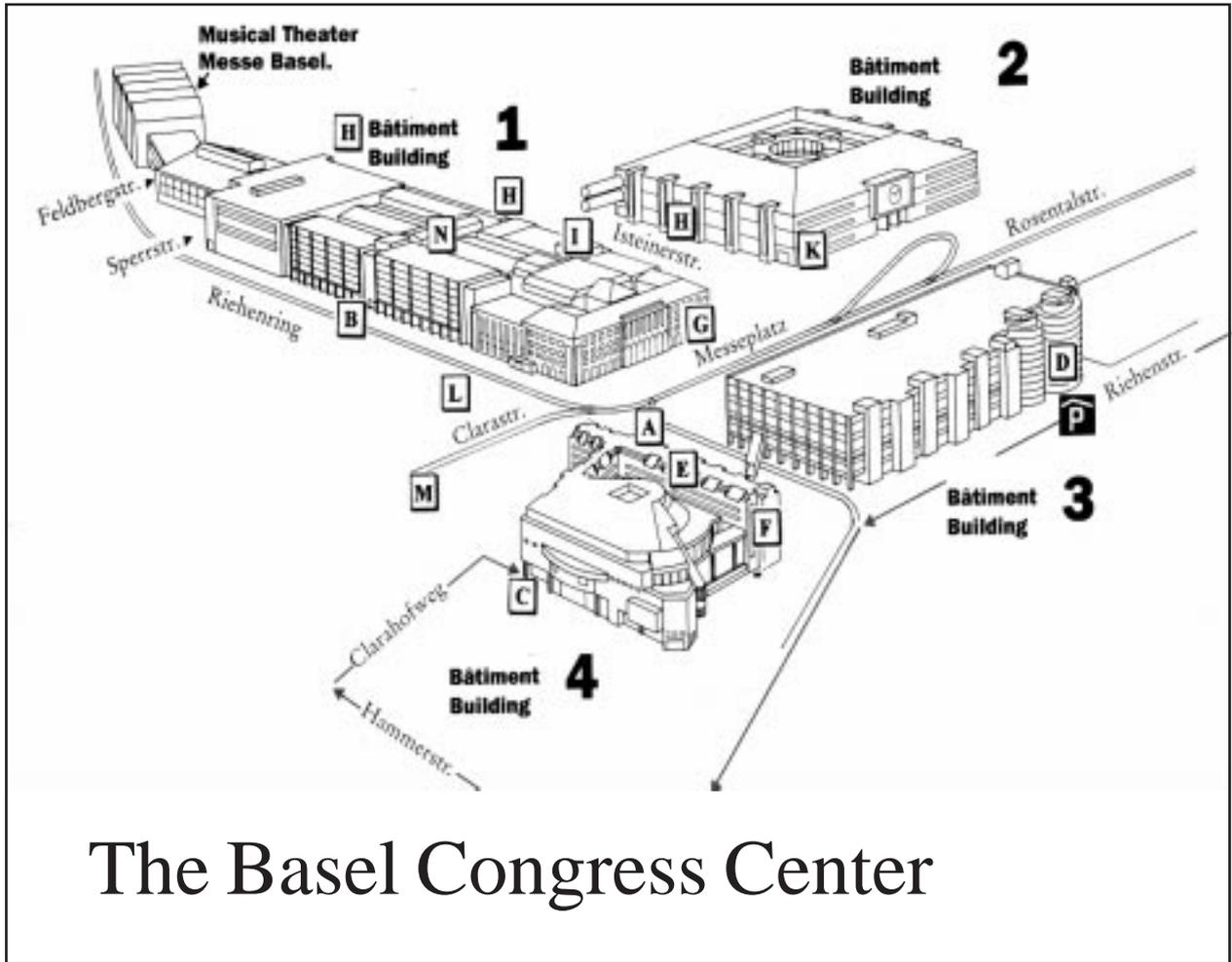


# *Managing Hazardous Waste*

*6-10 December 1999, Basel, Switzerland*

**Basel Convention Press Kit**





# The Basel Congress Center



# **PRESS KIT - BASEL 1999**

## **10th Anniversary Meeting on the Basel Convention**

### **Fifth Meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal**

6 – 10 December 1999

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# United Nations Environment Programme

برنامج الأمم المتحدة للبيئة · 联合国环境规划署  
PROGRAMME DES NATIONS UNIES POUR L'ENVIRONNEMENT · PROGRAMA DE LAS NACIONES UNIDAS PARA EL MEDIO AMBIENTE  
ПРОГРАММА ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ НАЦИЙ ПО ОКРУЖАЮЩЕЙ СРЕДЕ

## PRESS RELEASE

For use of the media only; not an official document.

### **Hazardous Waste Talks to Finalize Compensation and Liability Regime**

Geneva, November 1999 - Officials from the 132 member governments of the Basel Convention will meet in Basel, Switzerland from 6 - 10 December to take further action on protecting human health and the environment from the dangers of hazardous wastes.

The conference will attempt to strengthen the global system of managing hazardous wastes by adopting a Protocol setting out rules on liability and compensation. The Protocol talks began in 1993 in response to the concerns of developing countries about their lack of funds and technologies for coping with illegal dumping or accidental spills.

A number of key issues must still be resolved, however, before governments can finalize the Protocol for adoption. These include the question of whether or not to establish an Emergency and Compensatory Fund for assisting developing countries faced with accidents resulting from transboundary movements of hazardous waste.

Officials will also celebrate the tenth anniversary of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal. The Convention was adopted in 1989 following international outrage over the dumping of hazardous wastes in developing countries by producers from industrialized economies.

“Adopting the Protocol would be a major breakthrough for environmental protection,” said Klaus Toepfer, Executive Director of the United Nations Environment Programme, administers the Convention secretariat. “Combined with greater efforts to minimize the generation of hazardous wastes and their transport across borders, a liability and compensation regime would provide an additional safety net for the world’s most vulnerable communities.”

In addition to the Protocol, governments must consider how to follow-up the progress of the Convention’s first ten years during the early years of the 21st century. If the Convention’s first decade was dedicated to developing an operational framework for controlling transboundary movements, the next decade will place increasing emphasis on implementing and enforcing the treaty commitments.

