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CONFERENCE OF THE PARTIES TO THE BASEL  
CONVENTION ON THE CONTROL OF  
TRANSBOUNDARY MOVEMENTS OF  
HAZARDOUS WASTES AND  
THEIR DISPOSAL

Fifth meeting

Basel, 6-10 December 1999

REPORT OF THE FIFTH MEETING OF THE CONFERENCE OF THE PARTIES  
TO THE BASEL CONVENTION - ADVANCE COPY

## I. OPENING OF THE MEETING

1. The fifth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was held at the Basel Convention Centre, Switzerland, from 6 to 10 December 1999. The meeting was called to order at 10.55 a.m. on Monday, 6 December 1999, by Mr. Per Bakken, Officer-in-Charge, secretariat of the Basel Convention.

2. Mr. Philippe Roch, State Secretary, Director of the Swiss Agency for the Environment, Forests and Landscape, welcomed the participants to the fifth meeting of the Conference of Parties on the tenth anniversary of the adoption of the Basel Convention. He noted that the Basel Convention was one of the most focused and effective environmental conventions and had led directly to a decrease in the transport of hazardous wastes. In addition, there had been a marked reduction in waste production and an increase in the prevention of wastes. He cautioned, however, that the goal was far from being reached, as up to 400 million tonnes of waste were still being produced annually.

3. Observing that, as the Convention matured, it was promoting industrial development and sustainable development that did not have negative effects on the population, he requested the industry sector to cooperate more intensely in the work of the Convention to decrease existing problems and to prevent

future ones. He also noted the need to work in conjunction with other environmental conventions, notably, the Rotterdam Convention on Prior Informed Consent for Certain Hazardous Chemicals and Pesticides in International Trade, and in the work currently under way on a future international legally binding instrument for implementing international action on certain persistent organic pollutants (POPs). He said that there should be coordination between the conventions within UNEP and, to assist that process, Switzerland had provided a centre in Geneva for a number of environmental convention secretariats.

4. He added that Switzerland was applying the provisions of the Convention and had already applied, in advance, the ban on the export of hazardous wastes. In addition, it was supporting many developing countries in their search for solutions to problems of hazardous wastes.

5. In conclusion, he said that the meeting was working to strengthen a convention that dealt effectively with trade and environment and he hoped that it would undertake its tasks in a positive atmosphere conducive to success.

6. The Conference was then addressed by Mr. Jorge Illueca, Assistant Executive Director, Division of Environmental Conventions, UNEP, speaking on behalf of Mr. Klaus Töpfer, Executive Director of UNEP. Reporting on progress in implementation of the Convention, Mr. Illueca said that development of the lists of wastes by the Technical Working Group, incorporated into the Convention as its Annexes VIII and IX, had clarified the scope of the Convention. In addition, the prior written notification procedure under the control system of the Convention represented a major step towards the development of a global, harmonized system for the control of waste and the 1995 ban amendment, when ratified, would provide a critical tool to prohibit exports of hazardous wastes from developed to developing countries.

7. Notwithstanding that progress, much work remained to be done in addressing issues such as the need for a fully comprehensive control system; for mechanisms for the prevention and monitoring of illegal traffic; for measures to meet the specific needs of developing countries in managing the hazardous wastes that they generated in an environmentally sound manner; for the collection, organization and dissemination of information on hazardous wastes; and for implementation of the review mechanism for the placement or removal of wastes on Annex VIII or Annex IX of the Basel Convention.

8. Turning to the future work of the Convention, he said that a bi-polar strategy must be followed, whereby developed countries should strive for transparency in the area of transboundary movements of wastes, while developing countries needed training and capacity-building to enhance their knowledge of wastes and address their lack of inventories on waste generation and other infrastructural deficiencies. Particular assistance could be provided, in that regard, by the Convention through its regional centres for training and technology transfer.

9. Among important decisions before the Conference, he noted the budget for 2001 and 2002 and the proposed declaration on the challenges for the next

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decade and stressed the importance of the negotiations on the protocol on liability and compensation. In conclusion, he said that expectations of the Conference at its current meeting were high and he urged participants to strive to meet those expectations.

10. Following those opening statements, the meeting was officially opened by Ms. Rosnani Ibarahim (Malaysia), President of the fourth meeting of the Conference of the Parties to the Basel Convention. Ms. Rosnani thanked the organizers, particularly the Government of Switzerland and the United Nations Environment Programme (UNEP), for hosting the tenth-anniversary meeting of the Conference in Basel, the seat of the Meeting of the Plenipotentiaries in March 1989.

11. The decade since the adoption of the Convention had seen great strides in environmental management, with illegal dumping of toxic and hazardous wastes on developing countries minimized and the decision taken in 1995 to ban exports of hazardous wastes to such countries. Although the ban amendment had yet to come into force, the Technical Working Group had done useful work in removing ambiguities in the definitions of hazardous wastes subject to the Convention. Accordingly, it should now be possible unanimously to accept and to implement the amendment and to proceed with the important work of capacity-building, technology transfer and the elimination of illegal trafficking in hazardous wastes.

12. Most countries seemed to support the need for a strong protocol on liability and compensation. In that regard, agreement on the protocol might be facilitated by the formula which had been developed after the tenth session of the Ad Hoc Working Group of Legal and Technical Experts to Consider and Develop a Draft Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal.

13. It was her hope that discussions on the next decade of the Convention would focus on the provision of infrastructural facilities and capacities for the environmentally sound management of hazardous wastes, encouraging self-sufficiency and implementation of waste minimization programmes, with emphasis on the three Rs: reduce, reuse and recycle, rather than on management of wastes already generated. Waste prevention and minimization must be the ultimate priority in the decades to come.

## II. ADOPTION OF THE AGENDA

14. At the opening plenary session, the Conference adopted the following agenda, based on the provisional agenda which had been circulated in document UNEP/CHW.5/1:

1. Opening of the meeting.
2. Adoption of the agenda.
3. Organization of the meeting.

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4. Implementation and monitoring:
  - (a) Implementation of issues related to decision II/12 and the amendment contained in decision III/1:
    - (i) Report of the Parties and signatories on the implementation of decision II/12;
    - (ii) Report on the implementation of decision III/1 (Amendment to the Basel Convention);
    - (iii) Report on the implementation of decision IV/8 (Decision regarding Annex VII);
  - (b) Capacity-building activities within the Convention:
    - (i) Regional and subregional centres for training and technology transfer regarding the management of hazardous wastes and other wastes and the minimization of their generation established or in the process of establishment under the Basel Convention;
    - (ii) Training and seminars;
    - (iii) Current and planned legal, technical and institutional assistance;
  - (c) International cooperation:
    - (i) Cooperation with the United Nations Environment Programme on the activities undertaken at the global level on persistent organic pollutants;
    - (ii) Cooperation between the Basel Convention and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;
    - (iii) Cooperation with United Nations bodies, specialized agencies and regional systems and organizations;
  - (d) Partnerships with the industry and business sectors and with environmental non-governmental organizations;
  - (e) Information management and dissemination:
    - (i) Reporting on articles 13 and 16 of the Basel Convention;

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- (ii) Development of the information system on hazardous wastes and their management.

5. Legal matters:

- (a) Monitoring the implementation of and compliance with the obligations set out by the Basel Convention;
- (b) Analysis of the dispute settlement mechanism under article 20 of the Basel Convention;
- (c) Work on the emergency fund and mechanism;
- (d) Competent authorities and focal points;
- (e) Agreements or arrangements:
  - (i) Report on bilateral, multilateral and regional agreements or arrangements concluded under article 11 of the Basel Convention;
  - (ii) Draft guidance elements for bilateral, multilateral or regional agreements or arrangements;
- (f) Proposed work programme of the Legal Working Group.

6. Prevention and monitoring of illegal traffic in hazardous wastes and other wastes.

7. Technical matters:

- (a) Report of the Technical Working Group on its work for the period 1998-1999;
- (b) Proposed work programme of the Technical Working Group;
- (c) Hazardous waste minimization;
- (d) Dismantling of ships.

8. Outcome of the work of the tenth session of the Ad Hoc Working Group of Legal and Technical Experts to Consider and Develop a Draft Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal.

9. Challenges of the Basel Convention for the next decade.

10. Institutional, financial and procedural arrangements.

11. Other matters.

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12. Adoption of the decisions and the report.
13. Tenth anniversary celebration of the adoption of the Convention.
14. Closure of the meeting.

### III. ORGANIZATION OF THE MEETING

#### A. Attendance

15. The following Parties to the Basel Convention were represented: Algeria, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Canada, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Democratic Republic of Congo, Denmark, Ecuador, Egypt, El Salvador, Estonia, European Commission, Finland, France, Gambia, Georgia, Germany, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Japan, Jordan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), 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 Lucia, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, The Former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uzbekistan, Venezuela, Viet Nam, Yemen, and Zambia.

