

BASEL CONVENTION

“From Cairo to Basel”



Basel



Cairo

Presentation's Outline

- Background - why controls are needed?
- Cairo Guidelines - main provisions
- UNEP Governing Council Meeting -1987
- Negotiating Sessions - main issues discussed
- Basel Convention - main articles
- From Cairo to Basel – main achievements

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Background

- In early “80s“ - increasing number of waste exports to developing countries.
- One of the reason for these exports - the cost of disposal was 1/10 or even 1/20 of what it would cost in most OECD countries.
- One such example: the Khian Sea ship voyage in 1986 - with incinerator ash from Philadelphia to a number of developing countries.
- Pressure (financial) on developing countries to accept waste.
- Also, a number of stranded shipments - no one taking any responsibility to re-import these shipments.

Cairo Guidelines



- Work on Guidelines started in 1982, and was completed in 1985.
- Fall of 1985 meeting held in Cairo - to finalize and to adopt these Guidelines.
- Most of the WEOG countries attended this meeting. A number of selected developing countries, in particular Arab countries, were also in attendance.
- Deals with environmentally sound management of hazardous wastes.
- Provisions in these guidelines:
 - Need to control transboundary movement.
 - Need to have facilities for ESM.
 - Duty to re-import.
 - Transfer of technology.
 - Capacity building.
 - Public access to information.
 - Liability and compensation - requirement for countries to establish national laws on this issue.

UNEP Governing Council (GC)

- UNEP GC meeting of June 1987:
 - adopted Cairo Guidelines,
 - it also decided to have a global convention on transboundary movement of hazardous wastes.
- Governing Council requested Executive Director to set up a working group, and to start the negotiation process.
- Switzerland proposed to host a diplomatic conference in 1989, to adopt such a convention.
- Hungary proposed to host an organizational meeting, to be held in Budapest in October of 1987.

Organizational Meeting

Budapest, Oct. 1987

- Elected Alain Clerc from Switzerland as the chair, and Thomas Aarnio (Finland) as the Rapporteur. Two vice chairmen (one from Hungary and one from Venezuela were also elected).
- Identified next steps:
 - Next meeting to be held in Geneva.
 - UNEP proposed a number of articles for the Convention, which were based on Cairo Guidelines and on provisions in the draft OECD Agreement.
 - The OECD Agreement (which was negotiated in 1986 and 1987) - was put on hold in December of 1987, due to the fact that a global agreement on the same issue was being negotiated:
 - it had a number of similar provisions, especially on technical issues such as: waste list, hazardous characteristics, disposal operations, PIC and movement document (which were used).

Negotiation Sessions

- 6 negotiation sessions were held (4 in Geneva*):
 - *First session- Geneva in February, 1988.
 - Second session- Caracas, Venezuela in June, 1988.
 - *Third Session- Geneva in November, 1988.
 - *Fourth Session- Geneva in January, 1989.
 - Fifth session- Luxemburg in February, 1989.
 - *Sixth session - 1st week in Geneva, March (8-15), 1989
- 2nd week in Basel, March (16-22), 1989
- Major Issues: Export ban, shipments through territorial waters, Article 11 Agreements, municipal waste, liability and compensation, recyclables.

First Negotiation Session

Geneva, Feb. 1988

- Main issues that were tabled for discussion:
 - Need for adequate notification scheme.
 - Need for a definition of hazardous waste and disposal.
 - Should waste destined for recycling be covered?

Second Negotiation Session

Caracas, June 1988

- Issues discussed during this second session:
 - Definitions of: area under national jurisdiction, national territory, transboundary movement, definition of waste, exporter/generator, importer, carrier.
 - Notification and interest of transit countries (G77).
 - Should radioactive waste be covered?
 - Impact on existing agreements.
 - Support to developing countries on capacity building.
 - Illegal transboundary movement, and obligations on the exporting country.

Third Negotiation Session

Geneva, Nov. 1988

- The following issues were tabled:
 - Preambular paragraphs.
 - List of hazard characteristics was introduced.
 - Information to be provided as part of the notification system.
 - Number of general obligations such as: having adequate facilities, reduction of waste generation, requirement for environmentally sound management, and reduction of transboundary movements.
 - Obligations in case of illegal transboundary movement.
 - Financial assistance in case of emergency (Article 14).
 - Need to consult on liability and compensation.
 - Need to cooperate on ESM.

Fourth Negotiation Session

Geneva, Jan. 1989

- UNEP submitted a text of a draft Convention with various articles, which included:
 - Preambular paragraphs.
 - Number of articles dealing with: responsibility of exporters, duty to re-import, illegal traffic, liability and compensation, non compliance (Articles 19 & 20), technology transfer, amendment provisions.
 - African countries decided that they want stronger provision dealing with prohibitions on export and import of hazardous waste, including radioactive waste:
 - Following this session, a special meeting of African Ministers held in Dakar in January 1989.
 - They insisted that instead of a global convention, they wanted a regional one prohibiting imports of hazardous waste to Africa (Bamako Convention-1991).
 - Some considered it as an attempt to derail the global initiative.

Fifth Negotiation Session

Luxembourg, Feb. 1989

- Difficult negotiation session, which followed the Dakar meeting.
- Countries were not in the mood to negotiate.
- Number of governments expressed reservations on almost every article in the proposed draft convention.
- UNEP officials seemed to be almost in a panic mode, as time was running out (diplomatic conference was scheduled for the end of March in Basel).