Other critical issues include the environmentally sound management of hazardous wastes, strengthening existing partnerships with business and civil society while reaching out to new allies, and minimizing waste generation at source through cleaner production methods and a “life-cycle” approach to waste recycling and disposal. Ministers are expected to issue a declaration on their vision for promoting the environmentally sound management and minimization of hazardous wastes over the next 10 years.

The agenda will also include the implementation of the 1995 Ban Amendment prohibiting the transboundary movement of hazardous waste from OECD to non-OECD countries, stronger cooperation with organizations such as Interpol and the secretariat of the Rotterdam Convention on hazardous chemicals and pesticides, and improving techniques for disposing of used tyres and dismantling ships.

The Basel Convention entered into force in 1992. It is concerned with the annual world-wide production of hundreds of millions of tonnes of hazardous wastes. These wastes are considered hazardous to people or the environment if they are toxic, poisonous, explosive, corrosive, flammable, eco-toxic, or infectious. The Convention regulates the movement of these wastes and obliges its members to ensure that such wastes are managed and disposed of in an environmentally sound manner. Governments are expected to minimize the quantities that are transported, to treat and dispose of wastes as close as possible to where they were generated, and to minimize the generation of hazardous waste at source.

Note to journalists: For more information please contact Mr. Michael Williams on (+41-22) 917 8242/44, fax: (+41-22) 797 3464, email: michael.williams@unep.ch. Official documents and other information on the Basel Convention are available on the Internet at <http://www.basel.int/>



### Hazardous Waste by the Numbers

Due to different reporting methods in many countries, it is difficult to produce reliable statistics on hazardous waste generation and its movement across borders. It can be useful, however, to look at statistics provided by the Organization of Economic Cooperation and Development (OECD), whose members are among the largest producers and exporters of hazardous wastes. The figures below date from 1993 except where mentioned. *Figures in italics are revised numbers, provided by the Secretariat of the Basel Convention, which reflect improved collection and analysis of data, revised definitions of waste and other variables.*

- ◆ the OECD reported in 1993 that 323 million tonnes of hazardous wastes were produced annually by OECD countries—an aggregate figure which includes various reporting years and various definitions of hazardous waste and waste water (*unofficial 1999 estimates suggest that current levels have fallen to 180-200 million tonnes per year, due to waste water reduction, changes in national reporting and revised definitions of waste*)
- ◆ 120 kgs of hazardous waste were generated per capita in OECD countries with strong chemical industries, 50 kgs in other OECD countries (*unofficial 1999 estimates suggest that rates have fallen to between 80-100 kgs per capita*)
- ◆ 42% of hazardous wastes exported by OECD countries were exported with the intention of being disposed of at their destination (the rest, 58.4%, were destined for materials recovery).
- ◆ 5 largest OECD exporters of hazardous wastes in 1993, in order of total exports (in tonnes), were Germany, Canada, The Netherlands, the United States and Switzerland.
- ◆ 5-10% of hazardous wastes generated in industrialized countries was shipped across international borders.
- ◆ a 40% increase in GDP in OECD countries in the period 1980-1999 has been accompanied by a 40% increase in municipal waste.

(Source: OECD 1997, Secretariat of the Basel Convention 1999)

### News Stories that Led to the Creation of the Basel Convention

In the late 1980s, shipments of hazardous waste from industrialized countries to developing countries and Eastern European nations were brought to light by the press. The ensuing international outrage led to the drafting and adoption of the Basel Convention. Among the notorious cases were:

- ◆ five shipments of toxic and radioactive waste that were illegally imported into Nigeria by an Italian national. Within several months, an additional 2100 tons of Italian waste carried aboard a German ship was dumped in Nigeria.
- ◆ 15,000 tons of municipal fly ash, contaminated with dioxins, heavy metals and other chemicals, which were shipped from Philadelphia, USA to the Caribbean in 1996. When several Caribbean nations turned away the ship, the *Khian Sea*, the crew attempted (over a two year period) to offload its toxic cargo as far away as Guinea. It eventually returned to the Caribbean to dump some of the ash in Haiti. The rest is presumed to have been dumped into the Indian Ocean.
- ◆ 41 missing drums containing topsoil contaminated with highly toxic dioxin from the 1976 Seveso chemical plant explosion in Italy turned up in a barn in northern France.
- ◆ In 1983, a shipment of carcinogenic PCBs was sent from Austria to Hungary. It represented a small fraction of the 2.2 million metric tons of hazardous wastes that were being moved across European borders in the form of 100,000 shipments, which represented a transboundary movement of hazardous wastes every five minutes. Approximately 10 percent went from Western Europe to Eastern Europe.

(Source: *Illegal traffic in toxic and dangerous products and wastes, Report of the Secretary-General, United Nations General Assembly, 18 July 1989*)



# The Next Decade

*During the first decade of the Basel Convention, efforts were primarily concentrated on developing a global environmental regime for controlling transboundary movements of hazardous wastes. These existing political, legal, technical and institutional efforts need to be strengthened, but to ensure that the Basel Convention grows and matures over the coming decade, it must also face up to six key challenges: (1) environmentally sound management, (2) implementation and enforcement, (3) capacity building, (4) partnership building, (5) greater efficiency through economic incentives, (6) enhanced collaboration.*

## The Basel Convention: Past, Present and Future

The adoption of the Basel Convention in 1989 was a major milestone in the worldwide campaign to minimize the risks posed by the production and transport of hazardous wastes.

Today, 131 governments plus the European Community are Parties to the Convention, making it a truly global instrument. The world community benefits enormously from this practical and workable tool for controlling transboundary movements of hazardous wastes.

Under the Basel Convention, governments seek to reduce transboundary movements of hazardous wastes, to treat and dispose of these wastes in an environmentally sound manner and as close as possible to the source of generation, and to minimize the amount of waste that is generated.

The Convention has been instrumental in helping developing countries, in particular, to build up their capacity for addressing the complexities and difficulties of managing wastes and the generation of hazardous wastes. It has also contributed to reducing the illegal or indiscriminate dumping of hazardous wastes.

