

**SUMMARY OF THE 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 was held from 27 November to 1 December 2006, at the UN Office in Nairobi, Kenya. Over 500 participants, representing more than 150 governments, UN agencies, the private sector, and intergovernmental and non-governmental organizations, attended the meeting. COP8 considered several reports on activities within the Convention's mandate and adopted a declaration on e-waste and more than 30 decisions on, *inter alia*: 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, as well as the Basel Convention Partnership Programme; synergies and cooperation in the environmental field; e-waste and end-of-life equipment; ship dismantling; legal matters; technical matters; financial issues and the budget; amendments to the general technical guidelines for the environmentally sound management (ESM) of persistent organic pollutants wastes; the guidelines for ESM of wastes; technical guidelines for ESM of a variety of chemicals; 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.

COP8 opened against the backdrop of the toxic waste dumping incident in Abidjan, Côte d'Ivoire. This brought into focus the need for delegates, not only to address the meetings theme, "Creating innovative solutions through the Basel Convention for the environmentally sound management of electronic wastes," but also to tackle the core issues of the Convention, including the transboundary movement of hazardous waste, strengthening the Convention's implementation, the budget, and resource management and sustainable financing.

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

**COP1:** The first Conference of the Parties was held in Piriapolis, Uruguay, from 3-4 December 1992. COP1 requested industrialized countries to prohibit transboundary movements of hazardous wastes for final disposal in developing countries (Decision I/22). Decision I/22 also noted that the transboundary movement of wastes for the purpose of recovering and recycling should take place in accordance with the requirement that

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the wastes be handled in an environmentally sound manner. Decision I/22 was 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 remained 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 does not prevent non-OECD countries receiving OECD hazardous wastes by joining Annex VII. According to Article 17, entry into force should take place upon ratification by at least three-quarters of the parties. There are different interpretations of 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.

**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 the composition of this annex would not be changed 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. COP4 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.

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 the Basel Convention’s goals relating to sustainable development and launched a partnership programme with environmental 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 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 Basel Convention Regional and Coordinating Centres (BCRCCs) 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 BCRCCs, 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 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. 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.

## COP8 REPORT

COP8 convened on Monday morning, 27 November. In the opening plenary, Anna Tibaijuka, UN HABITAT Executive Director, summarized UN HABITAT’s activities to support the Convention’s work, including: tackling illegal transfer of hazardous waste by improving governance at the local and national level and improving capacity to enforce existing legislation; implementing activities to establish new livelihoods for urban dwellers, which utilize sustainable waste management; and applying integrated waste management.

UNEP Executive Director Achim Steiner stated that the management of e-waste is a global problem that can only be solved through collective action. He recalled the recent incident in Côte d’Ivoire, which he said reminded the world of governments’ inability to protect citizens and of the need to

implement international conventions. Steiner said it is time for UN institutions to work in a coherent and integrated manner to solve problems and avoid duplication of efforts.

Basel Convention Executive Secretary Sachiko Kuwabara-Yamamoto highlighted the obstacles of enforcement and the lack of an effective tracking system for the transboundary movement of hazardous wastes. Lamenting limited recognition and support for the Convention as an instrument for environmental protection, she underscored the need to raise the Convention's profile and to improve coordination with the International Convention for the Prevention of Pollution from Ships (MARPOL), International Maritime Organization (IMO) and International Labour Organization (ILO).

COP7 President Mariano Arana, Ministry of the Environment, Uruguay, invited parties to continue improving efficiency, avoid duplication of efforts by reinforcing chemical-related work programmes, and strengthen the BCRCCs.

Mutahi Kagwe, Minister of Information and Communications, Kenya, welcomed participants to Africa's first Basel Convention COP, emphasized the need for hazardous waste disposal to be addressed at its source, and said Africa has become the world destination for obsolete equipment.

2004 Nobel Peace Laureate Wangari Maathai (Kenya) noted that African countries are the largest importers of recycled and obsolete electronic equipment and emphasized the vulnerability of the poor to potentially hazardous e-waste. She highlighted the effects of toxic dumping in the region and lamented the lack of awareness and the vulnerability of the poor to hazardous wastes' environmental and health risks.

Finland, on behalf of the European Union (EU), welcomed the high-level segment on e-waste, and promised constructive cooperation on other key issues, including synergies, ship-dismantling, financial matters and legal matters, such as the Ban Amendment.

Uganda, on behalf of the Group of 77 and China (G-77/China), noted that developing countries' priorities must be taken into account as they are the most vulnerable to the effects of hazardous waste, called for effective legal mechanisms, and underscored the need for a strengthened emergency mechanism.

Delegates then elected Kivutha Kibwana, Kenya's Minister of the Environment as President of COP8. Kibwana thanked delegates for his election, expressed his solidarity with Côte d'Ivoire, expressed hope that the meeting would be a milestone for the treatment of e-waste, and urged discussion of financing to ensure the Convention's sustainability.

Roy Watkinson (UK), Cristian Maquieira (Chile) and Yue Ruisheng (China) were elected Vice Presidents, and Sokol Klincarov (Former Yugoslav Republic of Macedonia) was elected Rapporteur. Delegates adopted the provisional agenda (UNEP/CHW.8/1/Add.1), after adding agenda items on the dumping of toxic waste in Côte d'Ivoire and e-waste. President Kibwana announced that a declaration on e-waste would be one of COP8's outcomes.

President Kibwana suggested, and delegates agreed, to establish a Committee of the Whole (COW), with authority to establish contact groups, and address all substantive agenda

items during the first three days of the meeting. Vice President Maquieira was elected Chair of the COW. Delegates also agreed to hold the high-level segment on Thursday, 30 November, and Friday, December 1, and to reconvene in plenary on Friday, to adopt decisions and the report of the meeting.

### **DUMPING OF TOXIC WASTES IN ABIDJAN, CÔTE D'IVOIRE**

Delegates considered the incident of toxic waste dumping in Côte d'Ivoire on Monday, and Tuesday, and held a substantive discussion on the incident during Wednesday's plenary. In this discussion, Safiatou Ba-N'Daw, Côte d'Ivoire, described the health, environmental, and social impacts of the toxic waste dumping incident in her country. 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. 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 the Basel Action Network (BAN), called for the quick entry into force of the Ban Amendment. 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 incident. The Netherlands provided a summary of its investigation into the Côte d'Ivoire incident. Ghana called for the reactivation of the "Dumpwatch" programme and other early warning systems.

The World Health Organization (WHO) said the incident illustrated the need for closer cooperation between the WHO and the Convention. The IMO reported on its cooperation with investigative teams, adding that they would take the 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 BCRCCs in Nigeria and Senegal in dealing with this incident.

On Thursday, in the COW, Chair Maquieira announced that he would facilitate informal consultations on a decision on the Côte d'Ivoire incident that would also refer to the entry into force of the Ban Amendment and the strategic plan in the context of such incidents. These informal consultations took place on Thursday evening and on Friday. In the COW on Friday, Chair Maquieira introduced the draft decision on Côte d'Ivoire (UNEP/CHW.8/CRP.25). The EU suggested a minor amendment to preambular language concerning appropriate compensation to victims and "for the damage to the environment" in the spirit of the polluter pays principle. Delegates agreed and the COP adopted the decision with minor amendments. Following the adoption of Côte d'Ivoire decision, many delegates welcomed the adopted decision, with Ba-N'Daw thanking delegates "from the bottom

of her heart” on behalf of the people of Côte d’Ivoire. The President of COP8 read his statement on dumping of toxic waste in Abidjan, expressing empathy for the incident and condemning illegal dumping. He called on states who have not yet ratified the Convention, to do so. Many parties supported the President’s statement.

