
The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

Workshop
The Hague Environmental Law Facility (HELFL)

Secretariat of the Basel Convention
20 April 2010



BASEL CONVENTION

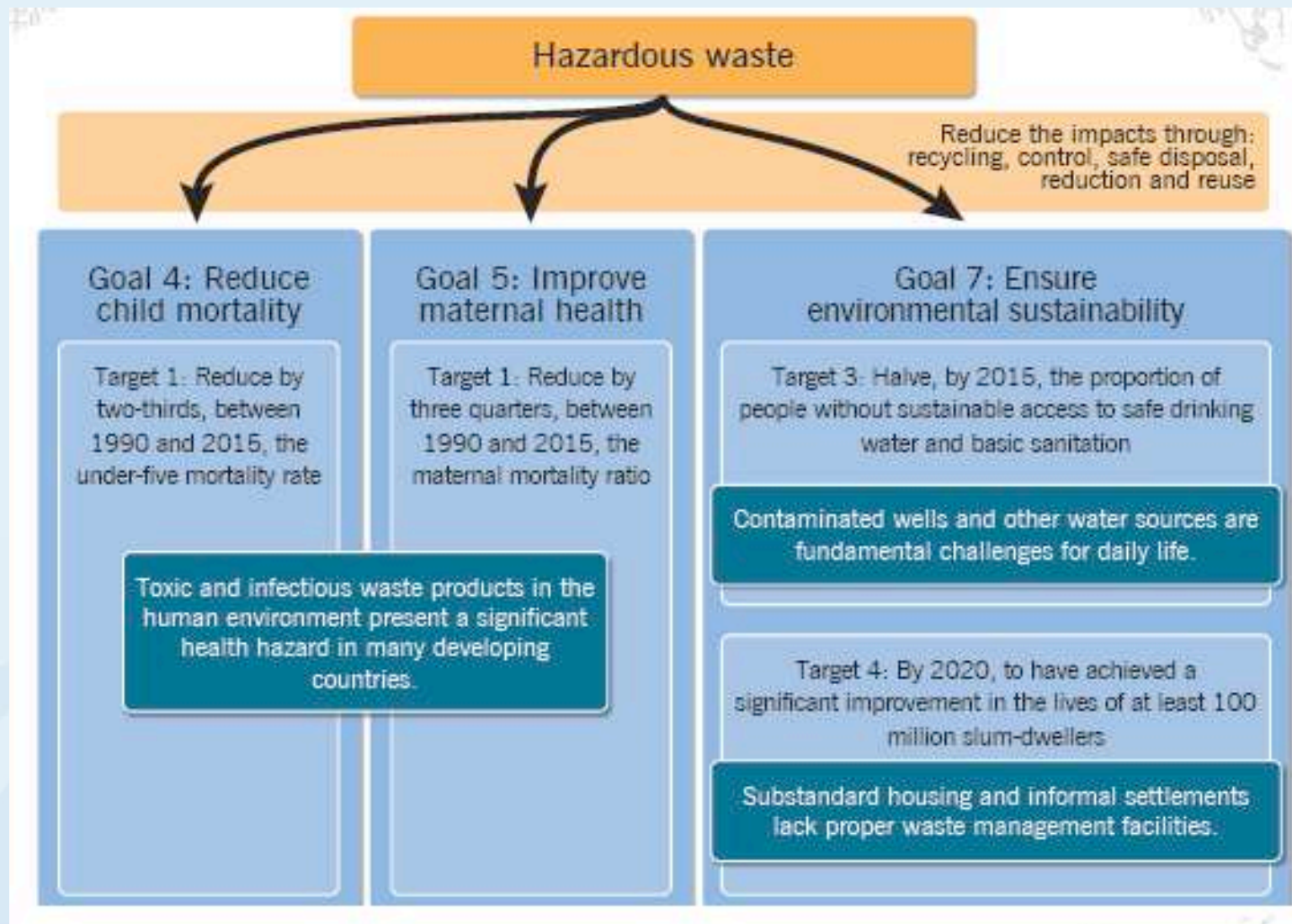
- Adopted on 22 March 1989
- Entered into force on 5 May 1992
- 172 Parties to the Convention as at 20 April 2010, covering the five UN Regional Groups

<http://www.basel.int/ratif/convention.htm>

Main Goal of the Convention

To protect, by strict control, human health and the environment against the adverse effects resulting from the generation and management of hazardous wastes and other wastes





Wastes Controlled by the Basel Convention: “BC Wastes” (1)

1) Wastes having specific
constituents

2) Wastes streams:
Obsolete stocks of pesticides
Biomedical/healthcare wastes

Used oils

Used lead acid batteries

POPs wastes

Electronic waste (“e-waste”)