Equally important, the Basel Convention is nurturing the development of international criteria and standards for the environmentally sound management of hazardous wastes and of international environmental customary law, thanks to its rapid development and implementation and the decisions of the Conference of the Parties.

In just 10 short years, the Basel Convention has succeeded in building a strong framework within which the world

community can work to protect human health and the environment from hazardous wastes. But although a great deal has been achieved, much remains to be done. The next 10 years will require continued commitment and the willingness to take on new and challenging tasks. Specifically, we must take on the following challenges:

1. The environmentally sound management and minimization of hazardous wastes must be improved.
2. The Conventions must be effectively implemented and enforced.
3. Technical, legal and institutional capacity must be upgraded in many developing countries and countries with economy in transition.
4. Partnerships with stakeholders in civil society and industry need to be enhanced.
5. Economic instruments need to be further developed.
6. Collaboration and synergies between Basel and other environmental conventions should be pursued.

### **(1) Environmentally sound management of hazardous wastes**

The Basel Convention calls for international cooperation between Parties in the environmentally sound management of hazardous wastes. It also calls for building national capabilities to manage hazardous wastes in an environmentally

sound manner and for developing a technical and legal infrastructure, including the necessary legislation and regulations. Training, education and public awareness are important elements in developing national capabilities.

The first crucial step in environmentally sound management is to prevent and minimize the generation of

<b>Benefits of the Basel Convention</b>
<ul style="list-style-type: none"> <li>• <i>Increased transparency in the import and export of hazardous wastes</i></li> <li>• <i>Improved control of transboundary movements</i></li> <li>• <i>Better compliance due to a single control system</i></li> <li>• <i>Improved statistical data</i></li> <li>• <i>Clearer picture of trends in generation, export and import</i></li> </ul>



hazardous wastes in the first place. For wastes which nevertheless result, environmentally sound management needs to be addressed through the “integrated lifecycle approach”, which involves strong controls from the generation of a waste to its storage, transport, treatment, reuse, recycling, recovery, and final disposal.

Innovative approaches to environmentally sound management need to be developed and tried out. The private sector has an essential role to play. As companies have demonstrated through UNEP’s Division on Technology, Industry and Economics, “cleaner production” methods that eliminate or reduce hazardous outputs can be both economically and environmentally efficient. Equally, the participation of civil society is critical if consumption is to change, thus lowering demand for products and services that result in hazardous by-products.

One of the main challenges is treating and disposing of stockpiles or unauthorized dumps of hazardous wastes, in particular in developing countries and in countries with economies in transition. The existence of huge stocks of obsolete pesticides and of PCBs is a case in point that demands early attention.

Finally, the consequences of war, most recently in the Balkans, pose a tremendous problem for the safe management of hazardous wastes and need to be dealt with urgently.

## **(2) Implementing and enforcing the rules**

A major goal for all Parties over the next 10 years must be to advance the effective implementation of the Convention by monitoring and fostering compliance with the agreed principles governing the transboundary movements of hazardous wastes.

The effective implementation of the Basel Convention requires that countries individually and collectively demonstrate their ability to manage hazardous wastes in an environmentally sound manner and to control their transboundary movements. It also requires the global harmonization of existing control systems, rules, and regulations pertaining to hazardous wastes.

Governments must also cooperate in designing measures to combat and prevent illegal traffic. They must make compliance and enforcement issues a priority on the broader political agenda rather than only within

ministries of environment.

Happily, the environment ministers of the G-8 countries have recently placed the issues of illegal traffic and environmental crime on their agenda. Illegal traffic in hazardous wastes is a significant part of the broader problem of environmental crime and requires our utmost attention.

UNEP has long been an advocate for more resources, better information networks, and tougher penalties for reducing environmental crime.

## **(3) Building capacity in developing countries and countries with economies in transition**

The Regional Centres for Training and Technology Transfer established under the Basel Convention will take the lead in strengthening the ability of developing countries and countries with economies in transition to minimize the generation of hazardous wastes and manage their wastes in an environmentally sound manner.

The Regional Centres for Training and Technology Transfer help developing countries and countries with economies in transition build the expertise necessary to manage hazardous wastes in an environmentally sound way and to minimize their generation.

The Centres will play a crucial role in assisting the countries in implementing the Convention at inter-regional, regional and national levels.

Long-term sustainability of the Regional Centres depends on additional funding and support, including funds provided by the Parties of the Convention as well as stakeholders such as international organizations, industry and NGOs (through partnership arrangements).

Over the coming decade, the central tasks for Regional Centres will be to:

1. Elaborate and implement projects for the environmentally sound management of hazardous wastes by developing their legal, institutional, and technical framework; and
2. Design financial mechanisms to support international, regional, national or local initiatives for minimizing the generation of hazardous wastes. It is important that

*In Germany, the use of toxic halogenated solvents was reduced from 180,000 tonnes in 1989 to 50,000 tonnes in 1992, after a 1990 ban on hazardous waste incineration at sea led to cleaner production methods.*

*Source: Institute for Ecology and Politics*



industry in developing countries and countries with economies in transition fully participate in this process.

When fully operational, the Centres will play an important role in helping governments to implement the Convention at the inter-regional, regional, and national levels. They will also offer an appropriate framework for developing public awareness-raising and technical training programmes.

The growing number of Contracting Parties to the Basel Convention will entail increasing demands for technical and legal assistance to developing countries and countries with economies in transition.

#### **(4) Building stronger partnerships**

Establishing partnerships with stakeholders for ensuring the environmentally sound management of hazardous wastes is central to the future implementation of the Basel Convention. In addition to international organisations, key partners should include industry, environmental NGOs, academia, and civil society.

The chemical, pharmaceutical, mining, and metals industries are keenly interested in the implementation of the Basel Convention. To establish a constructive partnership with this sector, should also seek to meet the needs of industry. Governments and industry should form partnerships that enable access to, and the transfer of, environmentally sound technologies for minimizing the generation of hazardous wastes. These partnerships are crucial to enabling developing countries to comply with the requirements of the Basel Convention.