Later in the COW, Chair Maquieira explained that while participants in the informal consultations originally considered a proposal from the African Group for a decision on a strategic plan to strengthen the capacity of parties to respond to emergencies (UNEP/CHW.8/CRP.15), in the end, these participants decided on a separate decision on cooperation between the Basel Convention and the IMO (UNEP/CHW.8/CRP.27). The COW agreed and the COP adopted this decision with minor editorial amendment. COW Chair Maquieira then tabled a Proposal from the Chair deciding to forward the issues of strengthening parties’ capacity to respond to emergencies and the strategic plan to the OEWG. On Friday, the COW agreed to the draft decision (UNEP/CHW.8/CRP.25) with minor amendment and the plenary adopted the decision.

**Final Decisions:** In the final draft decision on the Côte d’Ivoire toxic waste dumping (UNEP/CHW.8/CRP.25), the preamble, *inter alia*: strongly condemns the dumping incident of hazardous wastes in Abidjan; is deeply saddened by the tragic events; notes the limited international response to date to the call for urgent assistance made by the Government of Côte d’Ivoire and the enormous financial burden placed on Côte d’Ivoire. The COP:

- calls upon parties, countries and other stakeholders of the Convention who are in a position to do so to offer technical and financial assistance to Côte d’Ivoire to support the implementation of the emergency plan developed by the Government of Côte d’Ivoire;
- invites the Executive Director of UNEP to assist in the mobilization of the resources required to support Côte d’Ivoire in the emergency plan actions; and
- invites the UNEP Executive Director to keep parties informed of progress in mobilization of resources.

In the final decision on cooperation between the Convention and IMO (UNEP/CHW.8/CRP.27), the COP:

- requests parties and invites the Secretariat of the IMO to provide information and views on the respective competencies of the Basel Convention and MARPOL in respect to hazardous wastes and other wastes, any gaps in those instruments, and options for addressing those gaps; and
- requests the Secretariat to submit information received and add any relevant supplementary elements for consideration by the OEWG at its next session.

#### **CREATING INNOVATIVE SOLUTIONS THROUGH THE BASEL CONVENTION FOR THE ENVIRONMENTALLY SOUND MANAGEMENT OF E-WASTE**

On Thursday, COW Chair Maquieira asked delegates to informally consult on the draft e-waste decision and report back on Friday. On Friday, informal consultations were facilitated by Mary Harwood (Australia) in which delegates discussed, *inter alia*, the importance of BCRCCs and the needs of developing

countries and countries with economies in transition. The decision was adopted in plenary on Friday evening with two minor amendments.

**Final Decision:** In the final decision on e-waste (UNEP CHW.8/CRP.23), the COP, *inter alia*:

- decides to strengthen BCRCCs;
- urges parties and stakeholders to increase financial support on e-waste, and to collaborate in the prevention of illegal traffic of e-waste;
- mandates the OEWG to develop a plan for consideration by COP9 on the ESM of e-waste focusing on the needs of developing countries and countries with economies in transition;
- strongly encourages parties to develop further strategic partnerships targeting e-waste and the development of pilot projects on take-back systems, particularly in developing countries;
- recommends parties to phase out technologies that are not environmentally sound and to promote the development and introduction of innovative, safe and sound technologies for the treatment, recycling or recovery of e-waste, and to establish national policies and legislation;
- encourages parties to take a life-cycle approach and promote clean technology and green design for electronic and electrical products;
- requests parties to ensure donated electronic and electrical equipment that is subject to transboundary movement is not end-of-life equipment;
- agrees to review progress at COP9 to guide future work on ESM of e-waste; and
- requests the Secretariat to initiate work on relevant activities above for consideration by OEWG6 and to report on progress at COP9.

#### **IMPLEMENTATION OF DECISIONS ADOPTED BY COP7 STRATEGIC PLAN FOR THE IMPLEMENTATION OF**

**THE BASEL CONVENTION TO 2010: Report on project activities:** On Monday in the COW, the Secretariat introduced the draft decision on the Strategic Plan for the Implementation of the Basel Convention to 2010 (UNEP/CHW.8/2). Discussions focused on: national implementation of the Convention; financial constraints; and the role of the BCRCCs. Some delegates called for linking the Strategic Plan to the Millennium Development Goals and the Johannesburg Plan of Implementation, and urged enhanced efforts on technical and legal aspects of the transboundary movement of hazardous waste. On Friday in plenary, COP8 deferred consideration of the strategic plan to OEWG6.

**Work and operation of the Basel Convention Regional and Coordinating Centres:** On Wednesday, in the COW, delegates considered a proposal by G-77/China, the Arab Group, Switzerland and Mexico on the BCRCCs (UNEP/CHW.8/CRP.5). Informal consultations ensued and when they could not reach agreement, the COW established a contact group on the issue on Friday. After discussion, the COW agreed to the draft decision presented by the contact group (UNEP/CHW.8/CRP.5/

Rev.1), which was adopted by the plenary without amendment. India tabled a proposal to establish a sub-regional center for South Asia in Colombo, Sri Lanka.

In discussions, Uganda, supported by South Africa, Tanzania, Mexico, Senegal, Brazil, Kenya, Chile, China, Nigeria, Ethiopia and Zambia, emphasized the vital role of the BCRCCs in the Convention's implementation and called for additional financial support. Mexico suggested language on strengthening of public/private partnerships with NGOs in order to assist current projects. Brazil highlighted the importance of synergies with other conventions to support the strengthening of BCRCCs.

China suggested language on the enhancement of the BCRCCs to assist developing countries in increasing their ability to control hazardous waste movements. The 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, and China requested time to consult on this decision. Delegates then agreed on a revised draft decision (UNEP/CHW.8/CRP.1.Rev.1), referring the matter to OEWG6.

**Final Decisions:** In the final decision on the establishment of BCRCC for South Asia at the SACEP Secretariat in Sri Lanka (UNEP/CHW.8/CRP.1/Rev.1), the COP:

- mandates the OEWG to consider in detail the proposal for establishment of the sub-regional center for South Asia in the SACEP based on a feasibility study for the establishment of the center; and
- requests the Secretariat to submit the recommendation of the OEWG to COP9 for consideration and action.

In the final decision on the BCRCCs (UNEP/CHW.8/CRP.5/Rev.1), the COP:

- invites parties to support and utilize the BCRCCs in contributing to the implementation of the Strategic Plan and to submit views on the objectives and scope of the review for OEWG6 consideration and action;
- requests the Secretariat to: continue guiding the BCRCCs in the development of projects to assist parties in the implementation of the Strategic Plan; work with the BCRCCs to conduct training activities in regional centers to enhance their capacity to access the Global Environment Facility (GEF) and other financing mechanisms; and prepare a report for the sixth session of the OEWG and COP9;
- encourages parties and others to provide financial support, including through the Convention Technical Cooperation Trust Fund, and to consider collaboration with host governments with a view to increasing contributions towards the BCRCCs;
- requests the BCRCCs to use guidance materials prepared by the Secretariat for improving the administration, governance and operational effectiveness of the centers and to report to OEWG6;
- requests OEWG6 to initiate a review of the operation of the BCRCCs, including relationship with the convention bodies, the Secretariat and stakeholders to enhance the effectiveness and capacity of the BCRCCs and the Secretariat;
- invites parties to submit views on the objectives and scope of the review for consideration at OEWG6; and

- urges parties to make full use of the BCRCCs to enhance international and regional cooperation to explore mutually cost-effective approaches to promote their goals and objectives.

**Partnership Programme:** On Tuesday in the COW, the Secretariat introduced the document on the Basel Convention Partnership Programme (BCPP) (UNEP/CHW.8/2/Add.2). On Thursday, the COW agreed to the decision on the BCPP (UNEP/CHW.8/CRP.12) with minor amendments, which the plenary adopted on Friday.

