

BASEL COP8 HIGHLIGHTS: WEDNESDAY, 29 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 in a morning plenary. Côte d'Ivoire made a presentation on the toxic waste dumping incident from the vessel *Probo Koala*, in Abidjan, and delegates commented on the incident.

In the afternoon the Committee of the Whole (COW) continued considering technical matters, and addressed legal matters, the compliance committee, the strategic plan, ship dismantling, financial matters, resource mobilization and sustainable financing.

In the afternoon and evening, the budget contact group met and informal consultations on ship dismantling and the Mobile Phone Partnership Initiative (MPPI) continued.

PLENARY

THE INCIDENT OF TOXIC WASTE DUMPING IN CÔTE D'IVOIRE: Concerning the 19 August 2006 toxic waste incident that affected the Abidjan district, Safiatou Ba-N'Daw, President of Crisis Management, Côte d'Ivoire, described the health, environmental, and social impacts of the incident, stressing that over 100,000 persons sought medical attention, that water and soil was polluted and civil unrest occurred. She also described the government's clean-up efforts, discussed the legal and financial issues, and requested financial assistance from parties. Uganda, on behalf of G-77/CHINA, expressed solidarity with Côte d'Ivoire and, supported by the EU, KENYA, and LIBYA, stressed the enforcement of the polluter pays principle. He reinforced the importance of the emergency trust fund for assistance to Côte d'Ivoire and urged donors to offer assistance. The EU stated its commitment to preventing similar incidents in the future. UGANDA also noted that the Ban Amendment to the Basel Convention is already being applied in the EU and, supported by NIGERIA, the GAMBIA, SWITZERLAND, TURKEY, GHANA, TANZANIA, ZAMBIA, and BAN, called for the quick entry into force of the Ban Amendment. NIGERIA stressed the need to prevent dumping of hazardous waste, which is an issue undermining national sovereignty. Supported by KENYA, NICARAGUA and ZAMBIA, NIGERIA called for the ratification of the Basel Protocol on Liability and Compensation. GUINEA, supported by GUATEMALA and TANZANIA, proposed the development of a declaration by COP8 on the Côte d'Ivoire issue. The NETHERLANDS provided a summary of its investigation into the Côte d'Ivoire incident and cited evidence that activities, including primitive refining activities involving oil and caustic

soda, may have taken place on the vessel. GHANA called for the reactivation of the "Dumpwatch" programme and other early warning systems. NEW ZEALAND, CHINA, SOUTH AFRICA and EGYPT urged the strengthening of the Convention through increased resources. BURKINA FASO explained that the incident affected aquifers shared by numerous neighboring countries. He requested an action plan for post-incident activities be drawn up and adopted by COP8. KENYA proposed that the Secretariat establish an OEWG on the issue to report back to COP9.

The World Health Organization (WHO) said the incident illustrated the need for closer cooperation between the WHO and the Convention. The International Maritime Organization (IMO) reported on its cooperation with investigative teams, adding that they would take regulatory action required based on the findings. GREENPEACE stressed that regulation of hazardous waste shipments cannot be decoupled from efforts to reduce hazardous waste generation in developed countries. The INTERNATIONAL POPS ELIMINATION NETWORK (IPEN) stressed the need for African countries to take action against illegal waste trade. SENEGAL suggested involving the Basel Convention Regional and Coordination Centres (BCRCCs) in Nigeria and Senegal in dealing with this incident. COP8 President Kibwana announced informal consultations to develop a document outlining steps to help Côte d'Ivoire and to ensure prevention of similar incidents in the future.

COMMITTEE OF THE WHOLE

IMPLEMENTATION OF DECISIONS ADOPTED BY COP7: Report on contact group and informal consultations: Ship dismantling: Facilitator Roy Watkinson (UK) reported on progress made in the informal consultation on ship dismantling and requested more time to finalize discussions, which was agreed.

MPPI: Chair Barry Reville (Australia) reported that the informal group on the MPPI, hoped a consensus would be soon achieved.

Budget contact group: COW Chair Maquieira noted progress on the group's discussions, including the approval of the biennium budget option with amendments for cost reductions. He said the group would continue to meet in parallel to discuss resource mobilization and sustainable financing.

Technical matters: Michael Ernst (Germany), Chair of the Small Intersessional Working Group on Harmonization of Forms, outlined minor textual amendments proposed by Chile, Colombia and Jamaica to the draft decision on harmonization of forms (UNEP/CHW.8/CRP.2 and UNEP/CHW.8/5/Add.6/Rev.2). COW agreed to the decision and forwarded it to COP8 for adoption.

On technical guidelines for POPs, Michael Ernst, Chair of the Small Intersessional Working Group on Technical Guidelines on POPs, noted that the African Group had proposed amendments to the operative paragraphs of the draft decision (UNEP/CHW.8/5 and CRP.3) to which delegates agreed.

On amendments to lists of wastes and the status of Decision VII/21 (ship dismantling), CANADA tabled its revised decision explaining it contained several technical and editorial amendments clarifying the processes and purposes of the decision (UNEP/CHW.8/CRP.9), which COW approved.

Legal matters: The Secretariat introduced, and COW considered, the draft decisions on legal matters (UNEP/CHW.8/6).

On illegal traffic, the Secretariat noted the draft decision had been drafted before the incident in Côte d'Ivoire, and said a report was anticipated from the on-going mission to Côte d'Ivoire at the end of the week. She suggested the COW may wish to defer consideration. Concerning the instruction manual for the legal profession, JAPAN introduced new paragraphs requesting, *inter alia*: parties, non-party states, and observers to provide to the Secretariat by 31 March 2007 concrete experiences and cases relevant to the proposed instruction manual. COLOMBIA proposed that the manual include a flow chart about illegal traffic, and COW Chair Maquieira suggested that Japan, Colombia and any other interested parties begin informal consultations on the issue.