It is therefore time to take a lead on this matter and explore the possibilities for establishing an alliance with the main stakeholders, bringing governments and industry closer together to deliver concrete outputs necessary to effect technology transfer for the minimization of the generation of hazardous wastes.

#### **(5) Boosting efficiency through economic instruments**

Minimizing waste through cleaner production offers important economic and environmental savings. Not only are raw materials and energy inputs saved during the production process, but long-term, often hard-to-

quantify health and environmental clean-up costs are also reduced.

The early 21<sup>st</sup> century needs to see an order-of-magnitude expansion in cleaner production. Governments will want to offer industry every possible incentive to change their production design and processes in this direction.

The Parties of the Basel Convention should, to a large extent, draw upon the positive experience of countries that have already used various forms of economic instruments in managing their wastes. The international community must ensure that knowledge in this field is shared with developing countries and with economies in transition. The Secretariat of the Basel Convention collaborates closely with relevant units in UNEP as well as with other international organisations, in particular the OECD, which has already done extensive work in this field.

For the achievement of sustainable development, the adoption of appropriate economic instruments, such as fees and other incentives, should be part of the package.

#### **(6) Enhancing collaboration and synergies with other environmental conventions**

The Basel Convention stands to benefit enormously from collaboration with other environmental conventions and institutions. For example, several wastes covered by the Basel Convention contain chemicals that are also addressed by the 1998 Rotterdam (PIC) Convention on hazardous chemicals and pesticides and by the current talks on a Convention addressing persistent organic pollutants (POPs). Such collaboration can enhance synergies, efficiencies, and cost-effectiveness while avoiding the duplication of efforts.

Synergies between Basel and other environmental conventions can be achieved through carefully planned coordination that builds on interlinkages among environmental issues. UNEP is pleased that concerted efforts have been launched to address linkages between conventions and that these efforts are generally supported by the United Nations General Assembly.

- Waste Streams that Can Produce Hazardous Wastes**
- ◆ Residues arising from industrial waste disposal operations
  - ◆ Tarry residues arising from refining
  - ◆ Chemical substances arising from research and development
  - ◆ Substances and articles containing PCBs
  - ◆ Pharmaceutical products
  - ◆ Wood preserving chemicals
  - ◆ Organic solvents
  - ◆ Inks, dyes, pigments, paints, lacquers, varnish
  - ◆ Mineral waste oils, emulsions



# Basel Convention Basics

*This section offers background material, including significant milestones in the history of the Basel Convention, Key Objectives, Components of Implementation and Compliance and Enforcement.*

## Important Milestones

**1999**

**Liability and Compensation** - The Protocol on Liability and Compensation will be one of the key items on the agenda at the 10<sup>th</sup> Anniversary meeting of the Basel Convention. The Protocol, the result of negotiations begun in 1993, would establish rules on liability and compensation. The aim of the Protocol is to create a means of compensation for damages caused by accidental spills of hazardous waste during export or import. Finalizing of the Protocol would be a milestone for the Convention, which was created in response to international outrage over the dumping of hazardous wastes in developing countries by producers from industrialized economies.

**1997**

**Classification and Characteristics of Hazardous Waste Defined** - The Technical Working Group, a subsidiary body of the Conference of the Parties of the Basel Convention, completed its work on preparing lists of wastes. The lists prepared by the Technical Working Group refer to specific wastes characterized as hazardous under the Basel Convention (Annex VIII) and those which would normally not fall under the scope of the Convention (Annex IX), unless they are contaminated by constituents rendering them hazardous or are regulated by national legislation as hazardous wastes.

**1995**

**Ban Amendment** - The Third meeting of the Conference of the Parties adopted a decision to amend the Convention that bans the export of hazardous wastes from developed countries (OECD members) to developing ones. The Amendment calls for prohibiting exports of hazardous

wastes from countries listed in a proposed new annex to the Convention (Basel Convention Parties that are members of the EU, OECD, Liechtenstein) to all countries not listed in this annex.

## Key Objectives

The Basel Convention has three key objectives:

- ◆ To reduce transboundary movements of hazardous wastes to a minimum consistent with their environmentally sound management;
- ◆ To dispose of hazardous wastes as close as possible to their source of generation;
- ◆ To minimize the generation of hazardous wastes in terms of quantity and hazardousness.

## Components of Implementation

### The Control System

The Basel Convention has set up a very strict operational control system, based on the prior written notification procedure. The procedure for the notification of transboundary movements of hazardous wastes or other wastes forms the basis of the control system of the Basel Convention. One important condition under the Basel Convention is that the transboundary movement of hazardous wastes or other wastes can take place only upon prior written notification to the competent authorities of the States of export, import and transit (if appropriate), and upon consent from these authorities permitting the transboundary movement of waste. Furthermore, each shipment of hazardous waste or other waste shall be accompanied by a move-

*... environmentally sound management needs to be addressed through the “integrated lifecycle approach”, which involves strong controls from the generation of a waste to its storage, transport, treatment, reuse, recycling, recovery, and final disposal.*



### Achieving “Environmentally Sound Management”

*To achieve environmentally sound management of hazardous wastes, a number of legal, institutional and technical conditions need to be met, particularly that:*

- a regulatory and enforcement infrastructure ensures compliance with applicable regulations;
- sites or facilities are authorized and of an adequate standard of technology and pollution control to deal with hazardous wastes in the way proposed, in particular taking into account the level of technology and pollution control in the exporting country;
- operators of sites or facilities at which hazardous wastes are managed are required, as appropriate, to monitor the effects of those activities;
- appropriate action is taken in cases where monitoring gives indications that the management of hazardous wastes has resulted in unacceptable emissions;
- people involved in the management of hazardous wastes are capable and adequately trained in their capacity.

*In addition, a number of activities should be carried out in this context, including:*

- the identification and quantifying of the types of waste being produced nationally;
- a best practice approach to avoid or minimise the generation of hazardous wastes and reduce their toxicity, such as the use of cleaner production methods or approaches
- the provision of sites or facilities authorised as environmentally sound to manage wastes, and in particular hazardous wastes.

ment document from the point at which a transboundary movement begins to the point of disposal.

