

## **BASEL COP8 HIGHLIGHTS: TUESDAY, 28 NOVEMBER 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 convened throughout the day in the Committee of the Whole (COW) where delegates addressed legal and financial matters, resource mobilization, sustainable financing, partnerships and the work of the Mobile Phone Working Group (MPWG), international cooperation and synergies, reporting, and technical matters.

The budget contact group and informal consultation groups on ship dismantling and the Mobile Phone Partnership Initiative (MPPI) met throughout the day.

### **COMMITTEE OF THE WHOLE**

#### **IMPLEMENTATION OF DECISIONS ADOPTED BY COP7: Financial matters:**

Sachiko Kuwabara-Yamamoto, Basel Convention Executive Secretary, presented the proposed budget for the 2007-2008 biennium or the 2007-2009 triennium (UNEP/CHW.8/8), additional information on financial matters (UNEP/CHW.8/INF.23) and administration of the Basel Convention trust funds (UNEP/CHW.8/INF.36). The EU, NORWAY and Nigeria on behalf of the AFRICAN GROUP, lamented some countries had not met COP7 financial commitments and stressed that these outstanding contributions be addressed to ensure the Convention's implementation. The EU, supported by MOROCCO, INDONESIA, CHINA, CANADA, TANZANIA, JORDAN, the GAMBIA and the AFRICAN GROUP, favored the biennium 2007-2008 Option 1, allowing for one meeting of the Open-Ended Working Group (OEWG), over the triennium 2007-2009 Option 2, allowing for two meetings of the OEWG, and the triennium 2007-2009 Option 3, foreseeing one meeting of the OEWG and reduced translation services. JAPAN welcomed enhanced activities carried out by the Convention's Secretariat and preferred Option 3. SWITZERLAND called for a pragmatic approach focusing on programmatic priorities and suggested developing a revised Option 2. CHINA expressed concern that streamlining the number of meetings could weaken the Convention. Pointing to recent decisions taken by the Global Environment Facility (GEF) not to create new focal areas for funding, the US recalled that the Basel Convention already has its own funding mechanism.

On the Convention's Technical Cooperation Trust Fund, the EU and SWITZERLAND suggested prioritizing programmes to be supported by the Secretariat. Chile, on behalf of the LATIN AMERICAN AND CARIBBEAN GROUP (GRULAC), expressed concerns over administrative expenses contributing to a reduction in the trust fund balance.

**Resource mobilization and sustainable financing:** The Secretariat introduced documents on resource mobilization (UNEP/CHW8/9), outlining recommendations for additional

budgetary resources to be considered by the COP, and sustainable financing (UNEP/CHW8/10), which provides recommendations for short-, medium- and long-term financing. The EU, NEW ZEALAND, CHINA, BRAZIL, COLOMBIA and AUSTRALIA, highlighted GEF as an alternative sustainable financing mechanism, with AUSTRALIA supporting exploration of other sources of funding. ETHIOPIA, supported by NIGERIA, called for predictable financial mechanisms and coordination between Basel and Kyoto Secretariats to enable developing countries to benefit from the CDM. The PHILIPPINES insisted that the roles of multilateral funding mechanisms be carefully examined in order to ensure that their roles are not misperceived.

KENYA requested the expansion of the Trust Fund to facilitate broader participation. CHINA called for Convention's implementation to be examined as an issue for GEF, during its 5th replenishment in 2009.

NAMIBIA underscored resource mobilization as the most important of all issues and EGYPT emphasized the importance of seeking sustainable sources of funding. SOUTH AFRICA urged an integrated approach to sustainable funding for Basel, Rotterdam, and the Strategic Approach to International Chemical Management (SAICM). SWITZERLAND supported in principal the draft decision on resource mobilization, and supported the expansion of GEF as the most promising way forward for financing the Convention.

**Strategic Plan for the Implementation of the Basel Convention to 2010: Partnership programme:** The Secretariat introduced reports on: the work of the Basel Convention Partnership Programme (BCPP) (UNEP/CHW.8/2/Add.2), highlighting the proposed 2007-2008 work plan contained in Annex II; and stakeholder consultations on the concept for partnerships on the environmentally safe management of used and end-of-life computing equipment (UNEP/CHW.8/INF/3 and INF/3/Add.1).