Mobile phones

Ships destined for dismantling

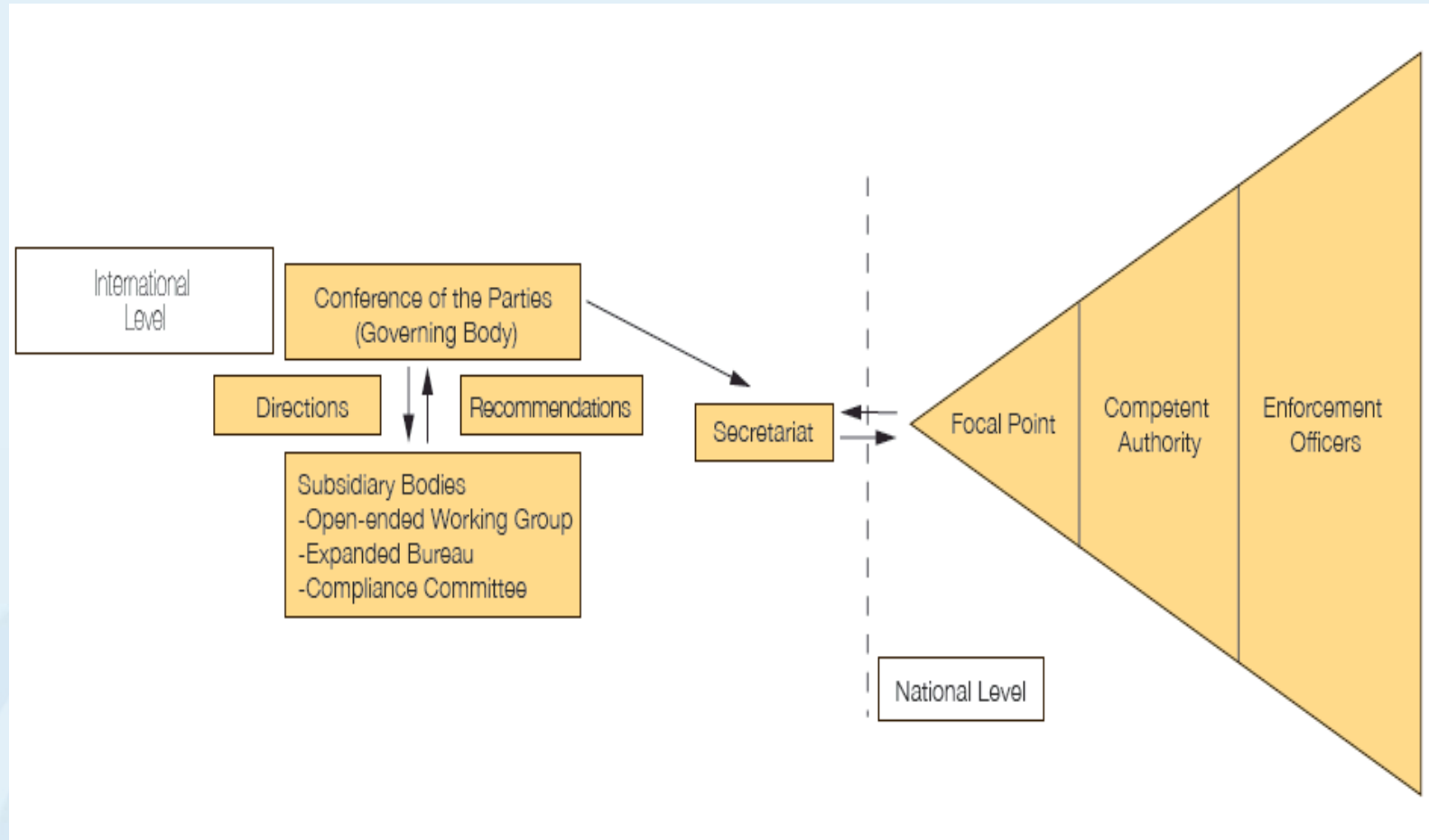


Wastes Controlled by the Basel Convention: “BC Wastes” (2)



- “Hazardous wastes” listed in Annex I and exhibiting Annex III characteristics, such as explosive, flammable, oxidizing, poisonous or corrosive. Annexes VIII and IX further clarify what is – and what is not – understood by “hazardous wastes”.
- “Other wastes” are wastes listed in Annex II: wastes collected from households and residues arising from the incineration of household wastes.
- Wastes considered hazardous under the national legislation of a Party, as notified to the Secretariat under Article 3.

Institutional Structure of the Convention



Formal obligations

- Designation of Focal Point and Competent Authorities
- National legislation implementing the Convention in place
- Notifications of national definitions of hazardous wastes, import/export prohibitions on hazardous wastes, and bilateral, multilateral and regional agreements (art 11 agreements)
- Annual reporting
- Dispute settlement

Pillars of the Convention

1. The requirement of environmentally sound management (ESM) of hazardous wastes and other wastes
2. The regulation of the transboundary movement of hazardous wastes and other wastes – the “PIC procedure”

Pillars of the Convention

1. ESM of wastes



ESM 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 (Art. 2(8))

ESM requires Parties to:

- minimize waste generation and transboundary movements of hazardous and other wastes;
- ensure availability of disposal facilities for ESM located, to the extent possible, within its own territory;
- strictly control transboundary movements and disposal operations (including storage, treatment, reuse, recycling, recovery and final disposal).

