announced its US\$100,000 contribution towards a new initiative promoting international cooperation in preventing the illegal trade of hazardous wastes in East Asia. South Africa stressed the role of partnerships in implementing the outcomes of the WSSD, and urged the Basel Secretariat to engage in partnerships initiated at the Summit. The Plenary adopted this decision, with minor amendments.

Final Decision: The decision (UNEP/CHW.6/L.1/Add.1) recognizes the outcomes of the WSSD that are relevant to the objectives of the Basel Convention and outlines activities to be followed up by the Secretariat. It requests the Secretariat to identify



areas in the *Plan of Implementation* relevant to the Basel Convention and the Basel Declaration with a view to exploring cooperation with Parties and stakeholders to support the *Plan*. It further requests the Secretariat to identify the most efficient means of cooperation with these stakeholders, to propose a way forward in implementing concrete activities, and to report on progress made on this decision to COP-7.

OTHER MATTERS

On Wednesday, 11 December, the Plenary approved a logo for the Basel Convention (UNEP/CHW.6/38 and Corr.1).

HIGH-LEVEL SEGMENT

The high-level segment of COP-6 took place from 12-14 December. Participants heard formal statements from over 50 ministers and other high-level government representatives, as well as presentations from intergovernmental and non-governmental organizations, and UN agencies.

OPENING ADDRESSES: COP-6 President Jelev opened the high-level segment of COP-6 on Thursday, 12 December. Observing that the Basel Convention has made great progress during the decade since its entry into force, he thanked UNEP Executive Director Klaus Töpfer and COP-5 President Phillippe Roch for helping guide the Convention, and thanked the Secretariat for its ongoing work.

Klaus Töpfer stated that COP-6 would take major decisions on the future direction of the Convention, and drew attention to its work on the Strategic Plan and the BCRCs. He described the COP's agreement on a compliance mechanism as "ground breaking." He urged Parties to ratify the Ban Amendment and the Protocol on Liability and Compensation, highlighted the public-private sector initiative on mobile phones as a significant achievement and emphasized cooperation and dialogue with civil society. He noted that the *Plan of Implementation* agreed at the WSSD addresses the issue of chemicals and hazardous wastes and that UNEP's Governing Council would consider how to implement the *Plan* at its meeting in February 2003.

COP-5 President Philippe Roch said the WSSD highlighted the need for a global strategy on chemicals and close cooperation among MEAs. He stressed the importance of partnerships, and said the mobile phone initiative demonstrates that companies are assuming responsibility for the entire life cycle of the product.

FORMAL STATEMENTS BY PARTIES, OBSERVER STATES AND ORGANIZATIONS: Following the opening addresses, delegates heard statements from ministers and heads of delegations, as well as representatives of observer States and various organizations and agencies. The following section summarizes the key themes addressed in these statements.

Ban Amendment: Malaysia, Tanzania, Tunisia and several other speakers urged countries to ratify the Ban Amendment. Denmark, on behalf of the EU, called on Parties to ratify the Amendment so that entry into force could be achieved before COP-7. Kenya, Poland, and Moldova indicated that they were planning, or had already started, the ratification process. Ghana reported that it would be submitting its instrument of accession to the Basel Convention shortly, and that work was already underway on ratifying the Ban Amendment. Jamaica announced its intention to accede both to the Convention and the Amendment. Malaysia said BCRCs should play an active role in promoting ratification of the Ban Amendment.

Capacity Building and Technology Transfer: Many developing countries called for increased capacity building, technology transfer and financial assistance to support implementation of the Convention and the Ban Amendment. Niger said capacity building for developing countries is essential for ensuring implementation of the Convention. Pakistan noted its insufficient technical capacity to deal with accumulated pesticides and other chemical wastes and drew attention to environmental damage caused by the illegal dumping of hazardous waste at sea.

As a least developed country, Bhutan underscored its lack of expertise and financial resources and called for meaningful technological cooperation to develop its institutional capacity. Poland urged assistance for countries with economies in transition.

Yugoslavia welcomed the enlargement of the Technical Cooperation Trust Fund. Bolivia identified information deficiencies as a limitation to implementation, highlighting the need for institution building, and local and regional training.

Compliance Mechanism: The EU and Canada expressed satisfaction at the compromise package on compliance agreed at COP-6 and Poland said the mechanism should better discipline Parties in meeting their commitments. Peru said adequate resources must be made available to ensure the effectiveness of the compliance mechanism.