16. The following States not Party to the Convention were represented: Brunei Darussalam, Cambodia, Cameroon, Central African Republic, Ethiopia, Gabon, Kazakhstan, Mali, Sao Tome and Principe and the United States of America.

17. Observers from the following United Nations bodies, specialized agencies, intergovernmental organizations and secretariats of conventions were also present: United Nations Conference on Trade and Development (UNCTAD); United Nations Industrial Development Organization (UNIDO); United Nations Institute for Training and Research (UNITAR); International Atomic Energy Agency (IAEA); International Maritime Organization (IMO); League of Arab States; Organization for Economic Cooperation and Development (OECD); South Pacific Environment Programme (SPREP); World Trade Organization (WTO).

18. The following non-governmental and private sector organizations were represented: Alpha Environmental Technology; Asia-Pacific Regional Centre for Hazardous Waste Management Training and Technology Transfer; Association of Plastics Manufacturers in Europe (APME); Basel Action Network (BAN) Bureau of International Recycling (BIR); Bureau de Liaison des Industries du Caoutchouc de l'U.E. (BLIC); Centre d'Échange et Coopération pour l'Amérique Latine (CECAL); Comité Européen des Assurances; Customized Immobilization Solutions

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(GEODUR CIS AG); Earthjustice Legal Defence Fund; ECOTEC; Electronic Industries Alliance (EIA); Energy and Resources Laboratory (ITRI); Environmental Technology International Limited (ETI); Eurometaux; Eurometrec; European Chemical Industry Council (CEFIC); European Federation of Waste Management and Environmental Services (FEAD); European Topic Centre on Waste (ETC/W); European Tyre Recycling Association (ETRA); Fundación Nic para la Conservación del Dessarollo (FUNCOD); Greenpeace International; Industrial Pollution Control Centre (IPCC); Institute of Scrap Recycling Industries; International Chamber of Commerce (ICC); International Consulting Centre for Environmental Technology and Nutrition Industry (ICCI); International Council on Metals and the Environment (ICME); International Precious Metals Institute (IPMI); National Cooperative for the Disposal of Radioactive Waste (NAGRA); South American Centre for Training and Technology Transfer on Hazardous Waste Management (CSCTT); SWISSMEM; Transcycle Industries; TREDI; UNIPEDE-EURELECTRIC (joint association of the European Electricity Supply Industry and European Union Electricity Supply Industry); University of Milan; University of Orebro; WasteNet; and World Resources Company.

#### B. Election of officers

19. The following officers were elected to the Bureau of the fifth meeting of the Conference of the Parties:

<u>President:</u>	Mr. Philippe Roch (Switzerland)
<u>Vice-Presidents:</u>	Mr. Arturo Navarro (Costa Rica) Ms. Vlastimila Mikulová (Czech Republic) Mr. Mohamed El Zarka (Egypt)
<u>Rapporteur:</u>	Ms. Indrani Chandrasekaran (India)

20. Following his election, Mr. Roch congratulated the outgoing President for her guidance at the fourth meeting of the Conference of the Parties, and commended Ms. Iwona Rummel-Bulska, former Executive Secretary of the Convention, for her contribution over the years to the implementation and development of the Convention. He also expressed appreciation for the efforts of the secretariat in undertaking the preliminary work which would enable the meeting to conduct its business as effectively as possible. He identified three primary areas of work to be addressed by the Conference:

(a) Elaboration of a vision to guide the work of the Convention over the next decade;

(b) Identification of the financial resources necessary to achieve these goals; and

(c) Adoption of a protocol on liability and compensation for damage resulting from transboundary movements of hazardous wastes and their disposal.

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21. While acknowledging that the protocol involved many sensitive matters, he stressed the importance of the issues that it addressed and urged representatives to reach agreement on it at the current meeting.

C. Organization of work

22. The President informed the meeting that the Expanded Bureau had recommended the establishment of the following subsidiary bodies to operate during the meeting:

- (a) Working group on legal matters;
- (b) Working group on financial matters;
- (c) Working group on technical matters, to meet on an as-needed basis; and
- (d) Contact group on the declaration for the next decade.

23. Following consultations among the regional groups, the meeting agreed that the working groups would be chaired as follows:

- (a) Working group on legal matters: Mr. Everton Vargas (Brazil);
- (b) Working group on financial matters: Mr. Dick C. de Bruijn (Netherlands);
- (c) Working group on technical matters: Mr. Jawed Ali Khan (Pakistan); and
- (d) Contact group on the declaration for the next decade: Mr. John Myslicki (Canada).

D. High-level segment

24. On Thursday and Friday, 9 and 10 December 1999, the Conference of the Parties held a high-level segment. The report of the segment is contained in chapter XI below.

IV. IMPLEMENTATION AND MONITORING

A. Implementation of issues related to decision II/12 and the amendment contained in decision III/1

25. The Conference took up the subitem at the 3rd session of the preparatory segment, on Tuesday, 7 December 1999. The representatives of the secretariat introduced the background documents on the subitem: the reports on the implementation of decisions II/12 (UNEP/CHW.5/2), III/1 (UNEP/CHW.5/3) and IV/8 (UNEP/CHW.5/4); and the note on the study related to Annex VII on the outcome of the first part of the analysis

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(UNEP/CHW.5/INF/4). With respect to the last-mentioned document concerning Annex VII, the representative of the secretariat felt that certain shortcomings in the study were attributable to the difficulty in collecting and collating data and to time constraints. The terms of reference for the second phase of the analysis had been developed, but little work had been undertaken as financial resources had yet to be identified. That would be a priority issue for discussion at the sixth meeting of the Conference of the Parties.

26. In the ensuing debate, several representatives commended the secretariat on the work done on the first phase of the analysis related to Annex VII. At the same time, several other representatives expressed reservations concerning the adequacy of the first phase of that study. One representative was of the view that concerns regarding the relevance of criteria used to assign States Parties to Annex VII would be clarified under the second phase of the study. Widespread support was expressed for the early initiation of the second phase. In that connection, one representative expressed surprise at the inference to be drawn from paragraph 7 of document UNEP/CHW.5/4, that implementation of the second part of the analysis was dependent on securing appropriate funding: as the decision to undertake the study had been taken by all States Parties, it should therefore be funded from the main budget.

27. A number of representatives also reported on developments in their own countries, including progress towards ratification. Several representatives expressed disappointment at the slow pace of ratification. Many felt that one possible reason for the small number of ratifications was that the criteria used to assign States Parties to Annex VII were based on economic rather than technical considerations, and thus needed to be reviewed.

28. A number of representatives suggested that reluctance to ratify the Amendment did not necessarily reflect a lack of political will but, rather, a need for capacity-building, which should be a priority in the coming years. In that connection, one representative suggested the establishment of a database to facilitate management of information.

29. At the 3rd session of its preparatory segment, the Conference adopted the following decisions, on the basis of the draft decisions contained in the compilation of draft decisions (UNEP/CHW.5/27): decision V/2, on the report of the Parties and signatories on the implementation of decision II/12; decision V/3, on implementation of decision III/1 (Amendment to the Basel Convention); and, as orally amended, decision V/4, on the report on the implementation of decision IV/8 (Decision regarding Annex VII). The text of the decisions may be found in annex I to the present report.

B. Capacity-building activities within the Convention

30. The Conference took up the subitem at the 2nd session of the preparatory segment, on Monday, 6 December 1999. The representative of the secretariat introduced the background documents on the subitem: the report on regional and subregional centres for training and technology transfer (UNEP/CHW.5/5); the notes by the secretariat on capacity-building activities within the Convention - training and seminars (UNEP/CHW.5/6) and current and

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planned legal, technical and institutional assistance (UNEP/CHW.5/7); the note by the secretariat on partnerships with the industry and business sectors and with environmental non-governmental organizations (UNEP/CHW.5/9); the status report on the query-response system of the secretariat of the Basel Convention (advice and information) UNEP/CHW.5/INF/6); the paper on partnership with industry and the Basel Convention on regional centres for training and technology transfer for the environmentally sound management of hazardous wastes (UNEP/CHW.5/INF/8); the compendium of proposed assistance activities to be carried out in the context of the implementation of the Basel Convention (UNEP/CHW.5/INF/9); and the list of public awareness-raising materials and publications (UNEP/CHW.5/INF/10). She drew attention to the workshop on regional centres for training and technology transfer, held in Basel on Sunday, 5 December 1999, in the run-up to the meeting, at which the issues of the status of and financial support for regional and subregional centres had been discussed between representatives of focal points to the Basel Convention, regional centres, the United Nations Industrial Development Organization (UNIDO) and the secretariat of the Basel Convention.