Marco Buletti (Switzerland), MPWG Chair, reported on the guidance document on the environmentally safe management of used and end-of-life mobile phones prepared by MPWG (UNEP/CHW.8/2/Add.3) and the accomplishments of the Mobile Phone Partnership Initiative (MPPI) (UNEP/CHW.8/INF/6). While highlighting significant progress in the MPPI project groups, and noting expansion of MPWG's membership, Chair Buletti emphasized challenges, including further engaging the private sector. He submitted the draft decision and overall guidance document, with recommendations for COP8 adoption.

Joachim Wuttke (Germany), Chair of the MPWG Project Group on Collection and Transboundary Movement of Used Phones, presented the issues raised during the project group's deliberations on guidelines (UNEP/CHW.8/INF/6/App.1). He emphasized it was not a consensus paper, and requested COP8 consider the proposed options on, *inter alia*, clarification of ambiguities in the Convention's Annexes and streamlining controls.

COW Chair Maquieira introduced the draft decision on the 2010 Strategic Plan (UNEP/CHW.8/2/Add.2). CHILE proposed language concerning the need for the OEWG to inform the COP on its work's outcomes.

On BCPP, COW Chair Maquieira asked delegates to address the document on MPPI (UNEP/CHW.8/2/Add.3). The EU voiced concern about interpretations of hazardous waste definitions conflicting with EU legislation, and suggested replacing "adopts" with "takes note," and "implement" with "use" concerning the guidance document.

CHILE, KENYA, UGANDA and CHINA, welcomed the EU's proposed amendments. CANADA, the US, NEW ZEALAND, JAPAN and AUSTRALIA, supported the proposed action as drafted, with AUSTRALIA preferring the word "use" rather than "implement" in the guidance document under the MPPI.

MEXICO, supported by CHILE, called for integration of work to be extended to pilot projects in other regions. TANZANIA suggested that the document be field-tested for two years before being considered by COP9 due to limited developing countries' involvement. VENEZUELA stressed the need for the pilot project to be relevant for developing countries. Noting lack of developing country participation in the process, BAN, supported by COLOMBIA, NIGERIA, TANZANIA and KENYA, called on parties, developing countries in particular, to provisionally adopt the MPPI and reconsider at OEWG. SWITZERLAND, supported by CANADA, voiced concern about delaying concrete actions in the field, requested a text amendment, and urged participants to adopt the decision. BOTSWANA supported inclusion of all stakeholders from the informal repair sector be brought into the MPPI.

COW Chair Maquieira convened an informal drafting group chaired by Barry Reville (Australia) to further discuss the issue.

**International cooperation and synergies:** The Secretariat introduced the document on international cooperation and synergies (UNEP/CHW.8/3/Rev.1). The EU announced its intention to table a conference room paper (CRP) including a draft decision accepting the invitation of Stockholm Convention COP2 to set up an *ad hoc* open-ended working group on cooperation between the chemicals-related conventions, to which Rotterdam Convention COP3 had already agreed. Many countries supported joining the *ad hoc* working group but preferred to review the CRP before continuing procedural discussions.

INDIA said the *ad hoc* working group should focus on filling gaps and avoiding duplication of efforts. TANZANIA stressed the need to avoid actions that undermine the other conventions. CHINA underlined that the three chemical-related conventions are independent legal instruments and requested an effective synergy programme to ensure equal participation. INDONESIA noted that some countries are not members of all three conventions. The GAMBIA suggested using the Basel Convention Regional and Coordinating Centres (BCRCCs) as vehicles for training and capacity building to benefit all three conventions.

On cooperation with the World Trade Organization (WTO), SWITZERLAND stressed the need to ensure coherence between the multilateral environmental agreements and WTO agreements based on the principles of no hierarchy, mutual supportiveness and deference. Many countries supported the Secretariat requesting for observer status within the WTO Committee on Trade and Environment.