On national legislation, the Secretariat said the collection of national legislation on the Convention website provides a valuable resource for parties developing legislation. She highlighted the request for parties to submit legislation relating to the penalties for, and prevention of, illegal traffic in hazardous wastes. COW agreed to the decision without amendment.

COW also agreed to decisions on national definitions and on Article 11 (Agreements and arrangements) without amendment.

Concerning the decision on the Basel Protocol on Liability and Compensation the US suggested, and delegates agreed to, including wording inviting parties "and others" to submit comments to the Secretariat. COW Chair Maquieira suggested inclusion of 31 March 2007 as the deadline for comments, and CANADA suggested, and parties agreed to, deleting language on a study on the adequacy of the financial limits established under the Protocol, noting that the Protocol has not yet entered into force. Delegates agreed to the decision with these amendments.

On regional consultations on the interpretation of Article 17(5) (Entry into force of the Ban Amendment), the EU reiterated its interest in the Ban Amendment's entry into force, urged delegates to make a decision on the interpretation of Article 17(5), highlighting that the EU has already implemented legislation on the issue, and hoped to see it enforced internationally. BAN emphasized, supported by NORWAY, Egypt, on behalf of the ARAB GROUP, ETHIOPIA, TANZANIA, and KOREA, stressed the importance of interpreting Article 17(5) to mean three-quarters of the parties who adopted the amendment at COP3. CANADA and the US agreed and insisted on the current-time approach as set out in the legal opinion, requiring that three-quarters of the current members of the Basel Convention would have to ratify the Ban Amendment in order for it to enter into force. AUSTRALIA said it was not constructive to deal with this legal issue through a COP decision when the legal opinion had already provided clarity. ETHIOPIA called for a COP8 decision on the issue or its in depth consideration at COP9. The US further expressed its overall opposition to the Ban Amendment on non-legal and legal grounds, including that it would constitute a trade-barrier contrary to WTO regulations. INDIA proposed deferring the Ban Amendment's entry into force pending legal clarification concerning recyclables and disposables. JAPAN called for a careful interpretation of Article 17(5).

Noting lack of consensus on the issue, COW Chair Maquieira encouraged parties to consult amongst themselves about a possible decision.

Compliance Committee: Compliance Committee Chair Roy Watkinson (UK) introduced the document on the issue (UNEP/CHW.8/12) and reported on the Committee's work over the past biennium. JAPAN asked for clarification on financing for the Committee's activities and the Secretariat responded that, apart from Committee meetings, the entire work programme was funded by voluntary contributions. NIGERIA lamented that such core activities were dependent on voluntary contributions. CANADA called for additional budgetary resources for the Committee to deal with systemic and other issues that may arise. COW agreed to the decision without amendment.

Strategic Plan for the Implementation of the Basel Convention to 2010: Basel Convention Regional and

Coordinating Centres: NIGERIA introduced the draft decision on the BCRCCs (UNEP/CHW.8/CRP.5). The US proposed minor changes to the text. FINLAND noted some substantive concerns that they wished to address. COW Chair Maquieira deferred discussion. South Asia Cooperative Environment Programme (SACEP) introduced the draft decision on BCRCCs for South Asia (UNEP/CHW.8/CRP.1) at the SACEP Secretariat in Colombo, Sri Lanka. CHINA requested time to consult on this decision.

CONTACT GROUP

BUDGET: Delegates continued discussing the EU proposed draft decision on resource mobilization and sustainable financing. Delegates agreed on a variety of paragraphs, but some remaining outstanding issues include: requesting the Secretariat and BCRCCs to conduct training activities with voluntary contributions; and encouraging donors to substantially increase "earmarked and non-earmarked voluntary" contributions to the Convention Technical and Cooperation Trust Fund.

Delegates debated the revised proposal to the biennium programme and budget with some suggesting the use of strategic indicators to assist parties in prioritizing the Secretariat's activities. A few delegates proposed, while others opposed, exchange of information among chemical-related secretariats to promote harmonization of budget formats. Delegates also discussed the use of UN system best practices to enhance the budget's lay-out.

INFORMAL CONSULTATIONS

SHIP DISMANTLING: Facilitator Roy Watkinson invited delegates to consider the EU's proposal (UNEP/CHW.8/CRP.2) on ship dismantling. Some opposed the use of the EU proposal as a basis for discussion, and after consultation, delegates agreed to continue the debate on ship dismantling based on the Secretariat's report (UNEP/CHW.8/7). Deliberations concentrated on the Basel's mandate for addressing ship dismantling and the IMO's binding legal instrument on ship recycling.

IN THE BREEZEWAYS

COP8 delegates spent the morning listening and responding to Côte d'Ivoire's plea for urgent financial and technical assistance. In the breezeways, one delegate questioned whether the parties expressions of solidarity and sympathy would translate into the urgent practical and financial support needed. Another delegate suggested that the stark reality of this tragedy may kick-start COP8's momentum to take concrete steps to build capacity and offer technical assistance, and perhaps even persuade delegates, including Côte d'Ivoire, to ratify the Ban Amendment.

In the meantime, the delegates entrusted with moving financial issues forward worked hard on finding solutions in the budget contact group on resource mobilization and sustainable financing, which many delegates view as the only way to promote technical assistance for developing countries and economies in transition.