Convention Implementation: Burundi emphasized the need for all Parties to meet their obligations under the Convention. Croatia and Peru stressed the principle of common but differentiated responsibilities among Parties in implementing the Basel Convention. Algeria said funding arrangements like those used by the UN Framework Convention on Climate Change or the Convention to Combat Desertification would enhance the Convention's work. Belarus and Ukraine stressed the significant roles of institutional arrangements and national legislation in implementing the Convention. Botswana noted that legislation was ineffective without enforcement. Venezuela emphasized the need to involve all relevant stakeholders in implementation and urged sufficient financial support.

The Office of the High Commissioner for Human Rights expressed concerns that some major countries have not ratified the Convention, that most of the Convention's instruments are not in force, that many developing countries do not have the capacity to implement the Convention, and that there is no coordinated mechanism at the national, regional and subregional levels to combat illegal traffic.

Cooperation and Synergies: Many Parties, including Mauritius, Senegal, Canada, Luxembourg, Republic of Korea, Argentina, Turkey, Moldova and Nicaragua, called for enhanced synergies and coordination of chemicals-related MEAs. South Africa urged the Basel Secretariat to initiate dialogue to develop joint programmes with the AMCEN and NEPAD. Romania stressed regional cooperation in surveillance of transboundary movements of hazardous wastes.

National and Regional Policies and Activities: Many African countries, including Senegal and Mozambique, called attention to the Rabat Declaration and supported its implementation. Benin said the Basel Convention needs a similar level of resources to other MEAs. He questioned how private companies will exercise responsibility over end-of-life products exported to Africa, and called attention to an upcoming subregional workshop on this matter.



Bangladesh highlighted its national ban on the production, marketing and use of polyethylene shopping bags. Bhutan noted that it has taken steps to avoid becoming a dumping ground for hazardous waste and Nepal highlighted problems associated with solid waste management due to urbanization, and with scrap metals. Tanzania emphasized that national inventories are crucial for managing hazardous waste, setting priorities and assessing risks.

Partnerships: Several speakers, including Malaysia and Mauritius, supported partnerships with industry. Croatia, Indonesia and others emphasized the importance of partnerships with IGOs and NGOs. Monaco stressed that sustainable development is only possible when civil society and the private sector are fully involved and Mexico highlighted a private-public partnership to develop an electronic system for monitoring the movement of hazardous waste.

Canada and others welcomed the mobile phone initiative and Ghana suggested that end-of-life computers and other electronic goods should be considered for future partnerships. Noting the partnerships developed under the Waigani Convention, Australia advocated the implementation of practical projects. An industry representative welcomed partnerships to address hazardous waste problems, and highlighted linkages with the goal of reducing poverty.

Regional Centers: Many countries supported the legal establishment of the BCRCs and called for stable funding for strengthening the Centers. Trinidad and Tobago said the agreement on the legal establishment of BCRCs was the greatest achievement of COP-6. China identified financial restrictions and a lack of capacity as constraints for BCRCs. Uruguay, on behalf of the Latin American and Caribbean Group (GRULAC), welcomed the critical role given to the BCRCs in the Strategic Plan and urged donor countries to reaffirm their strong commitment and support for BCRCs. Egypt thanked Finland for supporting the BCRC in Cairo, and Afghanistan supported the establishment of the BCRC in Iran, emphasizing the urgent need for capacity building in this region.

The Gambia stressed the effectiveness of BCRCs, and their ability to take into account regional diversities. The Czech Republic said BCRCs should involve experts and institutions dealing with the illegal trade and transboundary movement of hazardous wastes, chemicals and ozone-depleting substances.

Strategic Plan: Many speakers, including the EU, Indonesia and Jordan, highlighted the importance of the Strategic Plan and the role of BCRCs in supporting its implementation. Trinidad and Tobago praised the Plan as the blueprint for implementing the Convention. Kuwait urged implementation of the Plan and Japan supported efforts to develop countries' capacities to implement it, urging other donors to follow suit.

Waste Minimization: Many speakers stressed the importance of minimizing hazardous waste generation. GRULAC called for the prioritization of hazardous waste minimization in the Strategic Plan. Japan supported strategies for waste reduction, reuse and recycling. Greenpeace urged developed countries to set targets and timeframes to reduce hazardous waste generation. Tanzania, Mauritius, Botswana and Thailand highlighted the importance of cleaner production practices in industry.

World Summit on Sustainable Development: GRULAC drew delegates' attention to the WSSD *Plan of Implementation*, which recognizes linkages between the management and elimination of hazardous wastes, and the effects on human health and sustainable development. Brazil said the WSSD had reaffirmed the

Rio Principles and the EU supported follow-up to the WSSD. South Africa, Bangladesh and others urged the Basel Secretariat to work with the Commission on Sustainable Development (CSD) and other IGOs in implementing the chemicals-related outcomes of the WSSD.