**Reporting:** Pierre Portas, Basel Convention Secretariat, introduced documents on reporting (UNEP/CHW.8/4 and UNEP/CHW.8/INF/13). The EU tabled amendments (UNEP/CHW.8/CRP.4) proposing that the Secretariat prepare and publish annual compilation documents to improve data comparability on transboundary movement of wastes. COP8 adopted the decision as amended by the EU, taking note of Colombia's subsequent request for greater technical information sharing.

**Technical matters:** The Secretariat introduced, and COP8 considered, the proposed draft decisions approved by OEWG5 for submission to COP8 (UNEP/CHW.8/5 and Add.4/Corr.1). On amendments to the lists of wastes and the status of Decision VII/21 (Ship dismantling), the EU suggested extending the

deadline for comments. CANADA announced its intention to table a CRP with technical and editorial amendments, and COW Chair Maquieira postponed discussion.

Michael Ernst (Germany), Chair of the Small Intersessional Working Group on Technical Guidelines on POPs, introduced the technical guidelines approved by the group (UNEP/CHW.8/CRP.3). The COW suspended consideration to allow for bilateral consultations on technical corrections.

The Secretariat tabled the draft decision agreed by the small Working Group on Harmonization of Forms, chaired by Michael Ernst which met on Sunday 26 November (UNEP/CHW.8/CRP.2). CUBA, MEXICO and COSTA RICA supported the decision. The INTERNATIONAL POPS ELIMINATION NETWORK (IPEN) urged reducing the concentrations of POPs. Following requests for amendments to the forms by CHILE and COLOMBIA, COW Chair Maquieira proposed that parties consult bilaterally and postponed the discussion.

The COW agreed to forward to plenary, without amendment, decisions on: technical guidelines on ESM; the working relationship with the UN Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals; separate identification in the World Customs Organization Harmonized Commodity Description and Coding System of certain wastes; classification and hazard characterization of waste; national classification and control procedures for import of wastes contained in Annex IX (Non-hazardous wastes); and implementation of Decision VII/2 (Hazardous waste minimization).

#### CONTACT GROUP

**BUDGET:** Chaired by Anne Daniel (Canada), delegates discussed, *inter alia*, the possibility of organizing back-to-back meetings to reduce costs. Sachiko Kuwabara-Yamamoto, Basel Convention Executive Secretary, described the Secretariat's efforts to make budgetary savings while maintaining current levels of professional capacity. On the budget's options presented by the Secretariat during COW, some developing countries and a few developed countries favored Option 3 while the majority of delegates preferred an amended version of Option 1, which would identify further savings.

On the issue of resource mobilization and sustainable financing, the EU proposed a draft decision incorporating the recommendations from the two documents presented by the Secretariat during COW (UNEP/CHW.8/9 and UNEP/CHW.8/10). He said additional language includes the opportunities to mainstream with other chemical-related convention secretariats to explore a multi-faceted approach to mobilize financial resources.

#### INFORMAL CONSULTATION

**SHIP DISMANTLING:** Roy Watkinson facilitated an informal consultation on ship dismantling. Participants discussed the IMO negotiation process and IMO draft instruments and further examined the EU proposal. A delegate stressed the importance of incorporating in the draft decision the polluter pays' principle and state the clear responsibility of flagstates and ship owners, while other delegates opposed this. Delegates commented on the operative text of the Secretariat report on ship dismantling (UNEP/CHW.8/7) with many indicating their preference to use the EU's proposal as a basis for future discussion. Others argued the EU proposal was skewed against countries with ship-recycling industries. Facilitator Watkinson said he would recommend to the COW on Wednesday, 29 November, that the informal consultation be continued.

#### IN THE BREEZEWAYS

Addressing the budget and resource mobilization issues, some delegates expressed optimism that a consensus on financial arrangements would emerge. Nevertheless, throughout the day, other delegates lamented the lack of progress on substantive decisions and the side-lining of several issues into informal consultations. By twilight, delegates' concerns were heightened when work in the contact groups and informal consultations adjourned, despite a significant number of outstanding issues and only one day to go before the beginning of the high-level segment.