

EIGHTH CONFERENCE OF THE PARTIES TO THE BASEL CONVENTION: 27 NOVEMBER - 1 DECEMBER 2006

The eighth meeting of the Conference of the Parties (COP8) to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal begins Monday 27 November 2006 at the UN Office in Nairobi, Kenya. The theme of COP8 is "Creating innovative solutions through the Basel Convention for the environmentally sound management of electronic wastes," which will focus on end-of-life computers and television sets to be considered during COP's high level segment on 30 November and 1 December.

The key issues to be considered by the Conference include the following: possible financial mechanisms to ensure the Convention's sustainability and to provide appropriate capacity-building and technical assistance to developing countries; the 2007-2008 programme of work; the implementation of the Strategic Plan, including consideration of the work and operations of the Basel Convention Regional and Coordinating Centres (BCRCC), as well as the Basel Convention Partnership Programme; synergies and cooperation in the environmental field, particularly between UNEP, the Stockholm Convention, the Rotterdam Convention and the Strategic Approach to International Chemicals Management (SAICM), consideration end-of-life equipment, and e-waste; ship dismantling and recycling; the review and possible adoption of the amendments to the general technical guidelines for the environmentally sound management of persistent organic pollutants (POPs) wastes; the guidelines for the environmentally sound management (ESM) of wastes consisting of, containing or contaminated with polychlorinated biphenyls (PCBs), polychlorinated terphenyls (PCTs) or poly brominated biphenyls (PBBs); and the possible adoption of the technical guidelines for the environmentally sound management of a variety of chemicals. COP8 will also consider issues related to two of its subsidiary bodies, namely the 2007-2008 work programme of the Open-ended Working Group and the election of new members of the Compliance Committee and its work programme.

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 hazardous wastes that

are produced worldwide each year. The guiding principles of the Convention are transboundary movements of hazardous wastes should: be reduced to a minimum; managed in an environmentally sound manner; be treated and disposed of as close as possible to their source of generation; and be minimized at the source. There are currently 162 parties to the Convention.

COP1: The first COP was held in Piriapolis, Uruguay, from 3-4 December 1992. COP1 requested industrialized countries to prohibit transboundary movements of hazardous wastes for final disposal to developing countries (Decision I/22). Decision I/22 also noted that the transboundary movements of wastes for the purpose of recovering and recycling should take place in accordance with the requirement that the wastes be handled in an environmentally sound manner. Decision I/22 is not legally binding, and 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 (TWG) for further study.

COP2: 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 the Organization for Economic Cooperation and Development (OECD) countries to non-OECD countries. Parties also agreed to ban, by 31 December 1997, the export of wastes intended for recovery or recycling (Decision II/12). Since Decision II/12 was not incorporated into the text of the Convention itself, the issue of whether or not the ban was legally binding was unclear.

COP3: 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 receive OECD hazardous wastes by joining Annex VII. According to Article 17, entry into force should take place upon ratification by at least three-fourths of the parties. There are different interpretation over the number of ratifications required for the ban to enter into force, with some parties suggesting that the number may in fact be higher than 62 parties, following an opinion on the matter by the UN Office of Legal Affairs. To date, the Ban Amendment

had been ratified by 62 parties. COP3 further mandated the TWG to continue its work on the characterization of "hazardous wastes" and the development of lists of wastes that are hazardous (Decision III/12).

COP4: Two of the major decisions adopted at the fourth COP, held in Kuching, Malaysia, from 23-27 February 1998, related to the Ban Amendment. COP4 considered proposals by countries seeking to join Annex VII and decided that the composition of this annex would remain unchanged until the Ban Amendment entered into force (Decision IV/8). In this decision, COP4 also requested the Secretariat to undertake a study of issues related to Annex VII. On the question of which wastes should be covered by the Ban, COP4 considered the proposal put forward by the TWG on List A, identifying hazardous wastes, and List B, identifying non-hazardous wastes. COP-4 decided to incorporate these lists as Annex VIII and Annex IX to the Convention, respectively.

COP5: The fifth COP 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 Convention's adoption. 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 ESM of hazardous wastes over the next ten years, along with a decision setting the next decade's agenda. Seven parties have ratified the Protocol on Liability and Compensation, which will enter into force upon receipt of 20 instruments of ratification.

The COP also adopted a number of decisions covering the Convention's implementation and monitoring, legal matters, prevention and monitoring of illegal traffic, technical matters, and institutional, financial and procedural arrangements.