31. In the ensuing debate, representatives of countries hosting regional centres reported on developments and activities at their centres. A number of them stressed the need for technical and financial support to ensure stability for the long-term operation of the centres, bearing in mind, however, that the ultimate goal was to make the centres self-sustainable. Several representatives drew attention to the unequal levels of funding for the existing centres in the various regions and appealed to donors for assistance in that regard. In that connection, several representatives from countries in the African region pointed out that the centres in that region were lagging behind with regard to funding. The representative of South Africa announced, however, that the centre for English-speaking African countries, located in South Africa, would initiate its activities in April 2000.

32. The representative of Nigeria said that his country stood ready to host the regional coordinating centre to be established in Nigeria in accordance with decision III/19 of the Conference of the Parties at its third meeting.

33. The representative of New Zealand expressed a reservation regarding the expressed role of regional or subregional centres set forth in the draft decision contained in document UNEP/CHW.5/5, in relation to the issue of implementation of the Basel Convention, including ratification of the Convention, as well as ratification, approval, confirmation or acceptance of amendments to the Convention, which was more properly a function of States Parties. In that connection, another representative stressed that the regional centres had an important role to play in regards to strengthening the capacities of Parties to implement the Convention and its amendments and decisions. She referred to the survey undertaken, in collaboration with the regional centre in Bratislava, for the Central and Eastern Europe region, for the identification of constraints in relation to the ratification of the ban amendment and to the plans to follow up on that issue with a summary workshop in 2000. One representative drew attention to the problem of recognition of the courses to be conducted, which must be sufficiently substantive to uphold the dignity of the Convention.

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34. Some representatives stated their opposition to the proposal to increase the number of training centres. In their view, the number of existing centres was sufficient; rather, the need was to provide the financial stability to enable the existing centres to develop their work.

35. The meeting agreed to establish an open-ended contact group under the chairmanship of Senegal, to examine crucial issues identified at the recent workshop concerning the status of the centres and financial arrangements for supporting them, with a view to amending the draft decision on the issue accordingly.

36. At the 3rd session of the high-level segment, on Friday, 10 December 1999, the Conference adopted the following decisions, on the basis of the draft decisions contained in the compilation of draft decisions (UNEP/CHW.5/27): decision V/5, on regional centres for training and technology transfer, as amended by the contact group on regional centres; decision V/6, on capacity-building activities within the Convention: training and seminars; and decision V/7, on current and planned legal, technical and institutional assistance. The text of the decisions may be found in annex I to the present report.

#### C. International cooperation

37. The Conference took up the subitem at the 2nd session of the preparatory segment, on Monday, 6 December 1999. The representative of the secretariat introduced the background document on the subitem: the report on international cooperation (UNEP/CHW.5/8).

38. One representative noted that the work programme for the following two years should include close cooperation with UNEP on activities undertaken at the global level on POPs, as well as those related to the Rotterdam Convention. He added that the agenda should further call for close cooperation with the International Maritime Organization (IMO) on the dismantling of ships, with the Organisation for Economic Cooperation and Development (OECD) on the harmonization of control procedures, and with the United Nations Office for the Coordination of Humanitarian Affairs on matters pertaining to problems of hazardous wastes in case of emergencies or disasters.

39. Another representative believed that consideration should be given to examining the possibility of international cooperation with institutes of waste management, such as those in South Africa and the United Kingdom.

40. At the 5th session of the preparatory segment, on Wednesday, 8 December 1999, the Conference adopted, on the basis of the draft decisions contained in the compilation of draft decisions (UNEP/CHW.5/27), and as amended, the following decisions: decision V/8, on cooperation with UNEP on the activities undertaken at the global level on POPs; decision V/9, on cooperation between the Basel Convention and the Rotterdam Convention; decision V/10, on cooperation with the World Customs Organization (WCO); decision V/11, on cooperation with OECD; and decision V/12, on cooperation

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with United Nations bodies, specialized agencies, regional systems and organizations and others. The text of the decisions may be found in annex I to the present report.

D. Partnerships with the industry and business sectors and with environmental non-governmental organizations

41. The Conference took up the subitem at the 2nd session of the preparatory segment, on Monday, 6 December 1999. The representative of the secretariat introduced the background documents on the subitem: the note on partnerships with the industry and business sectors and with environmental non-governmental organizations (UNEP/CHW.5/9) and the paper on the partnership with non-governmental organizations and the Basel Convention on regional centres for training and technology transfer for the environmentally sound management of hazardous wastes (UNEP/CHW.5/INF/15).

42. At the 3rd session of the high-level segment, on Friday, 10 December 1999, the Conference adopted, on the basis of the draft decision contained in the compilation of draft decisions (UNEP/CHW.5/27), decision V/13, on cooperation with environmental non-governmental organizations and with the industry and business sectors. The text of the decision may be found in annex I to the present report.

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E. Information management and dissemination

43. The Conference took up the subitem at the 3rd session of the preparatory segment, on Tuesday, 7 December 1999. The representative of the secretariat introduced the background documents on the subitem: the notes by the secretariat on reporting on articles 13 and 16 of the Basel Convention (UNEP/CHW.5/10) and on development of the information system on hazardous wastes and their management (UNEP/CHW.5/11); the additional elements relating to draft decisions (UNEP/CHW.5/27/Add.1); the note by the secretariat on reporting and transmission of information on the Basel Convention for 1997 (UNEP/CHW.5/INF/5); and the status of reporting for 1998 (UNEP/CHW.5/INF/13).

44. In the ensuing debate, several representatives commended the secretariat on its work in reviewing and compiling the information provided by the Parties in response to the questionnaire on transmission of information for the years 1996 and 1997. In particular, they welcomed the secretariat's initiative to make available on its website (<http://www.basel.int/>) all data and information provided by the Parties for the year 1997 in accordance with requirements in articles 13 and 16.

45. Many representatives felt that the questionnaire was still too broad and needed to be further streamlined. Accordingly, they urged the secretariat to keep questions more specific in content to facilitate responding to the questionnaire. It was also suggested that it would be better to request countries to update their responses rather than to resubmit a questionnaire each year. A few representatives expressed their preference for a three tier format, which they considered would be simpler to use.

46. Some representatives, referring to the decision on reporting and to the possibility of developing indicators, suggested that, in order to eliminate duplication in the collection of data and to optimize use of resources, consideration be given to work on indicator development, such as that currently under way in OECD.

47. One representative believed that waste minimization and cleaner production should be covered in the questionnaire. Another representative noted that information collection for the questionnaire could be done in conjunction with the work undertaken on preparing pollutant release and transfer registers.

48. Several representatives strongly urged the secretariat to identify financial means to enable the questionnaire to be translated into the six official languages of the United Nations. One representative added that financial resources were also needed to enable developing countries to gather the information required to complete the questionnaire.

49. At the 5th session of the preparatory segment, on Wednesday, 8 December 1999, the Conference adopted, on the basis of the draft decisions contained in the compilation of draft decisions (UNEP/CHW.5/27), decision V/14, on the implementation of decision IV/3; and, as orally amended, decision V/15, on development of the information system on hazardous wastes and their

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management. The text of the decisions may be found in annex I to the present report.

## V. LEGAL MATTERS

### A. Monitoring the implementation of and compliance with the obligations set out by the Basel Convention

50. The Conference took up the subitem at the 3rd session of the preparatory segment, on Tuesday, 7 December 1999. The representative of the secretariat introduced the background document on the subitem: the note on monitoring the implementation of compliance with the obligations set out by the Basel Convention (UNEP/CHW.5/12).

51. There was considerable discussion concerning the choice of the appropriate subsidiary body that would be mandated to work on this matter. It was believed that the issue covered both legal and technical aspects and that the assignation of the subsidiary body to undertake any task should be done following the establishment of the mandate of the subsidiary body on implementation aspects.

52. At the 5th session of the preparatory segment, on Wednesday, 8 December 1999, the Conference adopted, on the basis of the draft decision contained in the compilation of draft decisions (UNEP/CHW.5/27) and as orally amended, decision V/16, on monitoring the implementation of and compliance with the obligations set out by the Convention. The text of the decision may be found in annex I to the present report.

### B. Analysis of the dispute settlement mechanism under article 20 of the Basel Convention

53. The Conference took up the subitem at the 3rd session of the preparatory segment, on Tuesday, 7 December 1999. The representative of the secretariat introduced the background document on the subitem: the analysis of the dispute settlement mechanism under article 20 of the Basel Convention (UNEP/CHW.5/13).

54. At the same session, the Conference adopted, on the basis of the draft decision contained in the compilation of draft decisions (UNEP/CHW.5/27), decision V/17, on the analysis of the dispute settlement mechanism under article 20 of the Basel Convention. The text of the decision may be found in annex I to the present report.

### C. Work on the emergency fund and mechanism

55. The Conference took up the subitem at the 3rd session of the preparatory segment, on Tuesday, 7 December 1999. The representative of the secretariat introduced the background documents on the subitem: the note on work on the emergency fund and mechanism (UNEP/CHW.5/14).