ESM further defined through technical guidelines.

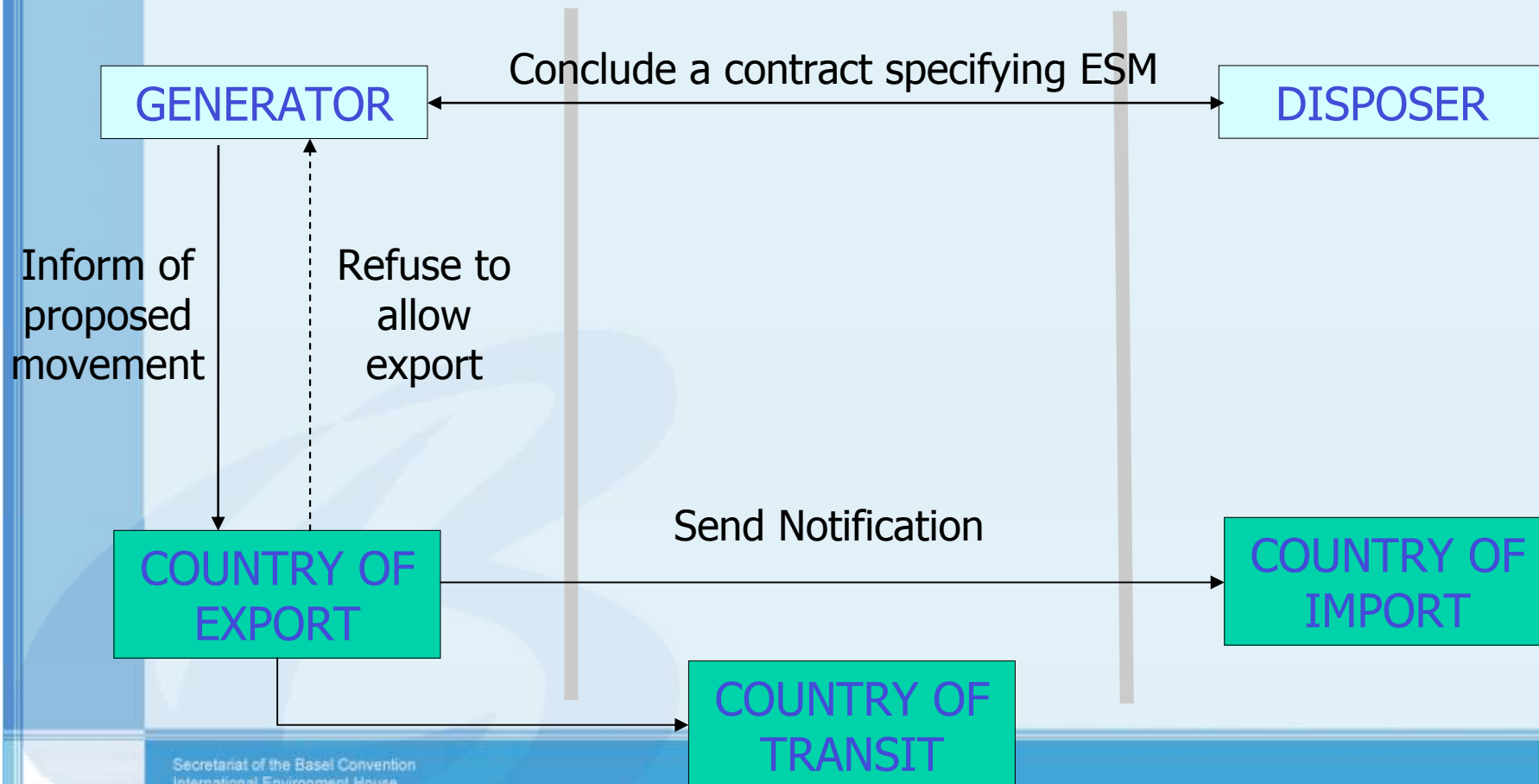
Pillars of the Convention

2. The PIC procedure

- Prohibition of exports to non-Parties without an “Art. 11 agreement”
- Prohibition of exports south of 60° South latitude
- Shipments made without following the procedures are illegal, and illegal traffic is criminal
- Appropriate national/domestic legislation to prevent and punish illegal traffic.