**Final Decision:** In the final decision on the BCPP (UNEP/CHW.8/CRP.12), the COP, *inter alia*:

- adopts the workplan of the BCPP for 2007-2008, as contained in the annex to the present decision;
- requests the Secretariat to continue to implement the BCPP actively as an important mechanism to support the implementation of the Strategic Plan for the Implementation of the Basel Convention to 2010, in cooperation with all relevant and interested partners;
- also requests the Secretariat to keep the OEWG and the COP informed on progress and current initiatives to include new projects or activities, and to submit a progress report and workplan for all new activities or projects for 2008-2009 to COP9;
- encourages parties and signatories to the Convention to provide funding to the BCPP and to become actively involved in the partnerships; and
- calls on parties to facilitate the broader participation of civil society, including environmental NGOs, the private sector and, in particular, industry, to provide technical and financial support for the BCPP and to become involved in specific activities at the regional, national and international levels.

The decision also contains an annex with the work plan for the BCPP for 2007-2008.

**Mobile Phone Partnership Initiative:** On Tuesday, in the COW, Marco Buletti (Switzerland), Mobile Phone Working Group (MPWG) Chair, reported on the guidance document on ESM 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) and submitted the draft decision and overall guidance document, with recommendations for COP8 adoption. COW Chair Maquieira mandated informal consultations on the issue, chaired by Barry Reville (Australia), which met from Tuesday through Thursday; and the COW agreed to the decision on MPPI (UNEP/CHW.8/CRP.13), which was adopted in plenary on Friday.

Discussions focused on developing countries' involvement in the MPPI and the need for urgent action on the issue. The EU voiced concern about interpretations of hazardous waste definitions conflicting with EU legislation. 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. 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, and Venezuela stressed the need for the pilot project to be relevant to 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 OEWG6. Switzerland, supported by Canada, voiced concern about delaying concrete actions, requested a textual amendment, and urged participants to adopt the decision. Botswana supported inclusion of all stakeholders from the informal repair sector.

On Thursday, Barry Reville introduced the draft decision, explained it is without prejudice to national legislation, and will be forwarded to the OEWG for review and finalization, and encouraged parties to participate in the process. The COW agreed to the decision with a minor textual amendment. The EU asked the COW to note that the guidelines are non-binding and stressed aligning the definition of e-waste with EC law and Basel Convention definitions.

**Final Decision:** In the decision on the MPPI (UNEP/CHW.8/CRP.13), the COP, *inter alia*:

- provisionally adopts, without prejudice to national legislation, the guidance document on ESM of used and end-of-life mobile phones as a voluntary document and takes note of the recommendations contained therein;
- invites parties and signatories to use and test the guidance document and the five guidelines produced by the MPPI project groups;
- requests OEWG6 to review the guidance document further, based on parties' experience and needs, and to present it to COP9 for final approval;
- decides that the MPWG shall continue to work under the guidance of the OEWG and ensure participation by developing countries and countries with economies in transition;
- encourages the MPWG and other interested groups to initiate pilot projects in cooperation with Basel Convention parties, the BCRCCs and other stakeholders; and
- requests that progress and activities undertaken by the MPPI be reported to COP9.

#### **INTERNATIONAL COOPERATION AND SYNERGIES:**

On Thursday, the COW considered, and agreed to, the draft decision on cooperation and synergies between the Basel, Rotterdam and Stockholm Conventions (UNEP/CHW.8/CRP.8), with minor amendments. Finland announced its intention to host the *ad hoc* OEWG meeting to discuss the international cooperation and collaboration between chemicals-related conventions. COW also agreed to mandate the Secretariat to strengthen coordination with the chemicals-related convention secretariats.

**Final Decision:** In the final decision (UNEP/CHW.8/CRP.8), COP:

- agrees to the establishment of an *ad hoc* joint working group;
- notes that the working group will make recommendations to the COPs of the three chemicals-related conventions; and
- recognizes the need to make resources available from the operational budget for 2007-2008 to support countries

with economies in transition and developing country representatives to the Convention to attend meetings of the *ad hoc* OEWG.

**REPORTING:** The Secretariat introduced documents on reporting (UNEP/CHW.8/4 and UNEP/CHW.8/INF/13) on Tuesday in the COW. 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. The COW agreed to the decision as amended by the EU, taking note of Colombia's subsequent request for greater sharing of technical information.

**Final Decision:** In the final decision on reporting (UNEP/CHW.8/CRP.4), the COP:

- urges parties to transmit their completed questionnaires on transmission of information for previous years as soon as possible; and
- requests the Secretariat: to assist parties in improving the comparability of their data on the transboundary movements of hazardous wastes and other wastes; and to prepare and publish an annual compilation document for 2004 and 2005 based on information contained in Part I of the questionnaires and for 2004-2006 and each subsequent triennium, a summary of data on transboundary movements of hazardous wastes and other wastes contained in Part II of the questionnaires; and prepare and publish for the triennium 2004-2006, a country fact sheet for each party that submitted questionnaires.

**TECHNICAL MATTERS:** On Tuesday in the COW, the Secretariat introduced nine draft decisions on technical matters (UNEP/CHW.8/5 and 8/5/Add.1, 2, 3, 4, 4.Corr.1, 5 and 6). The COW agreed to forward to plenary, without amendment, the 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 (WCO) Harmonized Commodity Description and Coding System of Wastes in the Convention's Annexes VIII (Hazardous wastes) and IX (Non-hazardous wastes); classification and hazard characterization of waste; national classification and control procedures for import of wastes contained in Annex IX; and implementation of Decision VII/2 (Hazardous waste minimization). On Friday, in closing plenary, COP8 adopted these decisions without amendment.

On amendments to lists of wastes and the status of Decision VII/21, on Tuesday, COW deferred discussion pending submission of a proposal being prepared by Canada. On Wednesday in the COW, Canada noted that its document (UNEP/CHW.8/CRP.9) contained minor technical and editorial amendments clarifying the processes and purposes of the decision. The COW agreed, and COP8 adopted the decision without amendment.

On technical guidelines on persistent organic pollutants (POPs), on Tuesday, Michael Ernst (Germany), Chair of the Small Intersessional Working Group on Technical Guidelines on POPs, introduced the guidelines proposed by the group (UNEP/CHW.8/CRP.3). On Wednesday in the COW, Ernst noted that the African Group had proposed amendments to the operative

paragraphs of the draft decision, and following informal discussions, delegates agreed to the decision as amended. On Friday, in closing plenary, COP8 adopted the decision with these amendments.

On harmonization of forms for notification and movement documents and related instructions, the Secretariat tabled the draft decision agreed by the Small Intersessional Working Group on Harmonization of Forms, chaired by Michael Ernst (UNEP/CHW.8/CRP.2 and UNEP/CHW.8/5/Add.6/Rev.2). The International POPs Elimination Network (IPEN) urged reducing the concentrations of POPs. On Wednesday in the COW, Ernst outlined minor textual amendments proposed by Chile, Colombia and Jamaica. The COW agreed, and closing plenary adopted the decision with these amendments.

**Final Decisions:** On technical matters, the COP agrees to nine separate decisions which are summarized below.

On revisions to the procedure for the review and adjustment of lists of wastes contained in Annexes VIII and IX and the status of Decision VII/21 (UNEP/CHW.8.5/Add.6/Rev.1), the COP adopts an amended procedure, contained in an appendix, replacing the existing procedure for review and adjustment of wastes set out in the appendix to Decision VI/35. The COP also invites parties and others to comment on the technical review of wording in the Convention's Annexes VIII and IX by 31 March 2007 to allow consideration by OEWG6. The procedure for the review or adjustment of Annex VIII and IX listed wastes contained in the appendix provides an explanation of the legal distinction between amendments and corrections. It also provides details on the procedure for submission of comments for such amendments and corrections, the OEWG review procedure, and the role of the Secretariat.