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56. There was considerable discussion concerning the choice of the appropriate subsidiary body that would be mandated to work on this matter. It was believed that the issue covered both legal and technical aspects and that the assignation of the subsidiary body to undertake any task should follow the establishment of the mandate of the subsidiary body on implementation aspects.

57. Some representatives noted that issues related to the emergency fund had been discussed in the Consultative Subgroup of Legal and Technical Experts. It was concluded that the decision would be revisited in the light of the outcome of discussions currently under way with regard to the establishment of the mandate of the subsidiary bodies.

58. At the final session, on Friday, 10 December 1999, the Conference adopted, on the basis of the draft decision submitted by India and as orally amended, decision V/18, on the emergency fund and mechanism. The text of the decision may be found in annex I to the present report.

59. Following the adoption of the decision, the representative of France reserved his country's right to revert to the issue at a later stage.

#### D. Competent authorities and focal points

60. The Conference took up the subitem at the 4th session of the preparatory segment, on Tuesday, 7 December 1999. The representative of the secretariat introduced the background documents on the subitem: the note on competent authorities and focal points (UNEP/CHW.5/15) and the list of competent authorities and focal points (UNEP/CHW.5/INF/3).

61. At the same session, the Conference adopted, on the basis of the draft decision contained in the compilation of draft decisions (UNEP/CHW.5/27), decision V/19, on competent authorities and focal points. The text of the decision may be found in annex I to the present report.

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E. Agreements or arrangements

62. The Conference took up the subitem at the 4th session of the preparatory segment, on Tuesday, 7 December 1999.

63. The representative of the secretariat introduced the background documents: the report on bilateral, multilateral and regional agreements or arrangements concluded under the Basel Convention (UNEP/CHW.5/16) and the note on draft guidance elements UNEP/CHW.5/17).

64. At the same session, the Conference adopted, on the basis of the draft decisions contained in the compilation of draft decisions (UNEP/CHW.5/27), decision V/20, on bilateral, multilateral and regional agreements or arrangements, and decision V/21, on guidance elements for bilateral, multilateral or regional agreements or arrangements. The text of the decisions may be found in annex I to the present report.

F. Proposed work programme of the Legal Working Group

65. The Conference took up the subitem at the 5th session of the preparatory segment, on Wednesday, 8 December 1999.

66. In the ensuing debate, one representative said that the decision taken by the Conference of the Parties at its fourth meeting to mandate the Consultative Subgroup of Legal and Technical Experts to undertake the study related to Annex VII had resulted in inefficiencies, as most of the issues identified in the terms of reference required technical rather than legal expertise. He therefore felt strongly that the Legal Working Group should be mandated to take up only those issues requiring legal expertise, while the Technical Working Group should study the technical aspects of the issue. Another representative believed that the first phase of the analysis had been completed efficiently, and that this was a matter best left to the judgement of the respective chairs of the two working groups, together with the Bureau.

67. At the same session, the Conference adopted, on the basis of the draft decision contained in the compilation of draft decisions (UNEP/CHW.5/27), decision V/22, on the work programme of the Legal Working Group. The text of the decision may be found in annex I to the present report.

VI. PREVENTION AND MONITORING OF ILLEGAL TRAFFIC IN HAZARDOUS WASTES AND OTHER WASTES

68. The Conference took up the item at the 4th session of the preparatory segment, on Tuesday, 7 December 1999.

69. The representative of the secretariat introduced the background document: the note on prevention and monitoring of illegal traffic in hazardous wastes and other wastes (UNEP/CHW.5/18).

70. One representative stressed the importance of distinguishing clearly between deliberate illegal traffic and inadvertent breaches of the Convention. Some representatives favoured amending the text of the draft

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decision to make clear that the bringing of alleged cases to the attention of the secretariat must not prejudice any national judicial processes.

71. At the same session, the Conference adopted, on the basis of the draft decision contained in the compilation of draft decisions (UNEP/CHW.5/27) and as orally amended, decision V/23 on the prevention and monitoring of illegal traffic in hazardous wastes and other wastes. The text of the decision may be found in annex I to the present report.

## VII. TECHNICAL MATTERS

### A. Report of the Technical Working Group on its work for the period 1998-1999

and

### B. Proposed work programme of the Technical Working Group

72. The Conference took up the subitems at the 4th session of the preparatory segment, on Tuesday, 7 December 1999.

73. The representative of the secretariat introduced the background documents: the report of the Technical Working Group on its work for the period 1998-1999; the technical guidelines on physico-chemical treatment and biological treatment; and the technical guidelines on the identification and management of used tyres (UNEP/CHW.5/19 and Add.1 and 2). Under section B, hazard characterization of wastes, he drew attention to the appeal by the Technical Working Group for a volunteer to initiate work on hazard class H10.

74. At the same session, the Conference adopted the following decisions, on the basis of the draft decisions contained in the compilation of draft decisions (UNEP/CHW.5/27): decision V/24, on the classification and hazard characterization of wastes - outcome of the work of the technical working group; decision V/25, on the draft technical guidelines for the identification and environmentally sound management of plastic waste and for its disposal; and decision V/26, on the proposed work programme of the Technical Working Group. In that last decision, the Conference approved the procedure for reviewing or adjusting the lists of wastes and two sets of technical guidelines - the first on physico-chemical and biological treatment and the second on the management of used tyres. The text of the decisions may be found in annex I to the present report.

### C. Hazardous waste minimization

75. The Conference took up the subitem at the 4th session of the preparatory segment, on Tuesday, 7 December 1999.

76. The representative of the secretariat introduced the background document: report on the minimization of the generation of hazardous wastes (UNEP/CHW.5/20). The Conference expressed strong support for the principle of hazardous waste minimization and for the elements laid out in the draft

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decision, as contained in the compilation of draft decisions (UNEP/CHW.5/27): and, at the same session, it adopted the decision, with the addition of one new element on identifying specific measures to encourage the minimization of hazardous waste generation. The text of decision V/27, on hazardous waste minimization, may be found in annex I to the present report.

D. Dismantling of ships

77. The Conference took up the subitem at the 4th session of the preparatory segment, on Tuesday, 7 December 1999. A representative of the International Maritime Organization (IMO) made a presentation on developments to facilitate inter-agency cooperation to develop an international regime to govern the dismantling of ships. The full text of his statement is attached as annex xx to the present report.

78. At the same session, the Conference adopted, on the basis of the draft decision contained in the compilation of draft decisions (UNEP/CHW.5/27), decision V/28, on dismantling of ships. The text of the decision may be found in annex I to the present report.

VIII. OUTCOME OF THE WORK OF THE TENTH SESSION OF THE AD HOC WORKING GROUP OF LEGAL AND TECHNICAL EXPERTS TO CONSIDER AND DEVELOP A DRAFT PROTOCOL ON LIABILITY AND COMPENSATION FOR DAMAGE RESULTING FROM TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

79. At the final session of the meeting, on Friday, 10 December 1999, the Conference adopted the Basel Protocol on Liability and Compensation for Damage resulting from Transboundary Movements of Hazardous Waste and their Disposal (see decisions V/29, V/30, V/31 and V/32). The text of the Basel Protocol is contained in Annex III to the present report.

80. Following adoption of the Basel Protocol, the representative of Finland, speaking on behalf of the member States of the European Union present at the meeting, said that the European Union member States, convinced of the importance of the implementation of the Protocol, were seriously considering financial contributions to the Technical Cooperation Trust Fund and some were already in a position to make pledges to that fund. In addition, Finland undertook to make a contribution equal to its annual contribution to the Basel Convention Trust Fund. France pledged an amount of 500,000 French francs to the Technical Cooperation Trust Fund. Canada similarly undertook to make a voluntary contribution to the Technical Cooperation Trust Fund. Switzerland pledged an annual contribution of \$50,000 to the Technical Cooperation Trust Fund.

81. Denmark welcomed the adoption of the Protocol and was happy that the European Union had been able to agree on a joint statement to reach deeper into its pockets for money for the purpose of compensation and emergency situations and capacity-building under the Technical Cooperation Trust Fund of the Basel Convention; it regretted, however, that not all the countries of the group of Western European and other countries had been able to join the

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European Union in that undertaking. Announcing that Denmark would make a contribution to the Technical Cooperation Trust Fund equal in amount to its annual contribution to the Basel Convention Trust Fund, he reiterated the call by African ministers and by the Danish minister for commitment from the rich countries to those less fortunate. Denmark believed that the richer members of the international community should demonstrate much greater commitment to the poorer countries in the future - both in general terms, as well as in the context of the Basel Convention and its Protocol.

82. The representative of New Zealand pledged a contribution to the Technical Cooperation Trust Fund, to provide for emergency responses to hazardous waste incidents.

83. A number of countries expressed reservations to aspects of the Protocol. To that effect, the representative of Australia made the following statement:

"Australia interprets article 3, paragraph 6, as follows:

"(a) It is permissible that the applicable liability and compensation regime be the national law of the Parties to the Article 11 agreement or arrangement and/or those specific liability provisions in the agreement or arrangement concerned.