Other Topics: Slovakia expressed hope that the Protocol on Liability and Compensation would soon enter into force. Uganda called for greater political recognition of the Basel Convention. GRULAC and the Democratic Republic of Congo supported improved interpretation and translation services at Subsidiary Body meetings.

Mauritius and Saint Lucia highlighted the special needs of small island developing States with respect to hazardous waste management and Botswana underscored the importance of the polluter pays principle.

Jamaica stressed the need to raise public awareness and a sense of stewardship in addressing problems of hazardous waste.

CLOSING PLENARY

On Friday afternoon and evening, 13 December, delegates met in Plenary to consider the report of the meeting (UNEP/CHW.6/L.1 and Add.1). After proceeding through the report paragraph-by-paragraph and making a number of technical and editorial amendments to the text, the COP adopted the report.

Due to delays caused by ongoing negotiations on the budget, the formal close of COP-6 did not take place until early on Saturday morning, 14 December, when the budget was finally adopted. President Jelev thanked all delegates for their energy and hard work during these negotiations, and gavelled the meeting to a close shortly after 2:00 am.

A BRIEF ANALYSIS OF COP-6

SHIFTING GEARS IN THE BASEL CONVENTION

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal entered into force ten years ago, and with over 150 Parties, it is one of the more established multilateral environmental agreements. Indeed, since its adoption, there has been a notable reduction in the transboundary movements of some types of hazardous wastes. However, some observers argue that governments must not become complacent, suggesting that, while controlling the transboundary movements of hazardous wastes is a significant accomplishment, the full objectives of the Basel Convention will not be realized until the generation of hazardous waste is minimized. Yet, with so many other multilateral environmental agreements' (MEAs) obligations, the strain on government capacities and resources may be leading to the Basel Convention being accorded a lower priority.

During its earlier years, the focus of the Basel Convention was to set up a framework for controlling the transboundary movements of hazardous wastes. Many agree that it is now time for Parties to shift gears and focus on stronger implementation of treaty commitments. COP-6 moved in this direction in a number of ways, including: finalizing the Strategic Plan, streamlining institutional arrangements, strengthening capacity building, creating partnerships, adopting technical guidelines, and establishing a compliance mechanism. However, challenges still remain. In particular, the financial responsibilities of Parties have become a source and focus of conflict, and the Ban Amendment, which many view as the real heart of the Convention, has yet to enter into force.



SUCSESSES

THE STRATEGIC PLAN – WHERE ARE WE

HEADING? Finalization of the Strategic Plan, which provides a road map for implementing the Convention, represents a key milestone in the implementation of the Convention. Negotiations on the Plan saw diverging views on prioritizing activities and developing criteria. Although most Parties seemed relatively satisfied with the final decision, a few were disappointed by the lack of prioritization of activities, particularly in light of budget constraints. While some delegations felt that greater priority should be given to environmentally sound management of waste, others, recalling that one of the primary goals of the Convention is to minimize hazardous waste generation, expressed concern that the path outlined in the Strategic Plan is insufficient to achieve the reduction of, or even the stabilization of, hazardous waste generation.

INSTITUTIONAL ARRANGEMENTS – HOW WILL WE GET THERE? In the past, progress at Subsidiary Body meetings had been frustrated or at least slowed due to unclear mandates, duplication of work, poor scheduling and pre-meeting document distribution, and inequitable levels of participation, which have hindered implementation of the Convention. In an effort to make these processes more efficient, COP-6 decided to merge the Legal and Technical Working Groups into an Open-Ended Working Group and to maintain the Expanded Bureau. The Expanded Bureau will focus solely on administrative matters, while the Working Group will be responsible for technical and legal/information work. To improve participation, COP-6 decided that interpretation and translation services will be provided at Working Group meetings. This has been a long standing issue on the agenda of many developing country Parties. Many participants anticipate that these new arrangements will improve decision-making and capacity building to foster the implementation of the Convention both in developing and developed countries.

REGIONAL CENTERS FOR TRAINING AND TECHNOLOGY TRANSFER – WHO'S DRIVING? Convention implementation was also fostered at COP-6 through the decisions on capacity building. Developing countries have played, and continue to play, an instrumental role in the development and implementation of the Basel Convention. One key aspect of implementing the Convention is building the capacity of developing countries to manage and dispose of hazardous waste. To this end, COP-6 legally established Basel Convention Regional Centers, a step that has been loudly applauded by both developing and developed countries alike. Recognition of the critical role of these Centers in implementation of the Convention was further reflected in donors' agreement to fund activities under the Strategic Plan through the Basel Convention Trust Fund, and finance the core functions of the Regional Centers through contributions from the Technical Cooperation Trust Fund.