Any transboundary movement of hazardous wastes or other wastes carried out in contravention of the notification system is considered illegal traffic. For instance any transboundary movement of hazardous wastes or other wastes without notification pursuant to the provisions of the Basel Convention to all States concerned, or transboundary movement of hazardous wastes or other wastes that does not conform in a material way with the documents or that results in deliberate disposal of hazardous wastes or other wastes in contravention to the Basel Convention and of general principles of international law.

## The Basel Ban

At the Second Meeting of the Conference of the Parties

(COP – 2) in March 1994, Parties agreed to an immediate ban on the export from OECD to non-OECD countries of hazardous wastes intended for final disposal. They also agreed to ban, by 31 December 1997, the export of wastes intended for recovery and recycling (Decision II/12). However, because Decision II/12 was not incorporated in the text of the Convention itself, the question as to whether it was legally binding or not arose. Therefore, at COP-3 in 1995, it was proposed that the Ban be formally incorporated in the Basel Convention as an amendment (Decision III/1). However, Decision III/1 does not use the distinction OECD/non-OECD countries. Rather, it bans hazardous wastes exports for final disposal and recycling from what are known as Annex VII countries (Basel Convention Parties that are members of the EU, OECD, Liechtenstein) to non-Annex VII countries (all other Parties to the Convention). The Ban Amendment has to be ratified by three-fourths of the Parties present at the time of the adoption of the Amendment in order to enter into force (62 Parties). See box on page 14 for the Parties which have ratified the Ban amendment.

## Environmentally Sound Management

The Basel Convention calls for international cooperation between Parties in the environmentally sound management of hazardous wastes. It also calls for building national capabilities to manage hazardous wastes in an environmentally sound manner and for developing a technical and legal infrastructure, including the needed legislation and regulations. Training, education and public awareness are considered to be important elements in the development of the countries’ capability (see box).

## Technical Guidelines

In order to assist countries, interested organizations, private companies, industries and other stakeholders to manage or dispose their wastes in an environmentally sound way, the Technical Working Group of the Basel Convention has developed a framework document for guidance in developing national and/or regional strategies for the environmentally sound management of hazardous wastes. The document is supplemented by specific technical guidelines on the environmentally sound management of waste streams and disposal operations.

## Capacity Building

An integral part of implementation are the efforts to build the capacity to manage and dispose of hazardous waste. Through training and technology transfer, developing countries and countries with economies in transition gain



the skills and tools necessary to properly manage their hazardous wastes.

## Regional Centres

The Regional Centres for Training and Technology Transfer constitute a cornerstone of efforts to strengthen capacities at the regional levels of developing countries and countries with economies in transition. So far, the Regional and Subregional Centres for Training and Technology Transfer have been established in twelve countries.

**Latin America and the Caribbean:** Uruguay was selected as a coordinating centre with three sub-regional centres: Argentina for South America; El Salvador for Central America including Mexico and Trinidad and Tobago for the Caribbean.

**Africa:** Nigeria was selected as the coordinating centre with three sub-regional centres: Egypt for Arabic-speaking countries, South Africa for English-speaking countries and other neighbouring countries, and Senegal for French-speaking countries as well as some English-speaking ones.

**Central and Eastern Europe:** The Slovak Republic was selected for Central Europe sub-region, the Russian Federation for Eastern Europe sub-region and possibly a third sub-regional centre in Estonia.

**Asia and the Pacific:** China and Indonesia were selected as regional centres. They will design programmes and financial mechanisms that can support international, regional, national and local initiatives for the hazardous waste minimization and management.

## Technical Assistance

The effective implementation of the Basel Convention (and subsequent decisions made by the Conference of the Parties), as well as efforts to achieve environmentally sound management of hazardous wastes, rely upon developing the adequate capacity and capability at the national or regional levels. The Secretariat cooperates with national authorities in:

- ◆ developing national legislation;
- ◆ setting up inventories of hazardous wastes;
- ◆ strengthening national institutions;

- ◆ assessing the hazardous waste management situation;
- ◆ preparing hazardous waste management plans and policy tools.

It also provides legal and technical advice to countries in order to solve specific problems related to the control and management of hazardous wastes. In the case of an emergency, such as a hazardous waste spill, it cooperates with Parties and relevant international organizations to provide rapid assistance in the form of expertise and equipment.

The Secretariat also prepares and runs national and regional workshops and seminars on legal, institutional and technical issues.

## Compliance and Enforcement

The Basel Convention contains specific provisions for the monitoring of State Parties' implementation of and compliance with obligations arising under it. A number of articles in the Convention oblige Parties to take appropriate measures to implement and enforce its provisions, including measures to prevent and punish conduct in contravention of the Convention as well as monitoring measures taken. For example, Article 13 (Transmission of Information) commits the Parties to provide annual reports on matters bearing directly on transparency with regard to transboundary movements and disposal of hazardous wastes. Furthermore, some important implementation/compliance control functions have been entrusted to the Secretariat by the Convention itself (Article 16) and various

decisions of the COP, such as to act as a clearing-house for information on hazardous waste movements and disposal. The Basel Convention, however, allocates only a facilitating role to the Secretariat as regards compliance control.

Since the Convention entered into force, controlling compliance and monitoring implementation has become an even greater challenge, especially following the adoption of several decisions by the Conference of the Parties (COP), in particular Decision II/12 by the Second Meeting of the COP (the ban of exports of hazardous wastes from OECD to non-OECD countries), and by the work of the subsidiary bodies set up to facilitate implementation of the Convention.

### Hazardous Waste Issues Facing Most Countries

- *a history of land contamination, pollution of water and the stockpiling of wastes;*
- *current trends in the generation of wastes (industrial processes and consumer buying patterns);*
- *emerging issues such as: equipment and products that are reaching the end of their life-cycle, the need to replace asbestos in public buildings and the incidence of PCBs in out-of-use electrical equipment.*



# Glossary of Terms

*Negotiations at the Basel Convention meetings rely on an extensive vocabulary of acronyms and technical jargon. Here are some of the most important. This section is divided in three sections: The Players, The Actions, and The Issues.*

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## The Players

### **Ad Hoc Working Group of Legal and Technical Experts -**

One of the subsidiary bodies established by the Conference of the Parties to consider and develop a draft protocol on liability and compensation for damage resulting from transboundary movements of hazardous wastes and their disposal.