"(b) The Parties to such an agreement or arrangement will be the persons who decide whether their national law or whether specific liability provisions in an Article 11 agreement or arrangement '... fully meets, or exceeds the objective of the Protocol ...' A statement to the secretariat by a Party to such an agreement to this effect would serve to bring the Article 3.6 exclusion into operation, provided the other criteria in Article 3.6 (a) are also met.

"(c) The fact that the applicable liability and compensation regime must '... fully meet(s) or exceed(s) the objective of the Protocol ...' does not mean that it must necessarily approach the question of liability and compensation in exactly the same manner as the provisions of the Protocol.

"(d) Australia considers that its domestic liability and compensation law does fully meet the objectives of the Protocol and provides a high level of protection to persons who have suffered damage.

"(e) By allowing for differences between/among Parties to an article 11 agreement or arrangement as to whether the protocol or another different liability or compensation regime will apply, Article 3.6(a) paragraph (iii) may create uncertainty and a patchwork of applicable regimes for any given transboundary movement of wastes between/among such Parties. This has the potential to increase administrative costs, create confusion and could lead to protracted litigation about whether the Protocol does apply in given situations."

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"In relation to Article 3.2, Australia's preference remains that the end point of liability should be different for final disposal and recycling operations.

"In relation to Article 4, Australia remains concerned that by channelling liability to the exporter/notifier rather than the person in operational control, this provision does not properly reflect the polluter pays principle.

"Australia makes the following comments on Annex B:

"(a) It is a matter of great concern that paragraph 1 of Annex B states that financial limits shall be determined by domestic law (without further central guidance or oversight), and that paragraph 2 establishes a set of minimum liability levels. Taken together this means that 'Liability limits under the Protocol' must be interpreted to include whatever limits are determined by the national regimes of individual Parties, which none of the other Parties will in fact be able to influence. Instead of a consistent, known set of liability levels for all situations, levels will vary depending on which Parties are involved. This will not promote certainty or consistency of application of the Protocol.

"(b) Australia strongly believes that maximum levels should be set in the Protocol text. We also believe that until more information becomes available, the maximum limits set by the Protocol should be significantly lower than those proposed.

"(c) In paragraph 2 minimum liability limits are determined solely by tonnage without reference to hazard. This means that small tonnages of high hazard wastes may be underinsured while large tonnages of low hazard wastes may be overinsured. In the first instance, underinsurance of high hazard shipments (and such wastes are often shipped in small tonnages presents a high risk that insurance cover will be inadequate and funding will be provided from the Technical Cooperation Trust Fund. In the second instance, insurance premiums may be so high as to render such shipments commercially unviable.

"(d) The figures presented in paragraph 2 are quite arbitrary and have been developed with insufficient input from Parties or relevant industry bodies. Further work needs to be done to ensure that the figures in the protocol are practical and workable so that Parties to the Convention will regard ratification of the Protocol as a desirable option in practice.

"In summary, Australia entered into these negotiations with the expectation of being able to produce a realistic and workable Protocol on Liability and Compensation which meets the needs of all Parties to the Basel Convention. We believe that the current text, before us now, has a number of serious deficiencies and there is a risk that these deficiencies may lead to delays in the rate at which parties to the Convention move to ratify the Protocol.

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"We would ask that these remarks be reflected in the report of the meeting."

84. The representative of Canada associated his country with that part of Australia's reservation relating to article 3, paragraph 6.

85. The representative of Chile made the following statement in respect of article 12 and Annex B:

"It is Chile's understanding that this article implies no hindrance for the exporter or the notifier with regard to the possibility of negotiating with the importer or disposer, the conditions under which the costs of the insurance entailed by the operation are to be borne."

86. The representative of Cuba expressed concerns regarding the unequal treatment of States of transit in terms of protection and stressed that the issue should be reconsidered at a later date.

87. The representative of Indonesia reserved the right to undertake further study of the elements in paragraph 2 of article 4, and in paragraph 2 of Annex B. Indonesia also associated itself with the reservations expressed by Malaysia regarding the need for further work on the issue of financial limits.

88. The representative of the Russian Federation made the following statement:

"The Russian Federation, true to the letter of the Basel Convention and the spirit of its objectives, has consistently advocated the establishment of an effective international regime for the environmentally safe and economically sound handling of hazardous and other wastes and for the control of their transboundary movements.

"In view of the urgency of the problems addressed by the Protocol on Liability for Damage resulting from Transboundary Movements of Hazardous Wastes and their Disposal, the Russian Federation agrees to the adoption of the Protocol.

"At the same time, the Russian delegation notes that a number of formulations in the Protocol, including those regarding the financial mechanism and the limits of financial liability, were submitted directly during the course of the meeting of the Conference of the Parties, when there was extremely limited time for their consideration. The actual significance and the consequences of the adoption of those provisions will need to be thoroughly analysed by the Russian Federation.

"Accordingly, the Russian Federation reserves the right to undertake a further study of those issues and to determine its final position vis-à-vis the Protocol.

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"Stressing once again that it was not possible to give proper consideration to the text of the Protocol in the other official languages besides English, the Russian Federation also reserves the right to determine its position vis-à-vis any differences of meaning which might be identified between the texts of the Protocol in the different languages."

89. The representative of Zambia made the following statement on behalf of the African Group and the African ministers and Heads of Delegation present at the fifth meeting of the Conference:

"We, the African Ministers and heads of delegation present at this fifth meeting of the Conference of the Parties to the Basel Convention,

"Being Parties to the Basel Convention,

"Conscious of the need for international collaboration and cooperation necessary for the implementation of the objectives set out in the Basel Convention,

"Committed to the adoption and implementation of a protocol setting out appropriate rules and procedures in the field of liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes, in accordance with article 12 of the Convention,

"Convinced of the need of having a protocol that ensures adequate and prompt compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes,

"Now therefore declare as follows:

"1. That article 16 of the draft protocol is weak and cannot guarantee adequate and prompt compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes in accordance with the objectives of the Protocol;

2. "That Africa's initial position on the financial mechanism as set out in Article 16 of the draft protocol was based on the understanding that a permanent and obligatory fund shall be established to ensure adequate and prompt compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes;

"3. That, in the spirit of compromise, Africa will adopt the draft protocol, with the understanding that we are in an interim period during which Parties will review the financial mechanism to be established in order to ensure adequate and prompt compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes and, further, to assist African countries in developing their capacity-building and transfer of

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technology and in putting in place measures to prevent accidents and damage to the environment resulting from the transboundary movement of hazardous wastes and their disposal;

"4. That, accordingly, Africa requires a strong commitment to the resolution of this issue in order to enable us to consider further participation in the Protocol process; and

5. "That Africa requests the President of the fifth meeting of the Conference of the Parties comprehensively to address the concerns of the African countries in the inter-sessional period prior to the Conference's sixth meeting."

#### IX. CHALLENGES OF THE BASEL CONVENTION FOR THE NEXT DECADE

90. At the 2nd session of the preparatory segment, on Monday, 6 December 1999, the Chair of the Open-ended Ad Hoc Committee for the Implementation of the Basel Convention introduced the draft declaration and draft decision on environmentally sound management, as contained in the secretariat's note on the item (UNEP/CHW.5/23).

91. In the ensuing discussion, one representative said that, while environmentally sound management was a fitting theme for the next decade, the strategies developed for the next decade should be based on the achievements of the past ten years. Others noted that compliance with the requirements of the Convention by all countries, not just developing countries, as well as waste minimization, waste handling, and capacity-building on institutional and administrative strengthening, were further points that needed to be reflected.

92. A few representatives said that there should be mention of the importance of ratification of the ban amendment. One representative said that cleaner production and cleaner technology should be mentioned as a specific instrument. Another representative added that there should be a reference to the problem of stockpiles of hazardous wastes in developing countries and that the problem was not merely a national concern, but one requiring global cooperation and a global solution.

93. A few representatives noted the difficulties faced by small and medium-sized enterprises, in developing countries in particular, to manage wastes in an environmentally sound manner, and believed that the text of the decision should reflect those difficulties.

94. At the final session of the meeting, on Friday, 10 December 1999, the Conference adopted, by acclamation, the Basel Declaration on Environmentally Sound Management, contained in annex II to the present report. At the same session, it adopted, as submitted by the contact group on the declaration for the next decade and as orally amended, decision V/33, on environmentally sound management, constituting the agenda for the next decade. The text of the decision may be found in annex I to the present report.