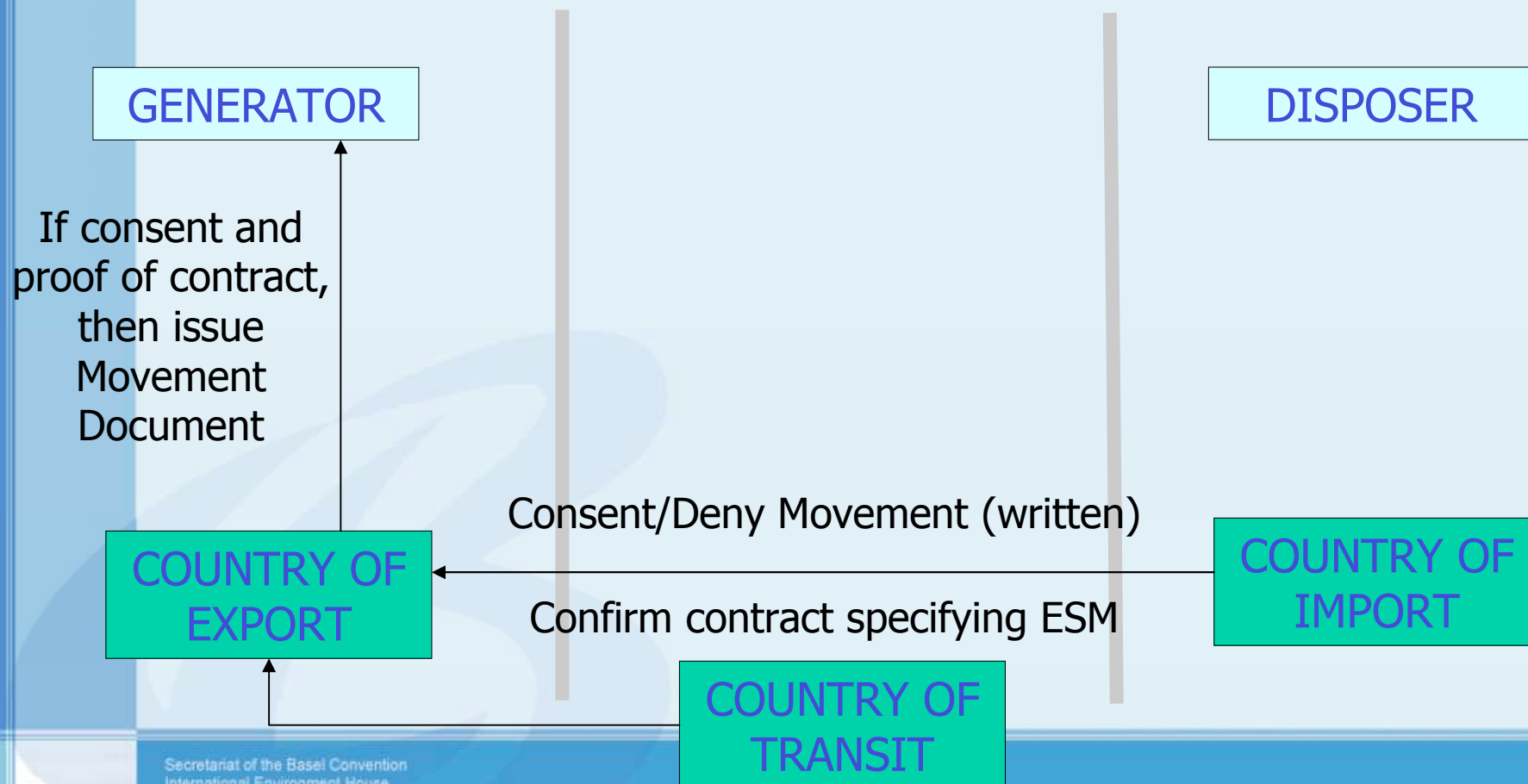
Basel Rules from Start to Finish

Stage 1: Notification



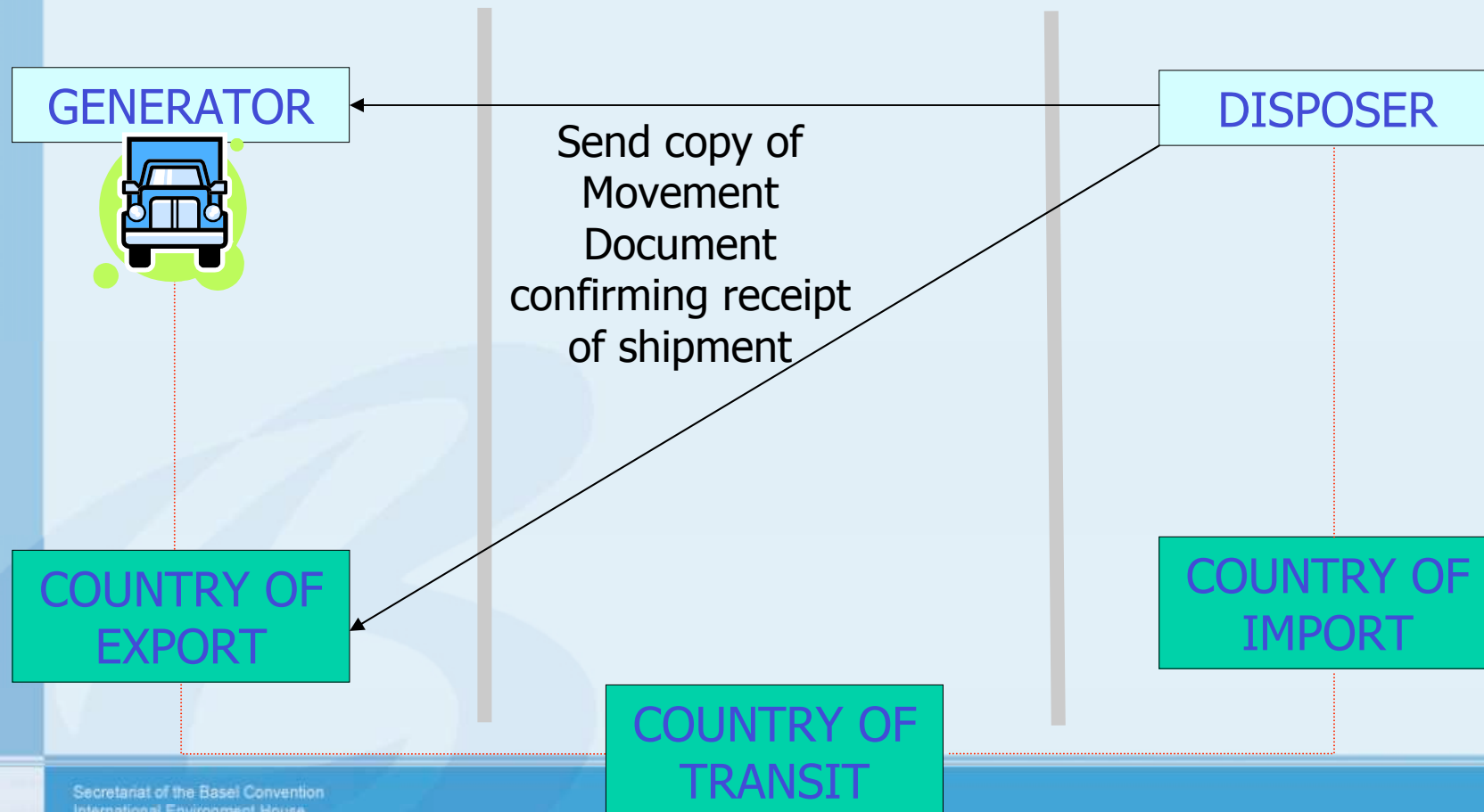
Basel Rules from Start to Finish