**Bureau** – Responsible for directing the work of the COP. Its 5 members are delegates elected by each of the five regional groups. They include the COP President, three Vice Presidents, and a rapporteur. In addition, each subsidiary body also has its own Bureau.

**Chair (or chairman etc.)** – The participating governments elect a Chair for the subsidiary bodies from amongst the delegates. Different Chairs may be elected for other informal groups. The Chair is responsible for facilitating progress towards an agreement and serves during the inter-sessional period until the start of the next COP.

**competent authority** – A governmental authority designated by a Party to be responsible for receiving the notification of a transboundary movement of hazardous wastes or other wastes, and any information related to it, and for responding to the notification.

**Conference of the Parties (COP)** – The COP is the governing body of the Convention. It meets each second year to review the Convention's progress. The COP can establish subsidiary bodies as deemed necessary for the implementation of the Convention.

**Consultative Sub-group of Legal and Technical Experts** – One of the subsidiary bodies established by the Conference of the Parties to study issues related to the establishment of a mechanism for monitoring the implementation of and compliance with the Basel Convention. It also examines issues related to the establishment of an emergency fund.

**countries with economy in transition (EIT)** – Those Central and Eastern European countries and former republics of the Soviet Union that are in transition to a market economy.

**Extended Bureau** – Composed of actual Bureau members and previous Bureau members of the Conference of the Parties, it provides general policy and general operational directions to the Secretariat between meetings of the Conference of the Parties and provides guidance and advice to the Secretariat on the preparation of agendas and other requirements of meetings and in any other matters brought to it by

the Secretariat in the exercise of functions, in particular regarding financial and institutional matters.

**European Union (EU)** – As a regional economic integration organization, the European Union is a Party to the Convention; however, it does not have a separate vote from its members. Because it signed the Convention when it was known as the EEC, it retains this name for all formal Convention-related purposes. Its members are Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, and the UK.

**experts** – legal or technical experts of the subsidiary bodies established by the Conference of the Parties

**focalpoint** – The entity of a Party responsible for receiving and submitting information. The Focal Points are particularly important for the reporting system of the Convention.

**friends of the chair** – Delegates who are called upon by the Chair (who takes into account the need for a political balance among various interests) to assist in carrying out specific tasks.

**Group of 77 and China** – The G-77 was founded in 1967 under the auspices of the United Nations Conference for Trade and Development (UNCTAD). It seeks to harmonise the negotiation positions of its 132 developing-country members.

**Global Environment Facility (GEF)** – The multi-billion-dollar GEF was established by the World Bank, the UN Development Programme, and the UN Environment Programme in 1990.

**JUSSCANNZ** – The non-EU industrialized countries meet as a group to discuss various issues; they are Japan, the US, Switzerland, Canada, Australia, Norway, and New Zealand. The Republic of Korea, Iceland and Mexico may also attend meetings.

**national delegation** – One or more officials who are empowered to represent and negotiate on behalf of their government.

**non-governmental organizations (NGOs)** – Many relevant NGOs attend the Basel Convention talks as observers in order to interact with delegates and the press and provide information. NGOs must be non-profit and can include environmental groups, research institutions, business groups, and associations of urban and local governments.

**non-Party** – A state that has not ratified the Convention may attend talks as an observer.

**observer** – The COP and its subsidiary bodies normally permit observers to attend their sessions. Observers may



include the United Nations and its specialized agencies, the International Atomic Energy Agency, non-Party states, and other relevant governmental or non-governmental organizations. **OECD** – The Organization for Economic Cooperation and Development consists of Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Republic of Korea, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, Spain, Sweden, Switzerland, Turkey, the UK, and the US.

**Open-ended Ad Hoc Committee for Implementation of the Basel Convention** – One of the subsidiary bodies established by the Conference of the Parties to facilitate the implementation of the Basel Convention. It was agreed that it would meet between the meetings of the Conferences of the Parties. One of its main tasks is to prepare work for the consideration of the Conference of the Parties.

**Party** – A state (or regional economic integration organization such as the EU) that agrees to be bound by a treaty and for which the treaty has entered into force.

**President** – Elected by the Parties to preside over the COP, the President is often a senior official or minister from the state or region hosting the meeting. (reflect the rotation)

**regional groups** – The five regional groups meet privately to discuss issues and nominate bureau members and other officials. They are Africa, Asia, Central and Eastern Europe (CEE), Latin America and the Caribbean (GRULAC), and the Western Europe and Others Group (WEOG).

**Secretariat** – Staffed by international civil servants and responsible for servicing the COP and ensuring its smooth operation, the secretariat makes arrangements for meetings, compiles and prepares reports, and coordinates with other relevant international bodies. The Basel Convention Secretariat is institutionally linked to the United Nations. It is administered by UNEP.

**subsidiary body** – A committee that assists the Conference of the Parties.

**Technical Working Group** – one of the subsidiary bodies was established by the Conference of the Parties to prepare as its first task technical guidance for the environmentally sound management of hazardous wastes, to develop criteria on which wastes are suitable for recovery and recycling operations and to provide guidance on technical matters to the Conference of the Parties. Taking into account the development within the Basel Convention, the Technical Working Group is actively involved in better defining, identifying and clarifying what hazardous waste is under the Convention.

## The Actions

**agenda** – A programme of work that the delegates adopt and are guided by; the annotated agenda contains a more detailed explanation of each agenda item.

**amendment** – The COP can change the existing Convention text through consensus or, if consensus cannot be reached, by a three-fourths majority vote by the Parties present and voting.

**Conference Room Papers (CRPs)** – A category of in-session documents containing new proposals or outcomes of in-session work for use only during the session.

**consensus** – An agreement can be adopted by consensus rather

than by a vote when there are no stated objections from delegations.

**contact group** – The COP may establish an open-ended meeting wherein Parties can negotiate before forwarding agreed text to the plenary for formal adoption. Observers can generally attend.