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## X. INSTITUTIONAL, FINANCIAL AND PROCEDURAL ARRANGEMENTS

95. The Conference took up the item at the 2nd session of the preparatory segment, on Monday, 6 December 1999. The representative of the secretariat introduced the background document (UNEP/CHW.5/24), prepared at the request of the Open-ended Ad Hoc Committee, on the mandate of subsidiary bodies of the Conference of the Parties. Several representatives said that, while the report provided a good basis for discussion on ways to rationalize the work of the Conference, there were many matters, both points of substance and drafting issues, which would require further attention. It was agreed that all proposed amendments to the report should be submitted to the secretariat, which would reflect those proposals in an amended version of the report and redistribute that amended report for further consideration.

96. At the 5th session of the preparatory segment, on Wednesday, 8 December 1999, the Conference adopted, on the basis of the draft decision contained in the compilation of draft decisions (UNEP/CHW.5/27) and as orally amended, decision V/34, on institutional amendments. At its final session, on Friday, 10 December 1999, the Conference adopted, on the basis of the draft decision submitted by the working group on financial matters and as orally amended, decision V/35, on financial arrangements. The texts of those decisions may be found in annex I to the present report.

## XI. HIGH-LEVEL SEGMENT

97. The high-level segment of the fifth meeting of the Conference of the Parties was opened at 10.30 a.m. on Thursday, 9 December 1999, by Mr. Philippe Roch, President of the Conference. At the opening session, a group of children presented a folkloric pageant and other cultural events were staged in commemoration of the tenth anniversary of the Convention. Mr. Klaus Töpfer, Executive Director of UNEP, delivered a message from Mr. Kofi Annan, Secretary-General of the United Nations, the full text of which is attached to the present report (annex V).

98. Mr. Moritz Leuenberger, Swiss Minister of Environment, Transport, Energy and Communication spoke on behalf of the host country. In his statement, he welcomed the participants to the high-level segment and extended particular greetings to Mr. Mostafa Tolba, former Executive Director of UNEP and father of the Convention. He thanked the canton of Basel for its generosity and support in hosting the meeting and to the industry community of Basel for organizing the various side events.

99. Notwithstanding progress, over the ten years of the Convention's existence, in creating a world control system, in establishing training centres and in prohibiting export of hazardous wastes, the generation of wastes remained a problem and continued efforts were needed, in particular, with the aim of adopting a decision whereby all countries would be able to eliminate their own wastes in an environmentally sound manner. Cleaner production should also be encouraged and developed countries should put into

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place technical information, training and pilot projects in developing countries and countries with economies in transition.

100. Efforts were needed by the developed countries and agro-industry to address the problem of badly stored pesticides and the safe disposal of obsolete pesticides in developing countries and countries with economies in transition. With that in mind, Switzerland, jointly with the Swiss industry, was currently in the final stages of re-importing obsolete pesticides for incineration in a Swiss waste management facility.

101. Referring to the liability protocol, he said that it had so far taken ten sessions to elaborate the text and that further compromise was necessary, for the conclusion of negotiations. Finally, he said that Switzerland was providing financial and technical support for the development of training and capacity-building centres, as well as for the conference on the elimination of pesticide stocks in Africa, to be organized jointly in 2000 by the Basel Convention secretariat and the German Agency for Technical Cooperation (GTZ).

102. In his statement, Mr. Klaus Töpfer, Executive Director of UNEP, voiced special appreciation to all those who, in his view, had negotiated one of the most successful environmental agreements in place, in particular, Mr. Mostafa Tolba, the former Executive Director of UNEP; Mr. Svend Auken, Minister of Environment of Denmark and Ms. Iwona Rummel-Bulska, former Executive Secretary of the Basel Convention. He also commended Greenpeace on the role it had played in the development of the Convention.

103. Highlighting the dangers posed to health and the environment by the export of wastes to developing countries and countries with economies in transition with no capacity to handle such waste, he pointed out that the Basel Convention was also important in the area of trade, since it contributed towards banning the risks resulting from export of hazardous waste without hampering national economic development. In his view, the precautionary principle was a sound basis for early action. The past decade, he said, had demonstrated the importance of working in a transparent manner, with the full integration of all stakeholders. At the same time, globalization needed to be combined with a new culture of solidarity with respect for national identity and with corporate strength.

104. Among the principal goals to be reached in the next decade he listed the speedy ratification of the ban amendment; cleaner production; changes in consumption patterns; environmentally sound disposal; minimization of generation of waste; rigorous controls on implementation and enforcement; upgrading of technical, legal and institutional capacities in developing countries and countries with economies in transition; policy response to partnerships with industry; focus on economics; strengthened information exchange and cooperation with new partners, such as advertisers; and synergies with other environmental agreements in particular those dealing with chemicals. He noted, in particular, that the illegal traffic of hazardous waste was now being considered a criminal issue and was on the agenda of environmental ministries, and said that UNEP was working in cooperation with the International Criminal Police Organization (INTERPOL) on that matter.

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105. In conclusion, he drew attention to the need to develop and reinforce existing regional centres and establish new centres, to help strengthen countries' abilities to manage hazardous waste in an environmentally sound manner. In that context, he expressed his thanks to countries hosting those centres and to the donor nations that had assisted in their establishment.

106. Addressing the Conference, Mr. Tolba expressed his thanks, inter alia, to Mr. Flavio Cotti, former President of the Swiss Federation and Swiss Minister of Home Affairs, for his commitment to the development of the Basel Convention. He recalled the history of the Basel Convention and commended the Conference and its subsidiary bodies on their achievements to date in developing the ban of exports, in the establishment of regional and subregional centres, in preparing the sets of technical guidelines and the compilations of data.

107. He noted, however, that the generation of hazardous wastes continued to grow and that, at the current time, 2 million tonnes of wastes were still crossing borders annually. He added that there was insufficient reporting and that collection of reliable and validated figures should become a priority for the next decade. He said that the Conference should note the following priority concerns: harmonization of national definitions of hazardous wastes; harmonized means of collection and verification of national data; identification of reasons for the lack of reporting and, consequently, of enforcement and compliance; reduction of the generation and transboundary movement of hazardous wastes; transfer of technology; and cleaner production methods.

108. Drawing attention to the issue of illegal traffic in hazardous wastes, he suggested that wider publicity of the issue might act as a deterrent. He regretted that only two thirds of the States members of the international community were party to the Convention and that there were still only 17 ratifications of the 1995 ban amendment. He concluded by hoping that the Conference would succeed in adopting the important protocol on liability and compensation.

109. The representative of the United Nations Institute for Training and Research (UNITAR) gave a presentation in which he reported on programmes conducted by his organization in the fields of natural resource management and the environment, and drew attention to the need for intellectual, material and financial support for implementation of the strategy for training, capacity-building and hazardous waste management in Africa that UNITAR had developed in collaboration with the secretariat.

110. The representative of the International Maritime Organization (IMO) submitted a statement in which he hailed the draft protocol as a significant contribution to international law. Cooperation between IMO and the secretariat of the Basel Convention in harmonizing the draft protocol with the International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea constituted a useful precedent for further interaction between IMO, the secretariat and UNEP.

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111. All participants expressed their appreciation to the host country for its excellent organization of the meeting and the hospitality it had extended to them.

112. Many representatives reported on progress in their countries towards implementation of the Convention. Several representatives emphasized the need for an effective control system to govern the illegal transit of hazardous wastes. One representative called for the development of an effective mechanism for monitoring and enforcement. A few representatives stressed the need to ensure sound management of hazardous wastes throughout their entire life-cycle. Concerns were also expressed that concessions made in good faith by developing countries had not been matched by reciprocal concessions on the part of industrialized countries.

113. Some representatives expressed reservations concerning Annex VII, and said that the criteria used to assign States Parties to Annex VII should be based on the extent to which Parties had the necessary technological expertise to ensure environmentally sound industry. Parties which met those strict standards should be permitted to maintain their waste recycling industry.

114. Various representatives offered to make their countries' facilities for treatment of hazardous wastes available to other countries in their regions.

115. Many representatives drew attention to the importance of the ban amendment in ensuring the full implementation of the Convention, and urged all States Parties which had not yet ratified the amendment to do so.

116. Many representatives stressed the historic importance of the draft protocol on liability and compensation and called upon the Conference to adopt the protocol at its fifth meeting. One representative believed that the draft protocol represented an important opportunity to set an example for other international environmental agreements. In that connection, many representatives reminded the Conference that the efficacy of the protocol would be contingent on the availability of the necessary financial resources to ensure implementation.

117. Several representatives believed that efforts during the first decade of the Basel Convention had produced a solid legal and dynamic operational framework. The challenge for the next decade was to agree on a political vision of environmentally sound management that would establish a basis for the initiation of practical measures to further implement the goals of the Convention. Partnerships with non-governmental organizations, Government, industry and the public were central to success.

118. Several representatives noted the shift from a normative to a cooperative approach, and drew attention to the need to heighten cooperation among United Nations bodies so as to promote synergies and avoid duplication of effort. The importance of forging links with the aims and objectives of other environmental organizations and agreements was also stressed. In that connection, some representatives appealed for support from the secretariat of

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the Basel Convention for the various regional agreements dealing with hazardous wastes, and, in particular, the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa.