COP6: The sixth COP met in Geneva, Switzerland, from 9-14 December 2002. COP6 restated the importance of Basel Convention's goals relating to sustainable development and launched a partnership programme with environmental non-governmental organizations (NGOs), industry and business. The COP adopted decisions on a range of issues relating to the implementation of the Convention, amendment of the Convention and its annexes, and institutional, financial and procedural arrangements.

COP6 also agreed on guidance elements for the detection, prevention, and control of illegal traffic in hazardous wastes, and on technical guidelines for ESM of biomedical and healthcare wastes, plastic wastes, waste from lead-acid batteries and ship dismantling.

Delegates at COP6 agreed to promote further cooperation between the Basel Secretariat and other organizations and secretariats involved in chemicals management. COP6 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 Basel Convention Regional Centers (BCRCs) for Training and Technology Transfer.

COP7: At seventh COP, held in Geneva from 25-29 October 2004, delegates considered decisions on a range of issues relating to the BCRCs, the Basel Convention Partnership Programme, institutional arrangements, the Ban Amendment and the Basel Protocol on Liability and Compensation. COP7 also adopted decisions on definitions of hazardous wastes, hazardous waste characteristics and a number of technical guidelines. Delegates adopted decisions on guidance elements for bilateral, multilateral or regional agreements and on the follow-up to the 2002

World Summit on Sustainable Development (WSSD). After protracted negotiations, COP7 set the budget for 2005-2006 and took decisions on the Strategic Plan and the 2005-2006 work programme for the OEWG.

INTERSESSIONAL HIGHLIGHTS

OEWG4: The fourth session of the Open-ended Working Group (OEWG4) was held in Geneva from 4-8 July 2005. The aim of the meeting was to follow up on decisions taken at COP7 and to prepare for COP8. Participants addressed issues, including technical guidelines on persistent organic pollutants (POPs), the Mobile Phone Partnership Initiative, and ship dismantling. Participants also considered the outcome of the first meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants, and witnessed the signing of an agreement establishing a Basel Convention Regional Center in Argentina. Funding issues and sustainable financing were also considered.

POPS COP-2: The second COP for the Stockholm Convention took place from 1-5 May 2006, in Geneva, Switzerland. COP-2 considered several reports on activities within the Convention's mandate, and adopted 18 decisions on, *inter alia*, measures to reduce or eliminate releases from wastes, implementation plans, reporting, technical assistance, synergies with the Basel and the Rotterdam Convention, effectiveness evaluation, and non-compliance.

OEWG5: The fifth session of the Open-ended Working Group of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (OEWG5) took place in Geneva, Switzerland, from 3-7 April 2006. Three issues were considered in depth: financing and synergies among the chemicals-related Conventions, technical guidelines on POPs, and ship dismantling. Other issues examined included the Mobile Phone Partnership Programme, the Strategic Plan for Implementation of the Basel Convention, illegal traffic, and the Basel Protocol on Liability and Compensation. In total, the group adopted 14 decisions. OEWG5 also approved a dozen additional draft decisions to be forwarded to COP8.

PIC COP-3: The Rotterdam Conference COP-3 was held from 9-13 October 2006, in Geneva, Switzerland. COP-3 considered several reports on activities within the Convention's mandate and adopted 16 decisions on, *inter alia*: the programme of work and the budget for 2007-2008; implementation of the Convention; chrysotile asbestos; financial mechanisms; non-compliance; and cooperation and coordination among the Basel, Rotterdam and Stockholm Conventions' secretariats. Delegates did not reach agreement on the mechanisms and procedures for non-compliance. COP-3 deferred the decision on including chrysotile asbestos in Annex III (Chemicals subject to the PIC procedure) of the Convention to COP-4, which to be held in Rome in October 2008.

POPRC-2: The second meeting of the Persistent Organic Pollutants Review Committee (POPRC-2) of the Stockholm Convention took place from 6-10 November 2006, in Geneva, Switzerland. POPRC-2 considered several operational issues, and adopted 12 decisions on: risk profiles on pentafluorooctane sulphonate, pentabromodiphenyl ether, chlordecone, hexabromobiphenyl and lindane; the newly proposed chemicals alpha hexachlorocyclohexane, beta-hexachlorocyclohexane, pentachlorobenzene, octabromodiphenylether and short-chained chlorinated paraffins; confidentiality arrangements; and the treatment of isomers, or groups of isomers, and chemicals proposed for listing in Annexes A, B or C of the Convention.