**COP meetings** – The first meeting of the Conference of the Parties (COP-1) was held in Piriapolis (Uruguay) from 30 November to 4 December 1992 and two others were held in Geneva from 21-25 March 1994 (COP-2) and 18-22 September 1995 (COP-3), the fourth (COP-4), and the fifth is being held in Basel from 6 - 10 December 1999.

**declaration** – A non-binding political statement made by ministers attending a major meeting (e.g. the proposed Basel Ministerial Declaration at COP-5).

**decision** – Unlike a resolution, a decision is a formal agreement and leads to binding actions. It becomes part of the agreed body of decisions that direct the work of the COP.

**documents** – Official meeting documents are available to everyone and feature the logos of the United Nations and UNEP and a reference number, such as UNEP/CHW.5/1. Pre-session documents are available before the meeting, often in all six UN languages. In-session documents are distributed on-site (see CRPs, L docs, and nonpapers). Informal documents are often distributed outside the meeting room by observers.

**drafting groups** – To facilitate negotiations, the President or the Chair may establish smaller drafting groups to meet separately and in private to prepare text. Observers generally may not attend.

**entry into force** – Intergovernmental agreements, including protocols and amendments, are not legally binding until they have been ratified by a certain number of countries; the Basel Convention required 50 and enters into force for each new Party 90 days after it ratifies.

**informal contact group** – On the instructions of the President or Chair, delegates may meet in private to discuss specific matters in order to consolidate different views, reach a compromise, and produce an agreed proposal, often in the form of a written text.

**L. docs** – In-session documents that contain draft reports and texts for adoption by the COP or the subsidiary bodies, usually in all 6 UN languages.

**meetings vs. sessions** – Each meeting of the COP is divided into a number of sessions. Each session is generally scheduled from 10 a.m. to 1 p.m. or from 3 p.m. to 6 p.m., so that the morning of 6 December will be the first session of the fifth meeting of the COP.

**nonpapers** – In-session documents issued informally to facilitate negotiations; they do not have an official document symbol although they may have an identifying number or the name of the authors.

**plenary** – A meeting of the entire COP where all formal decisions are taken.

**protocol** – A protocol is linked to an existing convention, but it is a separate and additional agreement that must be signed and ratified by the Parties to the convention. Protocols typically strengthen a convention by adding new, more detailed commitments.

**ratification** – after signing the Convention or the Protocol, a country must ratify it, often with the approval of its parliament or other legislature. The instrument of ratification must



be deposited with the depositary (in this case the UN Secretary-General) to start the 90-day countdown to becoming a Party.

**recommendation** – Weaker than a decision or a resolution and not binding on Parties.

**reservation** – A Party may accept a decision of the COP while noting its reservations and concerns for the record. However, no reservations may be made to the Convention itself or to the Protocol.

**resolution** – Unlike decisions, resolutions do not generally become part of the formal body of decisions that guide the work of the COP. They are directives that guide -- opinions rather than permanent legal acts.

**rules of procedure** – The rules that govern the proceedings of the COP, including the procedures for decision-making and participation. The rules were adopted at COP-1 (with the exception of the one on voting).

**signature** – The head of state or government, the foreign minister, or another designated official indicates his or her country's agreement with the adopted text of the Convention or the Protocol and its intention to become a Party by signing.

**square brackets** – Used during negotiations to indicate that a section of text is being discussed but has not yet been agreed.

## The Issues

**Annex VII – countries** – Basel Convention Parties that are members of the EU, OECD, Liechtenstein. The distinction Annex VII-/non-Annex VII-countries is relevant for the Basel Ban (see below).

**Annex VIII wastes** – A list of hazardous wastes. It contains wastes characterised as hazardous under Article 1, paragraph 1 (a) of the Convention, such as wastes containing arsenic, lead, mercury, asbestos and many other chemical substances.

**Annex IX wastes** – A list of non-hazardous wastes. It enumerates wastes not covered by Article 1, paragraph 1 (a). Annex IX wastes are wastes that can be safely recycled or re-used, including scrap iron, steel or copper, certain electronic assemblies, non-hazardous chemical catalysts, solid plastic wastes, paper and textile wastes.

**Approved site or facility** – a site or facility for the disposal of hazardous wastes or other wastes which is authorized or permitted to operate for this purpose by a relevant authority of a State where the site or facility is located.

**Article 1 (1) b wastes** – wastes considered as hazardous by individual Parties in addition to those identified in the Basel Convention.

**Ban** – At COP – 2, in March 1994, Parties agreed to ban immediately all export of hazardous wastes from OECD to non-OECD countries for final disposal, and by 31 December 1997, banned those wastes intended for recovery and recycling (Decision II/12). However because Decision II/12 was not incorporated in the text of the Convention itself, its was questioned whether it was legally binding or not. Therefore at COP-3 in 1995 it was proposed that the Ban be formally incorporated in the Basel Convention as an amendment (Decision III/1). However Decision III/1 does not use the distinction OECD/non-OECD countries; rather it bans hazardous wastes exports for final disposal and recycling from what are known as Annex VII countries (Basel Convention

Parties that are members of the EU, OECD and Liechtenstein) to non-Annex VII countries (all other Parties to the Convention). The Ban Amendment has to be ratified by three-fourths of the Parties present at the time of the adoption of the Amendment in order to enter into force (62 Parties).

**bilateral, multilateral and regional agreements and arrangements** – According to Article 11, the Parties may enter into bilateral, multilateral or regional agreements or arrangements regarding transboundary movements of hazardous wastes if such agreements do not derogate from the environmentally sound management as required by the Convention. Parties should notify the Secretariat of any bilateral, multilateral or regional agreements or arrangements. Unless bilateral, multilateral or regional agreements or arrangements has been entered into, export and/or import of hazardous wastes involving a State that is not a Party to the Convention is not permitted.

**biodegradable** – Refers to any substance that decomposes through the action of micro-organisms.

**chemical** – A substance that does not include living matter. A chemical can exist alone or in a mixture or preparation; it can be manufactured or obtained from nature.

**Disposal** – any operation listed in Annex IV to the Basel Convention. Disposal is for example deposit into or onto land, release into sea/ oceans including sea-bed insertion, etc.