119. Several representatives emphasized the importance of predictable financial resources to ensure heightened implementation of the convention over the next decade. The representative of Germany announced that his country would provide financial support with a view to establishing a global information system to facilitate the environmentally sound management of wastes. In that connection, many representatives mentioned the central role of regional and subregional centres in capacity-building, including promoting access to environmentally sound technologies, necessary to ensuring the full implementation of the Convention in developing countries in particular. They stressed the need for additional resources to be made available to the regional and subregional centres, although several were of the view that the centres should ultimately become self-sustaining.

120. The representative of Canada drew attention to an international high-level seminar on cleaner production which it would be hosting in Montreal in October 2000, and announced a contribution of 2.3 million Canadian dollars to finance the subregional centre in India and to train enforcement personnel, as well as contributions of 75,000 Canadian dollars to other regions.

121. One representative suggested capacity-building might be undertaken through the establishment of a demonstration plant to train experts from developing countries on state-of-the-art technology for the treatment of hazardous wastes. The representative of South Africa proposed that warranties, suspense conditions and breach provisions should be among the issues addressed when preparing the guidelines for bilateral and multilateral agreements. The representative of Bangladesh called for the amendment of article 1, paragraph 4, of the Basel Convention and Annex I thereto, to address the issue of offshore dumping of oil sludge.

### XIII. OTHER MATTERS

122. At the third session of the high level segment, held on Friday, 10 December 1999, the conference agreed that the sixth meeting of the Conference of Parties to the Basel Convention would be held in Geneva, Switzerland, in May 2002.

123. At the same session, the President informed the plenary of the outcome of consultations within and among the five geopolitical groups regarding the chairmanships of the three subsidiary bodies established to act between the present Conference of the Parties and the Conference of the Parties at its sixth session.

124. The following nominations proposed by the President of the fifth meeting of the Conference of the Parties, after consultation with the five regional groups, were adopted by the plenary.

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## (a) Legal Working Group

Chair: Ms. Mariann Karcza (Hungary)

## (b) Technical Working Group

Chair: Mr. Jawed Ali Khan (Pakistan)

## (c) Working Group for Implementation

Co-chairs: Ms. Isatou Gaye (Gambia)  
Mr. Donald Cooper (Bahamas)

125. The representative of Canada requested an update on the appointment of the Executive Secretary. He requested that the expanded bureau be kept informed of the situation. In this connection the representative of Costa Rica again requested a reply to his country's note verbale concerning the appointment of the Executive Secretary.

126. The representative of Morocco informed the meeting that his country was taking steps to ratify the Amendment to the Convention and had also adopted legislative measures to prohibit all imports of hazardous wastes.

127. The representative of Brazil informed the meeting that his country's draft guidelines on lead and berium waste had been translated into English and submitted to the secretariat.

## XIII. ADOPTION OF THE DECISIONS AND THE REPORT

128. At its fifth meeting, the Conference adopted 36 decisions. It also adopted the Basel Declaration on Environmentally Sound Management and the Protocol on Liability and Compensation for Damage resulting from the Transboundary Movements of Hazardous Wastes and their Disposal. The text of the decisions, the declaration and the Protocol are contained in annexes I, II and III to the present report respectively. The Conference adopted its report on the basis of the draft report, which had been circulated in documents UNEP/CHW.5/L.1 and L.1/Add.1 and 2, and on the understanding that finalization of the report would be entrusted to the Rapporteur, working in consultation with the secretariat.

## XIV. CLOSURE OF THE MEETING

129. Following the customary exchange of courtesies, the President of the fifth meeting of the Conference of the Parties declared the meeting closed at 5.30 p.m. on Friday, 10 December 1999.

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TO THE BASEL CONVENTION

6-10 December 1999, Basel, Switzerland

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- Annex II Basel Declaration on Environmentally Sound Management
- Annex III Protocol on Liability and Compensation for Damage resulting from Transboundary Movements of Hazardous Wastes and their Disposal
- Annex IV Review or adjustment of lists of wastes contained in Annexes VIII and IX of the Basel Convention
- Annex V Message of Mr. Kofi Annan, Secretary-General of the United Nations, to the fifth meeting of the Conference of the Parties to the Basel Convention
- Annex VI Statement by IMO on the dismantling of ships

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V/1. Basel Declaration on Environmentally Sound Management

The Conference

Adopts the Basel Declaration on Environmentally Sound Management by acclamation. 1/

V/2. Report of the Parties and signatories on the implementation of decision II/12

The Conference

1. Takes note of the consolidated report prepared by the secretariat of the Basel Convention on the implementation of decision II/12;

2. Encourages the Parties, as well as non-Parties, to report on their implementation of decision II/12 in their report under article 13, in the light of the importance of that decision for the implementation of the Basel Convention;

3. Requests the secretariat to work on further consolidation of its report;

4. Further requests the Working Group for Implementation of the Basel Convention to submit a further consolidated report to the Conference of the Parties at its next meeting.

V/3. Implementation of decision III/1 (Amendment to the Basel Convention)

The Conference

1. Takes note of the progress made by Parties in effectively implementing decision III/1;

2. Welcomes the ratification or acceptance by several Parties of the amendment contained in decision III/1;

3. Strongly appeals to Parties to ratify the amendment contained in decision III/1 as soon as possible, to facilitate the early entry into force of the amendment.

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1/ Contained in annex II to the present report.

V/4. Report on the implementation of decision IV/8 (Decision regarding Annex VII)

The Conference

1. Welcomes the report prepared for the secretariat of the Basel Convention covering the first phase of the analysis of issues related to Annex VII;
2. Invites Parties, non-Parties and non-governmental organizations to provide any additional comments to the secretariat on the report that would improve its content;
3. Agrees to the elements of the evaluation for the second phase of the analysis, as adopted by the Technical Working Group and the Consultative Subgroup of Legal and Technical Experts at their joint meeting in April 1999;
4. Requests the secretariat to continue its work on the second phase of the analysis and to prepare a report on the implementation of the elements of the evaluation for consideration by the Technical Working Group and the Legal Working Group;
5. Further requests the Technical Working Group and the Legal Working Group to continue overseeing the development of the analysis and to provide guidance to the secretariat, as necessary, and to report to the Conference of the Parties at its sixth meeting on progress therewith.

V/5. Regional centres for training and technology transfer

The Conference

1. Takes note of progress in the establishment and operation of regional and subregional centres, as well as of the present funding situation of activities related to those centres;
2. Welcomes the support, whether financial or in kind, provided by:
  - (a) Government of Japan, for the regional centres in China and Indonesia;
  - (b) Governments of China and Indonesia, for their support to the regional centres in those countries;
  - (c) Government of Switzerland, for the organization of national seminars in El Salvador and Nicaragua, through the subregional centre for Central America, and for the continued support for the subregional centre in Slovakia;
  - (d) Government of Argentina, for the subregional centre for South America, located in Argentina;

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- (e) Government of El Salvador, for the subregional centre for Central America and Mexico, located in El Salvador;
- (f) Government of Trinidad and Tobago and the Caribbean Industrial Research Institute, for the subregional centre for the Caribbean;
- (g) Government of Uruguay, for activities at the Coordinating Centre for Latin America and the Caribbean in Uruguay;
- (h) Government of the Russian Federation, for the subregional centre in Moscow;
- (i) Government of Slovakia, for its continued support to the subregional centre in Bratislava;
- (j) Government of Nigeria, for the regional coordinating centre in Nigeria;
- (k) Governments of Denmark and South Africa, for the subregional centre for English-speaking African countries in Pretoria (Vista University);
- (l) Government of Egypt, for the subregional centre for Arabic-speaking countries in Cairo (Cairo University);
- (m) Government of Senegal, for the subregional centre for French-speaking African countries in Senegal;
- (n) Government of the United Kingdom of Great Britain and Northern Ireland, for training on asbestos management and abatement at the Caribbean Industrial Research Institute which is hosting the subregional centre for the Caribbean;
- (o) Governments of Australia, Austria, Canada, Denmark, Germany, Japan, Mexico, Spain and the United States of America, for providing lecturers and resource persons to training courses and workshops;
- (p) Government of the United States of America, for providing support to the subregional centres in Africa, the Caribbean and Central America;
- (q) Other Governments contributing to the Technical Cooperation Trust Fund (non-earmarked funds), which made possible the conduct of training courses or workshops within the framework of the regional centres in Belarus, the Russian Federation, Sri Lanka and Uruguay;
- (r) Regional Office for Western Asia of the United Nations Environment Programme, for the meeting organized in Bahrain concerning the establishment, in Egypt, of a subregional centre for Arabic-speaking countries in Africa and West Asia;
- (s) Economic Commission for Latin America and the Caribbean and the Regional Office for Latin America and the Caribbean of the United Nations Environment Programme, for continuous support to the subregional centres in