Stage 2: Consent and Issuance of Movement Document



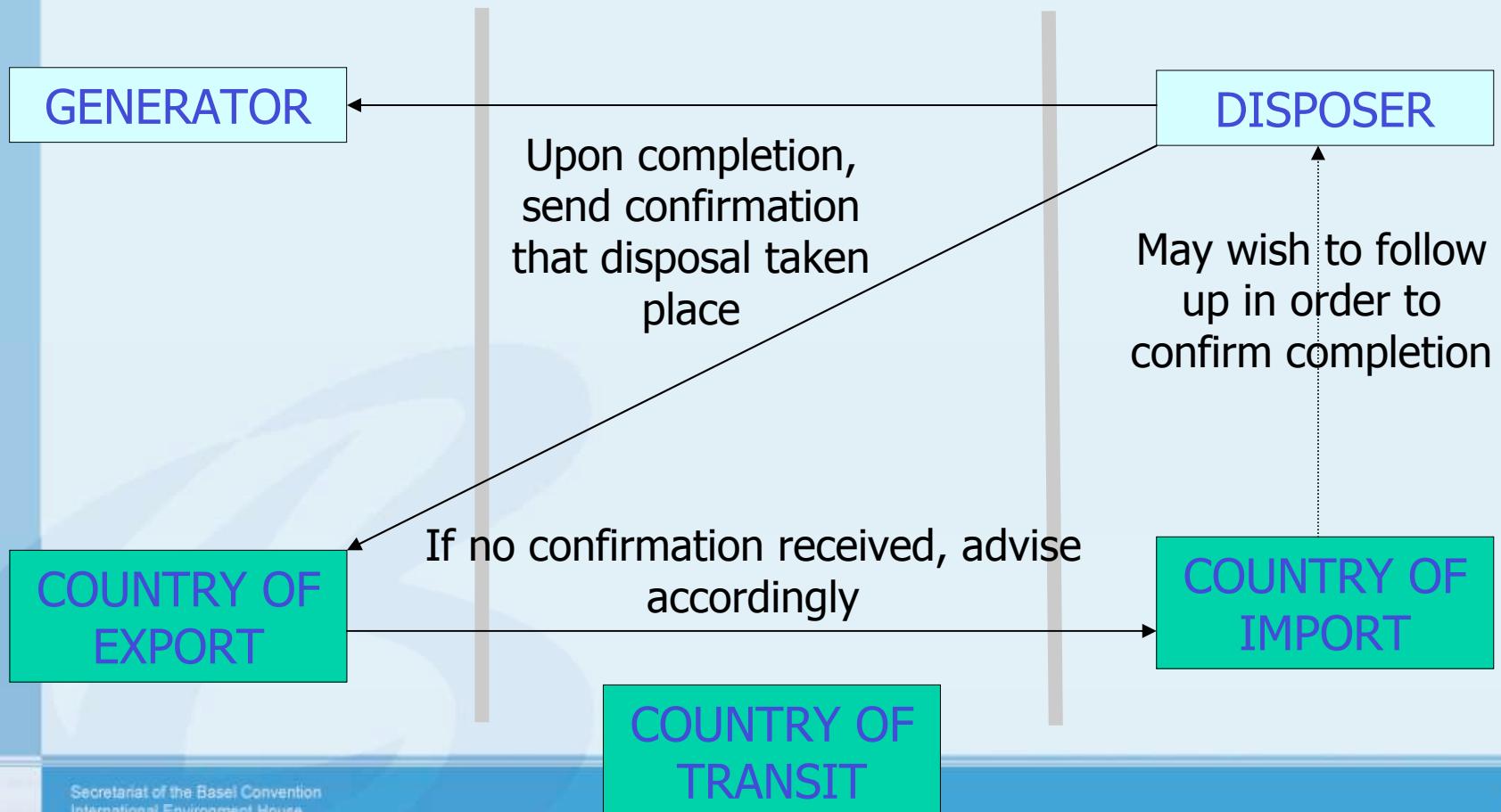
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Stage 3: Transboundary Movement