**disposal operation** – The Basel Convention distinguishes between two categories of disposal operations: on the one hand, operations which do not lead to the possibility of resource recovery, recycling, reclamation, direct re-use or alternative uses, and on the other hand, operations which may lead to the possibility of resource recovery, recycling, reclamation, direct re-use or alternative uses

**disposer** – Any person to whom hazardous wastes or other wastes are shipped and who carries out the disposal of such wastes.

**environmentally sound management** – “ means taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes.

**exporter** – any person under the jurisdiction of the State of export who arranges for hazardous wastes or other wastes to be exported.

**exposure** – The act or fact of exposing or being exposed to a substance.

**generator** – any person who actively produces hazardous wastes or other wastes or, if, that person is not known, the person who is in possession or control of such wastes.

**hazardous wastes** – Rather than adopting one definition of hazardous waste, the Convention takes a broad view that there are 45 categories of wastes that are presumed to be hazardous in the Convention. 18 of them are waste streams (i.e. clinical wastes, mineral oils, PCB) and 27 others are wastes having clearly identified constituents (i.e. mercury, lead, asbestos, organic cyanides, halogenated organic solvents). However, in order to be classified as hazardous, these categories of wastes need to exhibit one or more hazardous characteristics, such as being flammable, oxidizing, poisonous, infectious, corrosive, ecotoxic.

**illegal traffic** – Any transboundary movement of hazardous wastes or other wastes without notification pursuant to the



provisions of the Basel Convention to all States concerned; that does not conform in a material way with the documents; or that results in deliberate disposal of hazardous wastes or other wastes in contravention to the Basel Convention and of general principles of international law.

**importer** – Any person under the jurisdiction of the State of import who arranges for hazardous wastes or other wastes to be imported.

**incinerator** – A furnace in which wastes are burned.

**management** – The collection, transport and disposal of hazardous wastes or other wastes, including, after-care of disposal sites.

**model national legislation** – The Secretariat assists the Parties in the formulation of their law and the development of institutional arrangements in the field of hazardous wastes through model national legislation for the transboundary movement and management of hazardous wastes.

**organic persistent pollutants (POPs)** – Organic (carbon-based) substances that persist in the environment, bioaccumulate in living tissue, and pose a risk to human health and the environment.

**other wastes** – Refers to wastes that belong to any category contained in Annex II. Annex II contains wastes collected from households and residues arising from the incineration of household wastes.

**persistence** – Refers to a chemical's ability to remain stable and not break down.

**pesticide** – A substance or a mixture of substances for destroying or repelling any type of pest, including fungi, insects, and termites.

**regional centres for training and technology transfer** – On the basis of Article 14 paragraph 1 several regional and sub-regional centres for training and technology transfer have been established. These centres will focus on the management of hazardous wastes and other wastes and the minimization of their generation, according to the specific needs of different regions and sub-regions.

**state of export** – means a Party from which a transboundary movement of hazardous wastes or other wastes is planned to be initiated or is initiated

**state of import** – means a Party to which a transboundary movement of hazardous wastes or other wastes is planned or takes place for the purpose of disposal therein or for the purpose of loading prior to disposal in an area not under the national jurisdiction of any State.

**toxicity** – The ability of a chemical to cause injury to humans or the environment. An acute toxic reaction occurs soon after exposure, while chronic reactions are experienced long after the exposure.

**transboundary movement** - means any movement of hazardous wastes or other wastes from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State or to or through an area not under the national jurisdiction

of any State, provided at least two States are involved in the movement.

**transit state** – means any State, other than the State of export or import, through which a movement of hazardous wastes or other wastes is planned or takes place.

**wastes** – are substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law.

**wastes lists** – These lists (Annex VIII and IX) were developed to facilitate the implementation of the Convention in general and the Ban amendment in particular. The hazardous wastes list (Annex VIII) would ban the export of wastes containing arsenic, lead, mercury, asbestos and many other chemical substances. The non-hazardous wastes list would exempt from the Ban those wastes that can be safely recycled or re-used, including scrap iron, steel or copper, certain electronic assemblies, non-hazardous chemical catalysts, solid plastic wastes, paper and textile wastes.





# The Basel Family

## **132 Parties to the Convention as of October 1999**

These are: Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burundi, Canada, Chile, China, Colombia, Comoros, Croatia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominica, Ecuador, Egypt, El Salvador, Estonia, European Community, Finland, France, Gambia, Germany, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Japan, Jordan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Liechtenstein, Luxembourg, Malawi, Maldives, Malaysia, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Singapore, South Africa, Slovakia, Slovenia, Spain, Sri Lanka, Syrian Arab Republic, Sweden, Switzerland, Thailand, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Viet Nam, Yemen, The former Yugoslav Republic of Macedonia, Zambia

### **17 Parties that Have Ratified the Ban Amendment**

17 Parties have ratified the Amendment to the Basel Convention, namely: Andorra, Austria, Denmark, Ecuador, European Community, Finland, Luxembourg, Norway, Panama, Paraguay, Slovakia, Spain, Sri Lanka, Sweden, Tunisia, United Kingdom of Great Britain and Northern Ireland and Uruguay.

The European Community has enacted legislation transposing the Ban Amendment which is binding for all fifteen Member States, i.e. Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Austria, Portugal, Finland, Sweden and the United Kingdom.

### **Signatories Who Have Not Yet Ratified the Convention**

Afghanistan, Haiti, United States



# United Nations Environment Programme

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ПРОГРАММА ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ НАЦИЙ ПО ОКРУЖАЮЩЕЙ СРЕДЕ



## Application for PRESS ACCREDITATION

granting observer status at the Fifth Conference of the Parties (COP - 5) of the  
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal  
from 6-10 December 1999, Basel, Switzerland

To avoid delays upon arrival at the conference, please submit this form together with a letter of assignment from your editor and a photocopy of your valid professional press card to Bundesamt für Umwelt, Wald und Landschaft (Buwal), Kommunikation, 3003 Bern, fax: 41 31 322 7054. Please note that you must still bring the required supporting documents with you to the conference center.

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