On technical guidelines on POPs (UNEP/CHW.8/CRP.3, as revised), the COP:

- adopts the technical guidelines and the generally updated technical guidelines for EMS of POPs;
- requests the Secretariat to disseminate these guidelines to parties, intergovernmental organizations, environmental NGOs and industry, and to Stockholm COP3;
- invites parties and others to submit reports on their use of the guidelines to the COP;
- notes it is not practical or feasible for the COP to consider further a methodology for the further definition of POPs and of levels of destruction and irreversible transformation;
- agrees to review these definitions after 2008 and include the issue in the OEWG work programme for 2007-2008;
- invites parties and others to submit comments by 31 March 2007; and
- extends the mandate of the Small Intersessional Group on Technical Guidelines on POPs, requesting the group consider the comments and present the outcome of its deliberations to the OEWG.

On harmonization of forms for notification and movement documents (UNEP/CHW.8/CRP.4), the COP adopts the revised versions of forms for notification and movement documents, requests the Secretariat to disseminate these forms and invites parties to use these forms and related instructions.

On the working relationship with the UN Subcommittee of Experts on the Globally Harmonized System of Classification and Labeling of Chemicals (UNEP/CHW.8/5), the COP agrees to extend the Joint Correspondence Group between the OEWG and the UN Subcommittee of Experts.

On separate identification in the WCO Harmonized Commodity Description (UNEP/CHW.8/5), the COP requests the Secretariat, under the guidance of the OEWG, to continue to move forward with the issue of identification of wastes covered by the Basel Convention in the WCO System.

On classification and hazard characterization of wastes (UNEP/CHW.8/5), the COP invites parties to contribute to the finalization of the guidance paper on hazard characteristic H10 (liberation of toxic gases in contact with air or water) and the revision of the guidance paper on hazard characteristic H11 (toxic (delayed or chronic), to include work on an appropriate "de minimis" level for possible adoption at COP9.

On national classification and control procedures for the import of wastes contained in Annex IX (UNEP/CHW.8/5), the COP invites parties experiencing difficulties with national classification or control procedures relating to the import of wastes contained in Annex IX to report information on such difficulties to the Secretariat.

On implementation of Decision VII/2 on hazardous waste minimization (UNEP/CHW.8/5), the COP invites parties and others to provide comments to the Secretariat by 30 June 2008 on experiences with hazardous waste minimization and requests the Secretariat to prepare a compilation of comments for consideration at COP9.

**LEGAL MATTERS:** On Wednesday, the Secretariat introduced, and COW considered, the draft decisions on legal matters (UNEP/CHW.8/6), including on: illegal traffic: national legislation; Article 11 (Agreements and arrangements); the Basel Protocol on Liability and Compensation; and the regional consultations on the interpretation of Article 17(5) (Entry into force of the Ban Amendment). The COW agreed to the decisions on national definitions and on Article 11 without amendment. The COW also agreed to the decision (UNEP/CHW.8/6) on the Basel Protocol on Liability and Compensation with minor amendments. On illegal traffic and the annexed instruction manual for the legal profession, the Secretariat noted that the draft decision (UNEP/CHW.8/6) had been prepared before the incident in Côte d'Ivoire and that a report on the on-going mission to Côte d'Ivoire was anticipated during the course of the COP. The issue was deferred.

Regarding the decision on regional consultations on the interpretation of Article 17(5), a number of developed and developing countries urged for the swift entry into force of the Ban Amendment, with some advocating for a lower threshold, interpreting Article 17(5) to mean three-quarters of the parties who adopted the amendment at COP3. Others insisted on a greater number, meaning 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. Other countries generally opposed the entry into force of the Ban Amendment due to inconsistency with the World Trade Organization's rules

and ambiguity of certain definitions. Delegates could not reach consensus on the decision on Article 17(5) and the instruction manual for the legal profession and COW Chair Maquieira mandated informal discussions.

On Thursday, the COW considered and agreed to the decision on designation of competent authorities and focal points (UNEP/CHW.8/14) without amendment.

On Friday, the COW returned to the decision on regional consultations on the interpretation of Article 17(5) and the instruction manual on illegal traffic for the legal profession. The EU introduced a draft decision (UNEP/CHW.8/CRP.26) on the interpretation of Article 17(5) of the Convention noting it is a consensus document, incorporating the proposals by the African Group, the EU, the Latin American and Caribbean Group (GRULAC), the Arab Group, Norway, Switzerland, Croatia, the Former Yugoslav Republic of Macedonia, Georgia and Serbia (UNEP/CHW.8/CRP.17) and the proposals of Australia, Canada, Japan and New Zealand (UNEP/CHW.8/CRP.18). The COW agreed and plenary adopted the decision without amendment.

On the instruction manual, Japan introduced a revised draft decision (UNEP/CHW.8/CRP.14/Rev.1), which included 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. The COW agreed to the decision.

On Friday, plenary adopted all decisions on legal matters forwarded by COW without amendment.

**Final Decisions:** On national legislation (UNEP/CHW.8/6), the COP urges parties to continue to develop stringent legislation on the control of transboundary movements of hazardous wastes, including stringent sanctions. It also requests the Secretariat to: maintain a collection of national legislation; organize regional workshops on the development of national legislation; and provide advice and assistance on national legislation to parties upon request.

On national definitions of hazardous wastes and other information (UNEP/CHW.8/6), the COP requests: parties to provide information on national definitions making reference to the respective paragraphs of the Convention; and the Secretariat to make the information available on the Convention's website and report to COP9 on implementation of this decision.

On Article 11 (agreements and arrangements regarding transboundary movements of hazardous wastes) (UNEP/CHW.8/6), the COP calls upon parties to notify the Secretariat of arrangements that they have concluded and requests the Secretariat to communicate with parties to obtain notifications and the full text of such agreement or arrangements and publish them on the Convention's website.

On the Basel Protocol on Liability and Compensation (UNEP/CHW.8/6), the COP requests the Secretariat to: organize workshops on the process of ratification of the Protocol; publish the instruction manual on implementation of the Protocol in regularly updated versions; and prepare a study on the adequacy of the financial limits established under the Protocol. The COP also calls on parties to: submit comments to the Secretariat on

specific concerns relating to the definition of states in transit, the difficulties in evidencing illegal traffic, and the financial limits set out in the Protocol; and continue to consult on determining suitable mechanisms for providing insurance, bonds and other financial guarantees. The final decision also contains an appendix with a questionnaire regarding incidents falling under the Protocol on Liability and Compensation.

On illegal traffic and the annexed outline for an instruction manual on illegal traffic for the legal profession (UNEP/CHW.8/CRP.14/Rev.1), the COP:

- requests parties and others to: submit, by 31 March 2007, proposals for items to be addressed in the instruction manual along with information regarding concrete experiences and cases; and make voluntary contributions for the preparations of the draft detailed outline for an instruction manual and for training seminars;
- requests the Secretariat to: prepare the draft detailed outline; assist parties in implementing the guidance elements at the national level; and organize training seminars on implementation of the guidance elements; and
- requests OEWG6 to consider the draft detailed outline and make recommendations to the Secretariat for the preparation of a draft instruction manual for consideration by COP9.