PARTNERSHIPS – HITTING THE ROAD FROM THE WSSD: Following the fresh ideas generated from the WSSD on partnerships, COP-6 enthusiastically embraced this concept with the launch of a partnership initiative with major mobile telephone companies on the environmentally sound management of end-of-life mobile telephones. In addition, COP-6 saw the take off of three partnership initiatives in side events – from Africa on used oils, Latin America and Caribbean on used lead-acid batteries, and South Africa on environmentally sound management of waste in urban areas. These actions not only signal a shift by governments beyond the multilateral negotiating arena in achieving the goals of the Convention, but also indicate an interest in corporations to

work formally with governments in the MEA process. Partnerships with the private sector and other stakeholders may well become a common feature in the implementation of other environmental conventions.

TECHNICAL GUIDELINES – THE ROAD MAP: COP-6 also adopted technical guidelines on biomedical, plastic and lead-acid battery wastes, and ship dismantling. Although the guidelines did not occupy a great deal of time at COP-6, their significance should not be underestimated. In particular, a number of delegates stressed the importance of the decision on ship dismantling, highlighting that it calls for the ship's decontamination prior to sending it for dismantling. This upholds the Convention's principle that hazardous wastes should not be dumped on developing countries.

COMPLIANCE COMMITTEE – ROAD RULES: One of the great achievements of COP-6 was the finalization of the compliance mechanism, an endeavor that was three years in the making. Although most delegates' formal speeches at COP-6 hailed the mechanism as a fair compromise, it appears that some Parties are happier than others. Those who are pleased with the mechanism highlight that it is simple, practical and facilitative. They note that it is important to have a mechanism that provides facilitative assistance to developing countries that have difficulty in meeting their obligations, especially as the Basel Convention does not have a financial mechanism. Parties who appear less satisfied with the outcome, including the Netherlands, some other European countries, and NGOs, were calling for a somewhat stronger mechanism with "teeth." They are frustrated that, among other things, the options for triggering the compliance procedure are limited, and Committee members will not be serving in their individual capacities. Time will tell, however, whether the mechanism agreed at COP-6 is robust enough to promote compliance. If it proves to be ineffective, the mechanism can be strengthened at a later date, as the Parties see fit. Although this provides a little consolation to unhappy Parties, some remain concerned that this compliance mechanism could serve as a precedent for other MEAs, including the other chemicals-related Conventions, which are currently in the process of developing their own compliance systems.

STUMBLING BLOCKS

BAN AMENDMENT: At COP-3, delegates adopted the Ban Amendment, a legally-binding instrument that prohibits the trade in hazardous waste from OECD to non-OECD countries. Over seven years later, the Amendment has only obtained roughly half of the 62 ratifications it needs to enter into force. Several delegates have expressed their disappointment that the Secretariat has not done more to promote ratification. There are a few developed countries that quietly but steadfastly oppose the Ban, arguing that it does not promote environmentally sound management but merely prohibits hazardous waste exports. They maintain that OECD countries should be permitted to export hazardous waste to non-OECD countries that have adequate and environmentally sound hazardous waste management practices. In contrast, supporters of the Ban underscore that implementation of the Amendment is critical to the success of the Basel Convention, as closing off the possibility of cheap hazardous waste disposal in developing countries creates an incentive for OECD countries to minimize hazardous waste generation, which is the root of the problem, and pursue cleaner production. COP-6 adopted a decision urging Parties to ratify the Amendment as soon as possible; however, this will require greater efforts from the Secretariat and Parties to push this item forward.



THE SCALE OF CONTRIBUTIONS: Larger developing country Parties were strongly opposed to using the new UN scale of assessments for the apportionment of contributions, which result in some of them contributing more to the Basel Convention Trust Fund than several small developed country Parties. This dilemma led to intense debate. Afraid of setting a precedent that differed from the decision of the UN General Assembly (and would require them to pay a greater share of the contributions), developed countries favored use of the UN scale. With some developed country Parties looking for movement from the G-77 after the compromise on interpretation and translation services in the Open-Ended Working Group, dissension was inevitable. The result is a text adopting the UN scale of assessments followed by an ambiguous note from the COP-6 President appended to the decision indicating his understanding that developing countries will use the COP-5 scale for 2003-2004. This is then followed by appended statements of Parties outlining their positions, including Canada, supported by Germany, that the decision is not a precedent, it was decided under extraordinary circumstances, and may have occurred without a proper quorum. This "agreement" is really an agreement that the Parties disagreed, a result that may well lead to failure in making these provisions effective.