Sixth and Final Negotiation Sessions

March (8-22), 1989 Geneva & Basel

- Position of some of the African countries continued to play an important role during this session.
- When negotiations moved to Basel, time was running out to finish negotiations - again almost a panic situation.
- The main outstanding issues were: shipment through territorial waters or area under national jurisdiction, role of existing agreements, municipal waste, compliance monitoring, provisions for wastes destined for recycling, liability and compensation (Article 12), and ban provisions.
- Representative of OAU stated that African countries will not sign the convention in Basel, and proposed over 20 amendments.

Sixth and Final Negotiation Sessions in Geneva & Basel (cont.)

- Some of their main issues were: municipal wastes, radioactive waste, 1.1(b) scope of coverage, and ban.
- Annex II was created to deal with 2 waste streams: household waste and incinerator ash.
- Most of the African proposals have been considered, like the one on ban, which became Article 15 para. 7 (review the need for partial or total ban, 3 years after the Convention comes into force).
- 116 countries attended the Basel session and the signing ceremony on March 22, 1989:
 - 105 plus EU signed the final act.
 - 35 plus EU signed the convention.
 - African countries agreed not to block the signing of the convention, but none of them signed it in Basel.

Basel Convention



Main Provisions of the Basel Convention (March 22, 1989):

- Scope (Annex I, unless wastes do not possess any of the characteristics of Annex III, Annex II (2 waste streams), plus wastes that are defined as hazardous waste by a country of export, import or transit 1.1(b)).
- General Obligations: waste reduction, ESM requirements, reduction in transboundary movement, transport rules to apply, not to export and import from non-Party.
- Designation of Competent Authorities and Focal Point
- Transboundary Movement Issues: PIC; movement document; spells out obligations of exporting, transit and importing countries.
- Illegal traffic provisions.
- Role of bilateral/multilateral agreements/arrangements.
- Consultations on liability and Compensation.
- Duty to re-import – stranded shipments.
- Partial or total ban- requests a review of the need for it.
- Annexes: categories of wastes (Annex I & II), hazard characteristics (Annex III), disposal operations (Annex IV), notice and movement document information (Annex V), and arbitration (Annex VI).

Comparison: Cairo Guideline & Basel Convention

Cairo Guideline Provisions

Part I.1a), b)
Part I.1
Part I.1a),b)
Part II.7,VI.27e),f)
Part II.8
Part VI

Part II.27
Part VI.26c)
Part I.4
Part VI.28
Part VII.29

Basel Convention Articles

Article 1 Scope
Article 2 Definitions
Article 3 National definitions
Article 4 General Obligations
Article 5 Competent Authorities & Focal points
Article 6 Transboundary Movement
Article 7* Non- Parties
Article 8 Re-import
Article 9 Illegal Traffic
Article 10 International Cooperation
Article 11 Agreements/Arrangements
Article 12 Liability and Compensation
Articles 13* -28*

* Articles/provisions which are Convention/Agreement related

COP Meetings

- There were 7 COP meetings since the Convention entered into force in 1992, last COP was in Geneva last month (from October 25-29, 2004).
- During these 7 meetings, Parties adopted the following:
 - Uniform notice and movement documents.
 - 13 BCRCs established.
 - Liability and Compensation protocol (COP 5) – adopted, but not yet in force.
 - Ban amendment (COP 3) – adopted, but not yet in force (most of EU countries and European Community ratified it).
 - Amendments to waste lists (Annex VIII & IX).
 - Framework Document on ESM (COP 1)
 - Ministerial Declaration on ESM (COP 5).
 - 10 year Strategic Plan for the implementation of the Basel Convention –COP 6 .
 - Number of Technical Guidelines: Y46-Household Waste, Y8-Petroleum Waste, Y6-Solvents, Used Tires, D5-Landfilling, D10-Incineration, R5-Re-refining of Used Oil, D8/9-Biological/Chemical/Physical Treatment. Guidelines on POP wastes, Y17(surface treatment), R4 (reclamation of metals) are being finalized.
 - Compliance Mechanism established.
 - Partnership Initiatives established, or about to be established (used mobile phones, used computers, obsolete stocks of pesticides and used oils in Africa)
 - Partnership on Global Waste Challenge adopted during our last COP (COP 7).



From Cairo to Basel



■ Has the road been easy and straight forward?

- Difficult discussions on the ban amendment.
- Lack of financial resources for capacity building in developing countries, and for effective implementation of all decisions under the Basel Convention.

■ Are we better off?

- No Khian Sea ships, but new shipments of recyclable wastes, such as: electrical and electronic scrap, are on the rise.
- Some reduction in transboundary movements of wastes destined for final disposal.
- Awareness level increased, due to an increased number of workshops and training sessions by SBC and BCRC.



From Cairo to Basel (cont.)



- Issues that need future attention:
 - Waste generation continues to increase – need to minimize quantities requiring disposal.
 - Capacity building in developing countries to be promoted, and finding adequate resources for pilot projects in such countries – new RMS should help in this effort.
 - Strengthening of BCRC - to be an effective vehicle for training, regional delivery of projects, and information clearing house on environmentally sound management of hazardous wastes.
 - Continue to promote partnerships with industry and NGOs to address end-of-life products such as: mobile phones, used computers, and incorporating life cycle thinking during product design.
 - Improve cooperation with other conventions, in particular with Stockholm and Rotterdam - to build synergies.