On the interpretation of Article 17(5) of the Convention (UNEP/CHW.8/CRP.26), the COP:

- acknowledges the difference of views regarding the interpretation of "who accepted them" in Article 17(5) and recognizes that many parties consider the expression ambiguous;
- urges all parties to make every effort to facilitate the early resolution of the interpretation of "who accepted them" in Article 17(5);
- requests the OEWG to: further address the issue of interpretation taking into account the perception of ambiguity held by many parties, with a view to resolving it at the earliest opportunity, and develop a draft decision to reach an agreed interpretation of Article 17(5) by the parties in accordance with international law for consideration at COP9; and
- invites all parties and others to submit comments to the Secretariat by 31 March 2007 for compilation and further consideration by the OEWG and the COP, which may facilitate agreement on entry into force of the amendment.

**SHIP DISMANTLING:** On Monday in the COW, the Secretariat introduced documents on ship dismantling (UNEP/CHW.8/7 and UNEP/CHW.8/7/Add.1), and outlined: the outcomes of the Joint Working Group of the ILO, IMO and Basel Convention on Ship Scrapping and EMS; the issue of abandonment of ships on land and in ports; and EMS of ship dismantling. The EU introduced its draft conference room paper (UNEP/CHW.8/CRP.2) on how to manage ships recognized as waste before such international regulation is in place.

In the discussions that followed, participants discussed the IMO negotiation process and IMO draft instruments and further examined the EU proposal. Delegates commented on the operative text of the Secretariat's report on ship dismantling (UNEP/CHW.8/7), with many indicating their preference to use

the EU's proposal as a basis for the ensuing discussion. Others argued the EU proposal was skewed against countries with ship-recycling industries.

Delegates considered 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 Convention's mandate for addressing ship dismantling and the IMO's binding legal instrument on ship recycling.

Delegates discussed at length the draft decision on the "ship recycling convention" and agreed to forward it to the COW, recommending that the COP, *inter alia*: issue an invitation to the IMO to incorporate clear responsibilities taking into account current capacities and common but differentiated responsibilities; request the Secretariat to follow up on the development of the draft convention; invite parties to provide comments on issues such as roles and responsibilities in the draft convention; have the issue addressed by the OEWG; and forward the OEWG report to IMO.

**Final Decision:** In the final decision on EMS of ship dismantling (UNEP/CHW.8/CRP.19), the COP:

- welcomes steps by the IMO in the development of a draft ship recycling convention, intended to be adopted in the 2008-2009 biennium;
- invites the IMO: to ensure that the draft ship recycling convention establishes an equivalent level of control as that established under the Basel Convention; to continue to have due regard to the role, competence and expertise of the Basel Convention in matters of ship dismantling and to the ESM of hazardous wastes; and to further consider incorporating clear responsibilities of all stakeholders in ship recycling, including ship owners, ship recycling facilities, flag states and ship recycling states;
- invites parties to provide comments to the Secretariat on roles and responsibilities in the draft ship recycling convention and those of the Basel Convention;
- requests the Secretariat to: forward the report of the OEWG to the IMO; follow the development of the draft ship recycling convention and report to the OEWG and COP9; promote the Technical Guidelines on the ESM of the Full Dismantling of Ships; and report on activities to promote guidelines to the OEWG and COP9; and
- requests parties and others to transmit information to the Secretariat that may be of assistance in addressing the potentially harmful consequences of ship dismantling on human health and the environment.

On abandonment of ships in land and in ports (UNEP/CHW.8/CRP.20), the COP:

- requests the Secretariat to: forward the submissions received in response to decisions VII/27 and OEWG-IV/6 to the IMO and ILO for their consideration; compile information received from parties on guidance on how best to deal with ships that

are abandoned in land or in port for the OEWG; and to make information available to the IMO, ILO and on the Basel Convention website;

- recognizes the need for guidance on how best to deal with ships that are abandoned on land or in ports to be developed;
- invites parties with cases of abandoned ships on land or in ports to consider applying provisions of the London Convention; and to contribute to guidance on abandoned ships, in particular submitting information on best practice to the Secretariat; and
- requests the OEWG to consider information submitted with a view to taking action.

On the Joint Working Group of ILO, IMO and Basel on ship scrapping (UNEP/CHW.8/CRP.21), the COP:

- believes that a third meeting of the Joint Working Group (JWG) of the ILO, the IMO and the Basel Convention on Ship Scrapping should be held; and
- requests the Secretariat to report to the OEWG and the COP on the outcome of the third session of JWG.

**FINANCIAL MATTERS:** The COW addressed financial matters throughout the week. On Monday, COW Chair Maquieira suggested, and delegates agreed to, establish a contact group, chaired by Anne Daniels (Canada), on legal and financial implications to deal with drawing up a budget and to address resource mobilization and sustainable financing, legal and other matters. The contact group met throughout the rest of the week to debate the issues assigned to it.

During the COW discussions, Sachiko Kuwabara-Yamamoto, Basel Convention Executive Secretary, presented the budget for the 2007-2008 biennium or 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, called for parties' outstanding contributions to be addressed to ensure the Convention's implementation. Delegates debated budget options presented by the Secretariat, namely biennium 2007-2008 Option 1, allowing for one meeting of the OEWG, triennium 2007-2009 Option 2, allowing for two meetings of the OEWG, and triennium 2007-2009 Option 3, foreseeing one meeting of the OEWG and reduced translation services.

In the contact group, 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 chemicals-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.

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 GRULAC, expressed concerns over administrative expenses contributing to a reduction in the trust fund balance.

Chile, on behalf of GRULAC, lamented that the scale of contributions used by the COP do not take into account parties' capability to pay and requested COP9 to examine a new scale of contributions. The COP took note of Chile's statement.

On Friday, the contact group reached agreement on a draft decision (UNEP/CHW.8/CRP. 29) that was agreed in COW and adopted in plenary without amendments.

**Final Decision:** In the final decision (UNEP/CHW.8/CRP. 29), the COP, *inter alia*:

- approves the programme budget for the Convention Trust Fund in the amount of US\$3,975,397 for 2007 and US\$4,282,677 for 2008;
- approves the staffing of the Secretariat;
- lists the contributions of each party, which are based on the UN General Assembly scale of assessments;
- maintains the level of the working capital reserve at 15% of the estimated annual planned expenditures for the 2007-2008 biennium;
- expresses concern over delays in payment of agreed contributions by parties and urges all parties to pay their contributions promptly and in full; and
- requests the OEWG to monitor the status of payment of arrears and if sufficient payments are received, use the resources to allow an increase of up to US\$75,000 for temporary staff, staff travel and consultancy costs.

**RESOURCE MOBILIZATION AND SUSTAINABLE FINANCING:** On Tuesday, COW Chair Maquieira suggested and delegates agreed to discuss resource mobilization and sustainable financing in the budget contact group, chaired by Anne Daniels (Canada). The contact group met the rest of the week to discuss the issue and on Friday reached agreement on the draft decision (UNEP/CHW.8/CRP.11.Rev.1). On Friday, the COW agreed to, and plenary adopted, the decision with a minor amendment. The COP took note of China's request for the Secretariat to examine the Convention's implementation as an issue for the GEF during its 5th replenishment in 2009.

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 the 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 the Basel and the Climate Change Secretariats to enable developing countries to benefit from the Clean Development Mechanism. The Philippines insisted that the roles of multilateral funding mechanisms be carefully examined in order to ensure that their mandates are not misperceived.

Kenya requested the expansion of the Trust Fund to facilitate broader participation. 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 the Basel and Rotterdam Conventions, and the Strategic Approach to International Chemicals Management (SAICM).

The EU proposed a draft decision incorporating the recommendations from the two documents on the issue (UNEP/CHW.8/9 and UNEP/CHW.8/10), including the opportunities to mainstream with other chemicals-related convention secretariats to explore a multi-faceted approach to mobilizing financial resources. Delegates discussed the EU proposal, including the possibility of requesting the Secretariat and BCRCCs to conduct training activities with voluntary contributions; and encouraging donors to substantially increase voluntary contributions to the Convention's Technical and Cooperation Trust Fund.