DESTINATION: WASTE MINIMIZATION?

There is widespread agreement that COP-6 accomplished some important tasks, including, in particular, the adoption of decisions on the Strategic Plan, new institutional arrangements, the Regional Centers, partnerships, the technical guidelines and the compliance mechanism. Undoubtedly, these building blocks will provide significant support for the stronger implementation of the Convention; however, problems relating to the scale of contributions and the lack of strong movement in ratifying the Ban Amendment show a lack of political will to get the work done. In fact, of the 152 Parties to the Convention only 90 or so attended the COP, indicating that many no longer feel compelled to make an effort. This may be due to complacency or to the current plethora of other MEA obligations being placed on already stretched government capacities and resources. Without a greater will to succeed, the shift in gears towards implementation may become stalled, or even grind to a halt. While the Convention has already had some success at reducing the transboundary movements of hazardous wastes, the question remains whether the Convention's ambitious goal of hazardous waste minimization can be achieved by continuing on the present path, or whether fundamental changes will be needed.

THINGS TO LOOK FOR BEFORE COP-7

OPEN-ENDED WORKING GROUP OF THE BASEL CONVENTION:

The Open-Ended Working Group will convene for a technical meeting in April/May 2003, a legal/implementation meeting in September/October 2003, and a general meeting in March/April 2004. For more information, contact: the Basel Convention Secretariat; tel: +41-22-979-8218; fax: +41-22-797-3454; e-mail: sbc@unep.ch; Internet: <http://www.basel.int>

PIC REGIONAL AND SUBREGIONAL WORKSHOPS:

A number of regional and subregional workshops to support implementation and ratification of the Rotterdam Convention on PIC are under consideration, which may include meetings hosted by Egypt, China and Malaysia. For more information, contact the Interim Secretariat: Niek van der Graaff, FAO; tel: +39-6-5705-3441; fax:

+39-6-5705-6347; e-mail: pic@fao.org; or Jim Willis, UNEP Chemicals; tel: +41-22-917-8111; fax: +41-22-797-3460; e-mail: pic@unep.ch; Internet: <http://www.pic.int>

TWENTY-SECOND SESSION OF THE UNEP

GOVERNING COUNCIL/ GLOBAL MINISTERIAL ENVIRONMENTAL FORUM: The 22nd session of the UNEP Governing Council will be held from 3-7 February 2003, in Nairobi, Kenya. For more information, contact: Beverly Miller, UNEP; tel: +254-2-623431; fax: +254-2-623929; e-mail: beverly.miller@unep.org; Internet: <http://www.unep.org/governingbodies/GC22/>

ICRC-4: The fourth session of the PIC Interim Chemical Review Committee is scheduled for 3-7 March 2003, in Rome, Italy. For more information, contact the Interim Secretariat: Niek van der Graaff, FAO; tel: +39-6-5705-3441; fax: +39-6-5705-6347; e-mail: pic@fao.org; or Jim Willis, UNEP Chemicals; tel: +41-22-917-8111; fax: +41-22-797-3460; e-mail: pic@unep.ch; Internet: <http://www.pic.int>

POPS INC-7: The seventh session of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Implementing International Action on Certain POPs is scheduled for 14-18 July 2003, in Geneva, Switzerland. For more information, contact the Interim Secretariat: tel: +41-22-917-8191; fax: +41-22-797-3460; e-mail: ssc@chemicals.unep.ch; Internet: <http://www.pops.int>

FOURTH SESSION OF THE INTERGOVERNMENTAL FORUM ON CHEMICAL SAFETY (IFCS): FORUM IV is scheduled for 1-7 November 2003, in Bangkok, Thailand. For more information, contact: Judy Stober, IFCS Executive Secretary; tel: +41-22-791-3650; fax: +41-22-791-4875; e-mail: ifcs@who.ch; Internet: <http://www.ifcs.ch>

PIC INC-10: The tenth session of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC) is scheduled for 17-21 November 2003, in Geneva, Switzerland. For more information, contact the Interim Secretariat: Niek van der Graaff, FAO; tel: +39-6-5705-3441; fax: +39-6-5705-6347; e-mail: pic@fao.org; or Jim Willis, UNEP Chemicals; tel: +41-22-917-8111; fax: +41-22-797-3460; e-mail: pic@unep.ch; Internet: <http://www.pic.int>

BASEL CONVENTION COP-7: The seventh meeting of the Conference of the Parties to the Basel Convention is expected to convene in 2004. For more information, contact: Basel Secretariat; tel: +41-22-979-8218; fax: +41-22-797-3454; e-mail: sbc@unep.ch; Internet: <http://www.basel.int>