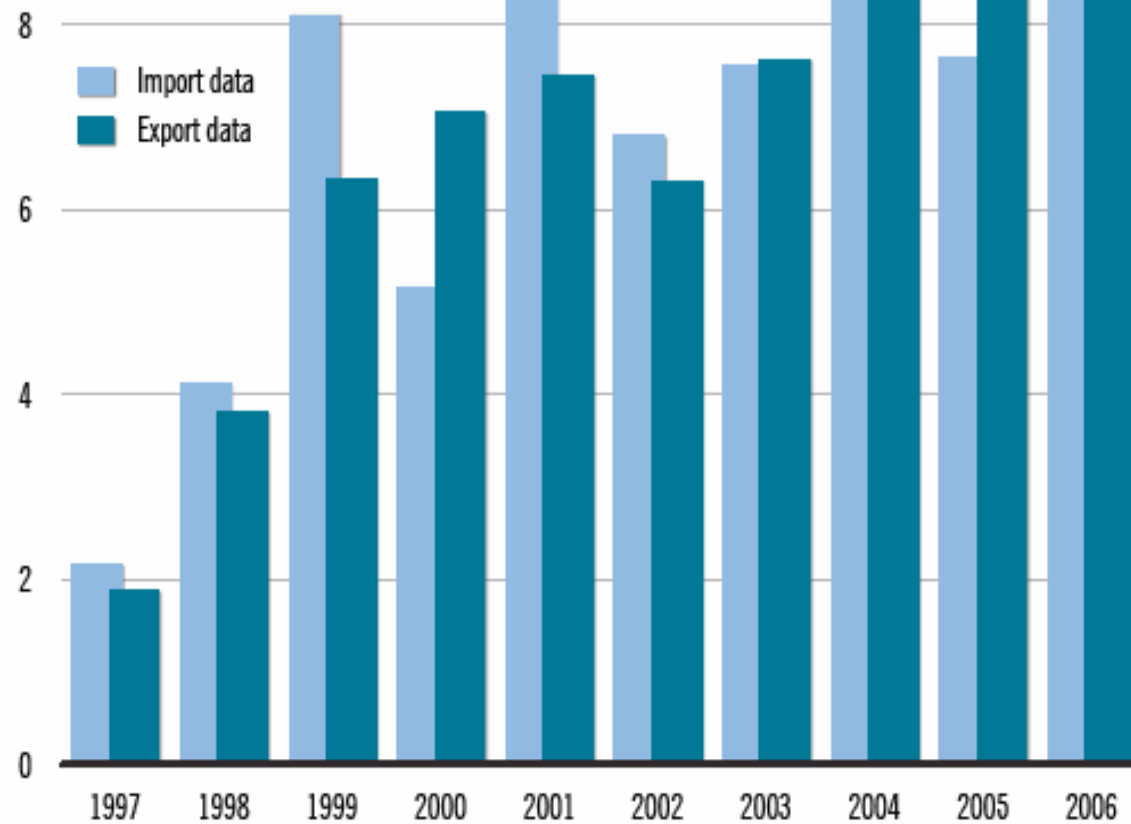


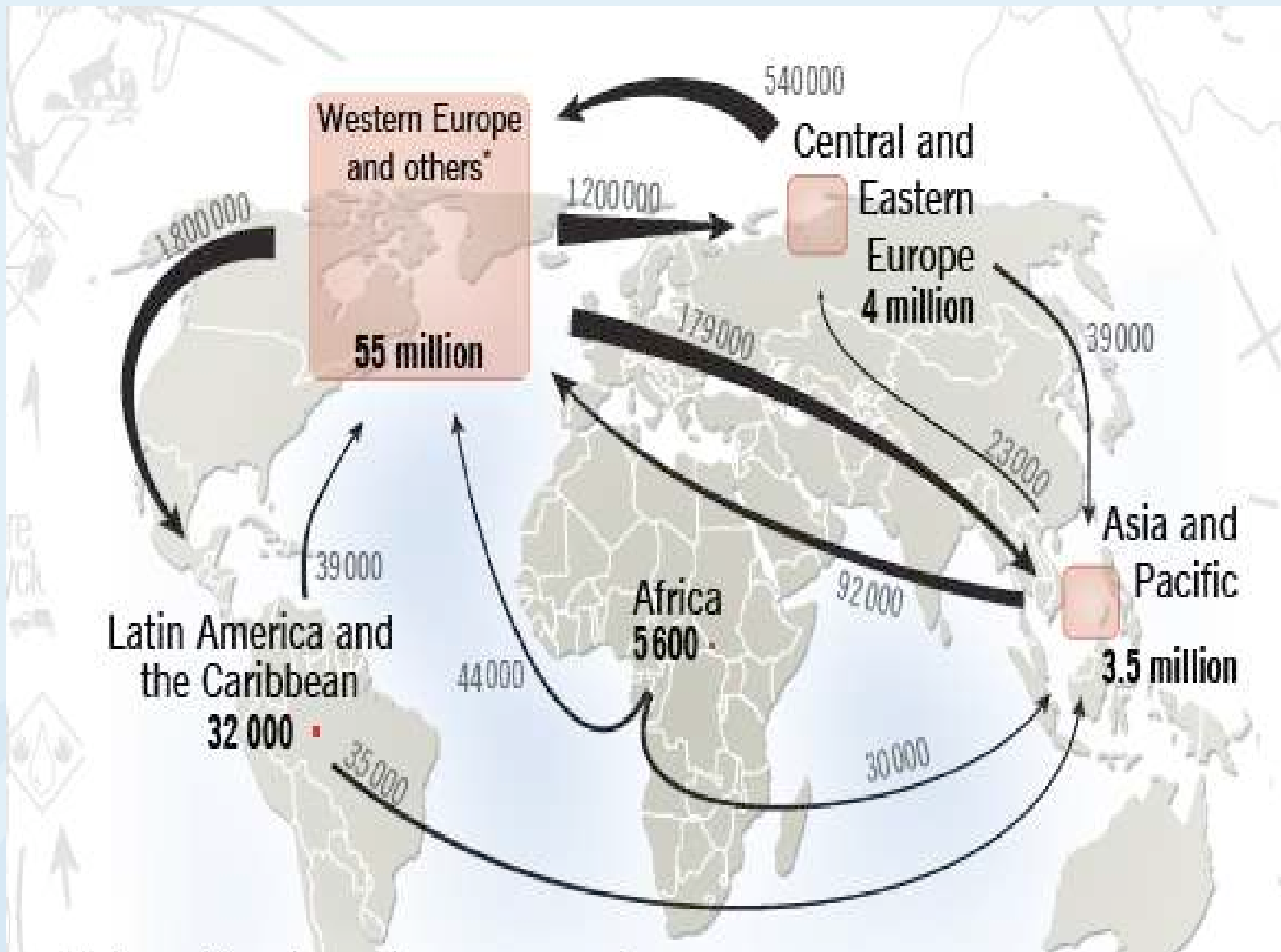
Basel Rules from Start to Finish

Stage 4: Confirmation of disposal



Quantities of transboundary waste movement among all reporting Parties (million tons)





Illegal Traffic in BC Wastes (1)

Illegal traffic refers to any transboundary movement of BC wastes (Art. 9):

- (a) Without notification to all States concerned;
- (b) Without the consent of a State concerned;
- (c) With consent obtained from States concerned through falsification, misrepresentation, or fraud;
- (d) That does not conform in a material way with the documents;
- (e) That results in deliberate disposal (e.g. dumping) of BC wastes in contravention of the Convention and of general principles of law

Illegal Traffic in BC Wastes (2)

- Parties are required to consider illegal traffic as a crime
- In cases of illegal traffic which is due to conduct of the exporter or generator, the State of export shall ensure that the wastes in question are:
 - Taken back by the exporter or the generator or the State of export; or
 - Are otherwise disposed of in accordance with the provisions of the Convention

Enforcement under the Convention

1. Domestic level
2. At the international level



Enforcement at the national level

1. Each Party shall take appropriate legal, administrative and other measures to implement and enforce the provisions of the Convention, including measures to prevent and punish conduct in contravention of the Convention (Art. 4(4))
2. Each Party shall introduce appropriate national/domestic legislation to prevent and punish illegal traffic (Art. 9(5))
3. The COP adopted a Model on Legislation, Guide to the Control System and a Checklist for the Legislator, to assist the Parties in implementing the obligations established by the Convention