**Final Decision:** In the final decision on resource mobilization and sustainable financing (UNEP/CHW.8/CRP.11.Rev.1), the COP, *inter alia*:

- invites parties and other stakeholders to contribute and participate in the BCPP;
- invites countries with economies in transition and developing countries to identify the need for ESM of hazardous and other wastes into national development plans to advance multilateral and bilateral financing;
- recommends that countries with economies in transition and developing countries that are parties to both the Stockholm and Basel Conventions: use their national implementation plans as a basis for managing wastes consisting of, containing or contaminated with POPs, and propose projects to the GEF, within the GEF's mandate, that contribute to implement both conventions; and
- requests the Executive Secretary to consult with the Secretariats of the SAICM, and Stockholm and Rotterdam Conventions to explore ways to make more effective use of existing global financial resources, inviting the GEF and the Multilateral Fund of the Montreal Protocol to identify areas that can support implementation of the Basel Convention.

#### **WORK PROGRAMME OF THE OPEN-ENDED WORKING GROUP**

On Friday in the COW, Chair Maquieira noted ongoing informal consultations, facilitated by Michael Ernst, on the draft work programme of the OEWG for 2007-2008. In the closing plenary, Ernst introduced the revised programme, explaining the document reflects the activities decided on in COP8. He also explained that prioritization of OEWG tasks had not been changed except for some minor items where the priority has been reduced.

The Secretariat requested deleting reference to work on the implementation of decision V/32 as this has been referred to the OEWG. COP8 adopted the decision as amended.

**Final Decision:** In the final decision, the COP adopts the draft OEWG work programme for 2007-2008, contained in the annex, which outlines topics, activities and COP8 decisions and issues on the 2010 Strategic Plan for the implementation of the Convention, including scientific and technical matters; dismantling of ships; legal and compliance; resource mobilization and sustainable financing; financial matters; and COP decisions.

## COMPLIANCE COMMITTEE

On Wednesday in the COW, 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. The Secretariat clarified 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 and Canada called for additional budgetary resources for the Committee to deal with systemic and other issues that may arise. The COW agreed to the decision without amendment.

On Friday, in plenary, COP8 President Kibwana presented the nominations for, and COP8 elected, the members of the compliance committee: Farah Bougrtacha (Morocco) and Larsey Mensah (Ghana) for the African Group; Chung Suh-Yong (Republic of Korea) and Rasio Ridho Sany (Indonesia) for the Asian Group; Krystina Panek-Gondek (Poland) and Gordona Petkovic (Serbia) for the Eastern European Group; and Gillian Guthrie (Jamaica) and Oswaldo Alvarez (Chile) for GRULAC.

**Final Decision:** In the final decision on the mechanisms for promoting implementation and compliance (UNEP/CHW.8/12), the COP:

- approves the work programme of the Committee for Administering the Mechanism for Promoting Implementation and Compliance for 2007-2008;
- requests the Committee to establish priorities for the issues identified in the work programme;
- and recognizes the need to provide the Committee with sufficient funding and calls upon parties able to do so to make financial or in-kind contributions to assist the Committee in carrying out its activities.

## HIGH-LEVEL SEGMENT

The high-level segment – the World Forum on E-waste – took place on Thursday, chaired by COP8 President Kivutha Kibwana, who welcomed participants and said that the Forum's outcome will be measured by the extent that it can provide direction to the international discourse on e-waste, describing the Convention as a regulatory opportunity in a globalized market place.

Jesca Eriyo, Minister of State for Environment, Uganda, highlighted the vulnerability of African countries due to the absence of effective tracking systems, adequate legal frameworks, law enforcement and capacity. Acknowledging the need to "bridge the digital divide," she called for a comprehensive action plan targeting the most vulnerable countries, and urged developed countries to show their commitment to phasing-out hazardous components of electronic equipment.

Mariano Arana, Minister of State for Environment, Uruguay, described local integrated waste management practices in Montevideo, emphasizing the need for extended producer responsibility and adequate infrastructure for waste management.

Dato'Seri Azmi Khalid, Minister of Natural Resources and the Environment, Malaysia, noted that electrical and electronic goods manufacturing comprise 49.6% of Malaysia's total exports.

Bakary Kante, UNEP Director of the Division of Environmental Law and Conventions, chaired a panel discussion on e-waste. Panelists included: Helge Wendenburg, Federal Ministry for Environment, Nature and Nuclear Safety, Germany; Timo Mäkelä, EC; Hirokazu Yoshikawa, Mining Industry Association, Japan; Kirsi Sormunen, Nokia; Klaus Hieronymi, Hewlett Packard; and Adil Najam, International Institute for Sustainable Development (IISD). During the panel the EU committed one million Euros, to address issues of e-waste, especially improved governance.

**E-waste Declaration:** On Thursday evening, COW Chair Maquieira informed delegates that the President was holding information consultations with delegations on the text of the draft declaration and that the text would be presented to plenary on Friday. On Friday, in plenary, the COP adopted the Declaration on E-waste (UNEP/CHW.8/CRP.24) with minor amendments.

The E-waste Declaration (UNEP/CHW.8/CRP.24) states that parties shall:

- promote awareness on e-waste, clean technology and green design, and integrated waste management to reduce harm caused by the hazardous components contained in e-waste;
- encourage exchange of information and transfer of best available technologies from developed to developing countries and countries with economies in transition; national, regional and global comprehensive actions for the ESM of e-waste; and support of strategic partnerships initiated within the framework of the Basel Convention;
- improve waste management controls through the establishment of robust national policies, legislation and diligent enforcement; and
- prevent and combat illegal traffic of e-wastes.

## CLOSING PLENARY

The Secretariat presented the oral report of the Credentials Committee, noting that 85 parties had presented their credentials, 15 credentials were pending and 13 were still to be presented. Delegates agreed to allow an additional seven days for them to perfect their accreditation and COP8 adopted the report.

The report of the meeting (UNEP/CHW.8/L.1, Add.1 and Add.2) was then adopted following a request from Ethiopia to change wording to note that most delegates, rather than just some, pointed to the need to ensure the entry into force of the Ban Amendment and urged parties that had not done so to ratify it. The report was adopted with this and other minor amendments.

The Secretariat announced that COP9 will take place in September or October 2008, in Indonesia.

Regional groups thanked the COP8 President and the Government of Kenya. Japan and the UK commended the outgoing Executive Secretary for her leadership and contribution towards realizing the Convention's objectives. Acknowledging that negotiations had been complex and difficult, Executive Secretary Sachiko Kuwabara-Yamamoto thanked parties for their support and highlighted the Convention's potential to inspire developing countries towards hazardous wastes management, especially with BCRCCs support.

COP8 President Kivutha Kibwana, expressing appreciation for the successful conclusion of matters, said it was an honor for Kenya to have hosted COP8 and gavelled the meeting closed at 11:37 pm.

## A BRIEF ANALYSIS OF COP8

Africa's first Basel Convention COP could not have come at a more opportune time, as the Côte d'Ivoire toxic waste dumping incident brought into sharp focus the immediate danger of unregulated movements of hazardous waste to both human health and the environment. This incident highlights the quintessential challenge facing the Convention, namely its full implementation, given that the Convention is meant to prevent such disasters and secondly its future direction, to be evaluated against the strength and effectiveness of its response. Moreover, the Convention's quest for legitimacy and relevance within the evolving chemicals landscape was reflected in its newly acquired interest in e-waste and dedication of the high-level segment to this topic, begging the question whether e-waste is a distraction from, or complimentary to, the Convention's work.

This brief analysis will focus on the emerging issues which occupied most of COP8's delegates' attention: the Côte d'Ivoire incident and e-waste, along with fundamental operational issues, namely financial matters and resource mobilization.

### OUT OF AFRICA

Throughout COP8 delegates from around the world expressed sympathy and solidarity with Côte d'Ivoire over the recent incident of dumping of hazardous wastes by the Probo Koala in Abidjan, which many felt illustrated the vulnerability of African states. The Côte d'Ivoire incident also spotlighted the daunting task of overcoming inadequate enforcement mechanisms and the absence of functioning tracking systems for the transboundary movement of hazardous wastes. Bearing in mind that the last incident of a similar scale was the dumping of hazardous waste by the Islip Garbage Barge, in the Khian Sea at Koko, Nigeria in the 1980s, which led to the negotiation and adoption of the Basel Convention itself, questions were raised whether COP8 could provide an equally strong response to the recent incident. Upon the request of Côte d'Ivoire, the EU and several African countries, COP8 agreed to add a new agenda item referring to consideration of action on the incident, resulting in what proved to be the most passionate discussion of the week.

Some delegates expressed hope that this incident would galvanize momentum for entry into force of the Ban Amendment. The Ban Amendment was adopted by COP3 and there have been ongoing discussions about the modalities of its entry into force. A number of developing and developed countries have already implemented the Ban Amendment. Despite their renewed push, COP8 saw no tangible progress on the interpretation of Article 17(5) (entry into force of the Ban Amendment) and the matter was again forwarded for consideration by the OEWG and COP9. Some delegates lamented this missed opportunity to capitalize on the momentum created by the Côte d'Ivoire incident to overcome entrenched positions.

On the other hand, several delegations at COP8 considered it premature for the Basel Convention to consider concrete action until investigations into the incident were completed. The incident also pinpointed the need to ensure that the Convention's mandate includes addressing Côte d'Ivoire-type scenarios. Some ambiguity resides in whether the incident relates to movement of hazardous wastes or to wastes generated by normal ship operations due to claims of crude refining on board the vessel. If it is the latter, then International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL) would be applicable. Some delegates suggested consideration of this matter at OEWG6 once the results of the investigations are at hand.

The detailed country reports on ongoing investigations presented during discussions could also constitute a basis for reviewing the Convention's implementation. The fact that a number of countries and international organizations called on the Basel Convention to cooperate in their ongoing activities to support Côte d'Ivoire shows that parties to the Convention consider it has a leading role to play in dealing with incidents of this nature.

Either way, Côte d'Ivoire can serve as an important case study for the Basel Convention by highlighting shortcomings in the Convention's implementation, which, if fully addressed, could prevent and avert future incidents. Given that the Basel Convention is one of the longest standing chemicals-related conventions, its failure to prevent dumping of hazardous waste in Côte d'Ivoire could have catalyzed parties to recommit to implement the provisions of the Convention.

In the end, COP8 did adopt a decision on Côte d'Ivoire. The decision called for immediate action on clean-up, comprehensive assessment of contamination levels and establishment of responsibilities and invited UNEP Executive Director Achim Steiner to assist in mobilizing resources to support Côte d'Ivoire. In light of the impassioned speeches of deep sympathy, some delegates questioned where the commitments of compensation and assistance were. Clearly, Côte d'Ivoire faces a financing gap, with an approximate US\$30 million clean-up bill for soil remediation alone, and short- and long-term effects on a population that lives on an average annual income of US\$1,600. A few delegates said that COP8 could have at least agreed to adjust the rules of the Trust Fund to allow for increased financial support.

Thus, it could be argued that shipments to, and dumping of, hazardous wastes in developing countries should have formed the core of the Convention's work in COP8, and continue to in future COPs. Some delegates were left wondering if the Convention risks being diverted from its core activities by attempting to carve out an e-waste niche in the highly contested chemicals environment. Some delegates were of the opinion that the Basel Convention is flexible enough to take on e-waste as well as other important hazardous waste issues.

### E-WASTE – REUSE OR ABUSE

COP8's theme was "Creating innovative solutions through the Basel Convention for the environmentally sound management of electronic waste." Despite the lengthy discussions on e-waste, many participants questioned whether the Basel Convention

even has the required mandate, flexibility and financial means to address these new challenges. Delegates seemed to be in agreement that e-waste constitutes a growing problem. They also concurred that to reduce the problem a multifold approach is necessary, which builds capacity in developing countries, reduces hazardous waste generation in developed countries, and eliminates toxic components in electronic equipment. COP8 did not lead to clear commitments or targets on minimizing the amount of e-waste produced at source, though noises were made about reducing hazardous components in electronic items. Instead, discussions concentrated on market solutions, viable business opportunities, and stricter regulations for disposal, reuse and recycling, as well as the need for extended producer responsibility and the life-cycle approach. Given the impression of market failure in the current trend of e-waste dumping in developing countries, some delegates raised questions as to whether market-based solutions can correct market failure, or if regulation is also needed.

Some delegates commented that broader stakeholder participation in these discussions could have led to deeper consideration of how the Convention could take a lead role in finding sustainable solutions to the problem of e-waste through both markets and commitments under the Basel regime. With electronics being one of the symbols of innovation, innovative practices will in turn be needed to handle their movement and disposal. The high-level discussions indicated that the prerequisite technologies are already available, lacking only the goodwill of producers to commit to phasing-out toxic components and of governments to regulate accordingly. Some delegates called for a commitment to reducing the hazardous components of electronic equipment as a meaningful contribution to addressing the increasing problem of e-waste. Others refuted claims that export from developed countries of often obsolete electronic products to developing countries “bridge the digital divide”, and went so far as to suggest such misguided donations constitute “digital dumping”. A few delegates noted that one important contribution that the Convention could make to the international discourse on this issue is a clear definition of e-waste.

#### **FINANCIAL MATTERS**

Financial matters were once again center-stage at COP8. A few delegates arrived in Nairobi with mandates to maintain a zero nominal growth in the core budget and “cut, cut, cut” costs. The hurdle faced by delegates during the budget discussions was twofold: how to cushion the negative impact of the substantial sum of arrears; and what modalities to employ in reducing costs without compromising the Convention’s efficacy. In the past the Secretariat used accumulated savings to offset the impacts of outstanding contributions. However, as the savings account has been depleted, this strategy is no longer viable. To address arrears, COP8 took a clever step in allowing OEWG some flexibility to use financial resources emanating from arrears payments between COP8 and COP9.

Delegates identified alternatives for cost reduction by re-adjusting the distribution of posts in the Secretariat and by decreasing travel costs. Many developing countries stressed that

“cost efficiency is a welcome principle as long as it does not compromise the quality of the outcomes.” They were deeply worried that such cuts would leave the Secretariat without any institutional memory, reduce the quality of its work and compromise the Convention.

As negotiations progressed under the efficient leadership of Anne Daniels (Canada), countries began to step away from their entrenched positions and move towards agreement on a zero percent increase for the 2007 budget and an increase of five percent for the 2008 budget. This five percent increase will nevertheless raise some developed countries’ contributions by up to 22% because of outstanding payments from many parties. This increase in contributions explains some of the pained expressions during the budget discussions. The decision on the budget shows that COP8 succeeded in restructuring the budget regarding staffing, which will enable the Secretariat to focus on operational issues. The decision on mobilization of resource and sustainable financing paves the way for the Convention to explore different avenues to raise funds and enhance synergies with other MEAs.

#### **REDUCE, REUSE AND CLEAN-UP**

With the Convention’s financial future secure in the short term, but still uncertain in the long term, it remains to be seen whether it can respond to the challenges of reducing hazardous waste, limiting its movement and dealing with e-waste. If the Basel Convention is going to be worth the paper it is printed on, the international community has to ensure that such tragedies, such as the one that occurred in Côte d’Ivoire, do not happen again.