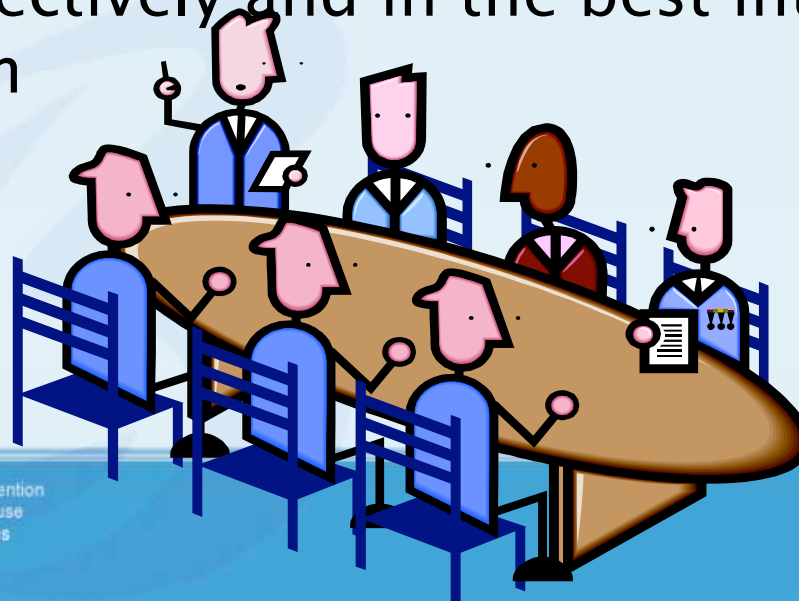
Enforcement at the international level

1. Secretariat to assist Parties upon request in their identification of cases of illegal traffic and to circulate information to all Parties concerned
2. Development of tools
3. Capacity building activities (West Africa and Caribbean)
4. Role of intergovernmental organisations (WCO, Interpol) and other organisations/networks (IMPEL-TFS, INECE, Asian Network)



Implementation and Compliance Committee- ICC (1)

- COP subsidiary body
- 15 Members nominated by the Parties,
- based on equitable geographical representation of the five regional groups of the United Nations
- Members are elected by the COP
- serve objectively and in the best interest of the Convention



ICC (2)- Mandate

- Reviews general issues of implementation and compliance, as directed by the COP
 - Formal obligations (reporting, notifications, legislation)
 - PIC procedure
 - Illegal traffic
- Deal with specific submissions
 - Party self submission
 - Party to Party
 - Secretariat

ICC (3): Nature

- Non-confrontational, transparent and preventive in nature;
- Non-binding;
- Pays particular attention to needs of developing countries / countries with economies in transition;
- Intended to promote cooperation between all Parties;
- During COP-9, Parties established an Implementation Fund



Strategic issues

- Ban amendment
- Strategic Framework
- Synergies process

The Ban Amendment

Bans exports of hazardous wastes for final disposal and recycling from Annex VII countries (i.e. Parties that are members of the EU, OECD and Liechtenstein) to all other Parties)

- Adopted in 1995 (COP dec III/1)
- Not yet in force
- Country Led Initiative to address this issue



The New Strategic Framework

Current Strategic Plan (2002–2010) establishes priorities in terms of policy and programmes, selects priority waste streams and projects.

New Strategic Framework under development for the period 2012–2021, to be adopted by COP–10

Synergies process

- Global chemicals and waste Conventions: Basel, Rotterdam and Stockholm
- Increase cooperation and coordination: policy coherence and enhance efficiency
- ExCOPs: 22–24 February 2010, Bali
- Joint institutions: management & services
- Joint activities

UNEP activities

- The Environment and Security Initiative (ENVSEC)
 - UNEP, UNDP, UNECE, OSCE, REC and NATO as an associated partner
 - to contribute to reduction of interlinked environment and security risks through strengthened cooperation among and within countries in four regions: Eastern Europe, South Eastern Europe, Southern Caucasus and Central Asia.
 - One main areas of activity is 'Identification and reduction of transboundary risks from pollution and waste'.
- Project on MEA effectiveness

Relevant Reference Materials

Model National Legislation

<http://www.basel.int/pub/modlegis.pdf>

- Checklist for the Legislator

<http://www.basel.int/legalmatters/natleg/chklst210706%20.doc>

- Guide to the Control System (Instruction Manual)

<http://www.basel.int/pub/instruct.doc>

- Guidance Elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Wastes

http://www.basel.int/legalmatters/illegtraffic/ge_e.doc

- Training Manual on Illegal Traffic for Customs Officers and other Enforcement Agencies

<http://www.basel.int/legalmatters/illegtraffic/trman-e.pdf>



For further information

Visit the Basel Convention's Website:

www.basel.int

Or please contact the Secretariat with
questions

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