It remains to be seen how the Basel Convention will juggle the challenges of harnessing financial assistance to clean up the contamination in Abidjan and working with the BCRCCs to prevent the recurrence of such incidents as Côte d’Ivoire, with reducing the amount of waste produced by developed countries and building capacity in developing countries. It’s still not clear if developed countries are prepared to re-couple the issue of the transboundary movement of hazardous waste with hazardous waste generation at the source and commit to reduction in production. There are still many issues surrounding the generation and disposal of hazardous waste and stronger political will is needed to fulfill the mandate of the Basel Convention and implement its provisions.

#### **UPCOMING MEETINGS**

**CONSULTATION WITH REGIONAL OFFICERS OF FAO AND UNEP ON TECHNICAL ASSISTANCE FOR THE IMPLEMENTATION OF THE ROTTERDAM CONVENTION:** This Regional Office Consultation will take place from 4-8 December 2006, in Changmai, Thailand. For more information, contact: Rotterdam Convention Secretariat; tel: +41-22-917-8296; fax: +41-22-917-8082; e-mail: [pic@pic.int](mailto:pic@pic.int); internet: <http://www.pic.int/en/ViewPage.asp?id=405>

**SAICM REGIONAL MEETING: CENTRAL AND EASTERN EUROPE:** This meeting will take place from 4-6 December 2006, in Riga, Latvia. For more information, contact:

UNEP Chemicals, tel: +41-22-917-1234; fax: +41-22-797-3460; e-mail: saicm@chemicals.unep.ch; internet: <http://www.chem.unep.ch/saicm/regionalmeetings.htm>

**EXPERT MEETING TO DEVELOP THE STANDARDIZED TOOLKIT FOR IDENTIFICATION AND QUANTIFICATION OF DIOXIN AND FURAN RELEASES:** This expert group of the Stockholm Convention will meet from 13-15 December 2006, in Geneva, Switzerland. For more information, contact: Stockholm Convention Secretariat; tel: +41-22-917-8191; fax: +41-22-797-3460; e-mail: [ssc@pops.int](mailto:ssc@pops.int); internet: [http://www.pops.int/documents/meetings/cop\\_2/followup/toolkit/Default.htm](http://www.pops.int/documents/meetings/cop_2/followup/toolkit/Default.htm)

**SECOND MEETING OF THE AD HOC TECHNICAL WORKING GROUP ON POPS MONITORING:** This meeting, under the auspices of the Stockholm Convention, will be held from 29 January - 2 February 2007 in Geneva, Switzerland. For more information, contact: Stockholm Convention Secretariat; tel: +41-22-917-8191; fax: +41-22-797-3460; e-mail: [ssc@pops.int](mailto:ssc@pops.int); internet: <http://www.pops.int/documents/meetings/gmptwg/twg2/announcement.htm>

**ROTTERDAM CONVENTION AWARENESS RAISING WORKSHOP:** This Consultation on the Rotterdam Convention On the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade will take place from 29 January - 2 February 2007, in Nairobi, Kenya, for Ethiopia, Kenya, Madagascar, Tanzania, and Uganda. For more information, contact the Rotterdam Convention Secretariat; tel: +41-22-917-8296; fax: +41-22-917-8082; e-mail: [pic@pic.int](mailto:pic@pic.int); internet: <http://www.pic.int/en/ViewPage.asp?id=405>

**24TH SESSION OF THE UNEP GOVERNING COUNCIL/GLOBAL MINISTERIAL ENVIRONMENT FORUM:** This meeting will take place from 5-9 February 2007, in Nairobi, Kenya. For more information, contact: Secretary for UNEP Governing Council; tel: +254-20-762-1234; fax: +254-20-762-4489/90; e-mail: [beverly.miller@unep.org](mailto:beverly.miller@unep.org); internet: <http://www.unep.org>

**MEETING OF POPRC INTERSESSIONAL WORKING GROUP CHAIRS:** The Chairs of the POPRC's intersessional working groups on risk management evaluation will meet from 18-20 February 2007, in Geneva, Switzerland, resources permitted. The aim is to further the process and outline for risk management evaluation. For more information, contact: Stockholm Convention Secretariat; tel: +41-22-917-8191; fax: +41-22-797-3460; e-mail: [ssc@pops.int](mailto:ssc@pops.int); internet: <http://www.pops.int>

**ROTTERDAM CONVENTION THIRD CHEMICAL REVIEW COMMITTEE MEETING:** The third Chemical Review Committee meeting will be held in Rome, Italy, from 19-23 March 2007. For more information, contact: Rotterdam Convention Secretariat; tel: +41-22-917-8296; fax: +41-22-917-8082; e-mail: [pic@pic.int](mailto:pic@pic.int); internet: <http://www.pic.int/>

**SECOND MEETING OF THE OPEN-ENDED AD HOC WORKING GROUP ON NON-COMPLIANCE:** The Stockholm Convention's Second Meeting of the Open-ended Ad Hoc Working Group on Non-Compliance will meet from 25-27 April 2007, in Dakar, Senegal. For more information, contact:

Stockholm Convention Secretariat; tel: +41-22-917-8191; fax: +41-22-797-3460; e-mail: [ssc@pops.int](mailto:ssc@pops.int); internet: [http://www.chem.unep.ch/pops/newlayout/calendar\\_of\\_events.htm](http://www.chem.unep.ch/pops/newlayout/calendar_of_events.htm)

**THIRD MEETING OF THE CONFERENCE OF THE PARTIES TO THE STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS (COP-3):** POPs COP-3 will convene from 30 April - 4 May 2007, in Dakar, Senegal. For more information contact: Stockholm Convention Secretariat; tel: +41-22-917-8191; fax: +41-22-797-3460; e-mail: [ssc@pops.int](mailto:ssc@pops.int); internet: <http://www.pops.int/>

**STOCKHOLM CONVENTION POPRC-3:** The third meeting of the Persistent Organic Pollutants Review Committee of the Stockholm Convention will take place from 19-23 November 2007, in Geneva, Switzerland. For more information, contact: Stockholm Convention Secretariat; tel: +41-22-917-8191; fax: +41-22-797-3460; e-mail: [ssc@pops.int](mailto:ssc@pops.int); internet: <http://www.pops.int>

**FOURTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE ROTTERDAM CONVENTION (PIC COP4):** The next meeting of the Conference of the Parties will take place in Rome, Italy, from 20-25 October 2008. For more information, contact: Rotterdam Convention Secretariat; tel: +41-22-917-8296; fax: +41-22-917-8082; e-mail: [pic@unep.ch](mailto:pic@unep.ch); internet: <http://www.pic.int>

**NINTH MEETING OF THE CONFERENCE OF THE PARTIES (COP) TO THE BASEL CONVENTION:** COP9 will take place in September or October 2008, in Indonesia. For more information, contact: Secretariat of the Basel Convention; tel: +41-22-917-8218; fax: +41-22-797-3454; e-mail: [sbc@unep.ch](mailto:sbc@unep.ch); internet: <http://www.basel.int>

## GLOSSARY

BAN	Basel Action Network
BCPP	Basel Convention Partnership Programme
BCRCCs	Basel Convention Regional and Coordinating Centres
ESM	Environmentally Sound Management
GEF	Global Environment Facility
IPEN	International POPs Elimination Network
MARPOL	International Convention for the Prevention of Pollution from Ships
MPPI	Mobile Phone Partnership Initiative
MPWG	Mobile Phone Working Group
PIC	Prior Informed Consent
POPs	Persistent Organic Pollutants
SACEP	South Asian Cooperative Environment Programme
SAICM	Strategic Approach to International Chemicals Management
WCO	World Customs Organization
WTO	World Trade Organization