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the Latin American and Caribbean region through the provision of resource persons for workshops and seminars and the organization of the meeting by the Economic Commission for Latin America and the Caribbean in Bahia, Brazil, in 1997, on the implementation of the Basel Convention;

3. Further takes note of efforts made by other host countries to prepare for the establishment and initiation of activities at their respective centres;

4. Requests the secretariat of the Basel Convention to establish, pursue and reinforce its closer collaboration with relevant offices and programmes of the United Nations Environment Programme, for the implementation of joint activities on training and technology transfer related to hazardous wastes, in particular with the Division of Technology, Industry and Economics, Chemicals, the International Environment Technology Centre and the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, and the regional seas programme;

5. Further requests the secretariat to collaborate closely with other relevant United Nations and other international agencies and conventions in the work of the regional and subregional centres, in particular with the United Nations Industrial Development Organization, the United Nations Institute for Training and Research, the World Health Organization, the Food and Agriculture Organization of the United Nations, the United Nations economic commissions, the International Maritime Organization, the Regional Organization for the Protection of the Marine Environment in Kuwait, the World Customs Organization and those regional treaties and instruments developed under the framework of the Basel Convention, with a view to exploring, on a continuous basis, new areas of cooperation;

6. Also requests the secretariat to keep an updated list of project fact-sheets available on the internet concerning proposals for which funding is being sought in relation to activities on training and technology transfer at the regional or subregional centres, as well as to other technical assistance activities;

7. Requests the secretariat to explore, in collaboration with the regional or subregional centres, possibilities for the establishment of partnerships with the industry sector, relevant non-governmental organizations and other stakeholders in the work of those centres, in order to ensure the long-term sustainability of their operation;

8. Recognizes the usefulness and efficiency of ensuring that, whenever feasible, regional, subregional and national seminars, training courses and workshops funded through the secretariat are being implemented within the framework of the regional centres network;

9. Requests the secretariat to continue to report to the Working Group for Implementation of the Basel Convention, on progress made in the establishment of regional or subregional centres, including proposals to be implemented in conjunction with the regional centres' programme;

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10. Urges all Parties and non-Parties in a position to do so, as well as international organizations, including development banks, non-governmental organizations and the private sector, to make financial or in-kind contributions, either directly to the technical cooperation trust fund or on a bilateral level, to enable all centres to become fully operational, bearing in mind that comprehensive funding for the centres in their initial stage of operation, covering at least three to five years of support, including for core staffing, will facilitate the planning and implementation of their activities and encourage them to explore ways and means of ensuring the long-term sustainability of their respective centres;

11. Notes that the Technical Working Group will, as part of its proposed work programme, provide technical input or guidance to assist, as necessary, in the establishment and operation of regional or subregional centres;

12. Emphasizes the role of the regional or subregional centres with regard to implementation of the Basel Convention;

13. Emphasizes the role of the regional or subregional centres, with regard to training and capacity-building for the environmentally sound management, in particular, of wastes generated and existing in the region, and minimization of hazardous wastes, by taking into consideration a cleaner production approach, and their role in promoting awareness of the aims and provisions of the Basel Convention;

14. Recognizes the need for coordination and collaboration between all centres, including between different regions, inter alia, for the development of information systems, with a view to developing synergies;

15. Recalls the discussions at the fourth session of the Open-ended Ad Hoc Committee regarding the status of the centres and, in that context, recognizes the need for the enhancement of the status of the centres as a way to attract additional financial support and to identify diverse sources of funding, so as to secure the long-term sustainability of the centres, and that, in this connection, consideration should be given to its legal status as well as to financial mechanism and operational arrangements, including functions, a governing mechanism and staffing, and to commitments by countries participating in activities of the centre;

16. Recalls also the concerns expressed in the workshop on regional centres held immediately prior to the fifth meeting of the Conference of the Parties and, in that context, emphasizes the importance of equality between centres with regard to financial support and operational arrangements, in order to strengthen capacities at an equal level in all regions in implementing the Basel Convention, including the environmentally sound management of hazardous wastes and their minimization;

17. Requests the secretariat, taking into account various legal options for the centres and the need to address organizational and financial arrangements, further to develop in consultation with the representatives of

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the centres a draft framework agreement, including a core set of identical basic element for all centres, taking into account specific needs and priorities in the respective regions, for consideration by the Working Group for Implementation and for adoption by the Conference of the Parties at its sixth meeting.

V/6. Capacity-building activities within the Convention:  
Training and seminars

The Conference

1. Requests the secretariat of the Basel Convention to continue developing training programmes, including curricula at the national level in cooperation with national authorities, and organizing national and regional training activities, as appropriate, within the framework of the regional and subregional centres for training and technology transfer, on the implementation of the Basel Convention, in collaboration with the United Nations Environment Programme and other international organizations, as well as the private sector and environmental non-governmental organizations;

2. Further requests the secretariat, in collaboration with the United Nations Environment Programme and other international organizations, as well as the private sector and environmental non-governmental organizations, actively to contribute to the implementation of the programme of activities of the regional centres by developing training materials, publications and other supporting materials, by facilitating the development of local and regional activities and case studies and by providing resource persons for training courses;

3. Also requests the secretariat to continue promoting public awareness on the aims of the Basel Convention through participation in related international conferences, symposia and seminars, through the preparation and publication of brochures, newsletters, leaflets, press releases, case studies and other publications and material in this field, and through the consolidation of the web sites of the Basel Convention on the internet;

4. Urges Parties to contribute to the Trust Fund to Assist Developing and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal established under the Basel Convention, with the aim of supporting the activities of developing countries and other countries in need of such assistance and the secretariat in developing training and capacity-building activities, as well as awareness-raising activities;

5. Invites all Parties that are in a position to do so to contribute to the trust funds to cover the costs of participation of developing country representatives at meetings and seminars organized by the secretariat, or to make in-kind contributions through, inter alia, the provision of resource persons for the organization of seminars, workshops and training programmes.

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V/7. Capacity-building activities within the Convention: Current and planned legal, technical and institutional assistance

The Conference

1. Notes the declaration made by the mayors of several cities in West Africa at the regional consultation on the environmentally sound management of biomedical wastes held in Dakar, from 9 to 11 November 1998;
2. Notes the declaration of the group of African countries made at the fourteenth session of the Technical Working Group held in Pretoria, from 2 to 5 November 1998;
3. Reiterates the importance for Parties to provide financial resources to the Technical Cooperation Trust Fund to assist developing countries and countries with economies in transition that are Parties to the Convention in implementing the Basel Convention and in managing hazardous wastes in an environmentally sound manner;
4. Invites Parties, non-Parties, intergovernmental organizations, members of the industry and business sectors, and non-governmental organizations to provide financial resources or assistance in kind, to assist countries in need of such assistance in the development of training activities and technology transfer for the environmentally sound management and control of hazardous wastes;
5. Promotes the development of a programme of workshops, to be held on the occasion of the meetings of Basel Convention subsidiary bodies, through a process of exchanging and reviewing information received from focal points and competent authorities from the different Parties, relating to their experience in capacity-building issues, and by addressing aspects relating to the implementation of the Convention that need clarification;
6. Also invites Parties, other States and potential donors to contribute financially, technically or in kind to the implementation of specific project activities, the conduct of which has been requested by the Parties.

V/8. Cooperation with the United Nations Environment Programme on the activities undertaken at the global level on persistent organic pollutants

The Conference

1. Notes the substantive progress made by the secretariat of the Basel Convention in strengthening cooperation with the Chemicals Division of the United Nations Environment Programme on matters pertaining to persistent organic pollutants;

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2. Further notes the tasks contained in the work programme of the Technical Working Group of relevance to persistent organic pollutants; 1/

3. Requests the secretariat, under the guidance of the Technical Working Group, to continue its cooperation with the Chemicals Division of the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations, and also with other relevant intergovernmental organizations, on the issue of persistent organic pollutants, in particular, with a view, first, to building the capacities of developing countries and other countries in need of such assistance to manage waste persistent organic pollutants in an environmentally sound manner; second, to ensuring efficient use of resources and identifying areas of common interest and opportunities for synergy; third, to providing technical and other guidance to the Intergovernmental Negotiating Committee on persistent organic pollutants, as appropriate; and, fourth, to identifying overlaps and gaps and the means to overcome them;

4. Also requests the secretariat to report to the Conference of the Parties at its next meeting, as well as to the Technical Working Group, on its cooperation with the Chemicals Division of the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations, and also with other intergovernmental organizations, on issues related to persistent organic pollutants.

V/9. Cooperation between the Basel Convention and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

The Conference

1. Notes with appreciation the documentation provided on the Rotterdam Convention;

2. Requests the secretariat of the Basel Convention to continue its cooperation with the secretariat of the Rotterdam Convention and to report thereon to the Conference of the Parties at its next meeting, as well as to the Technical Working Group.

V/10. Cooperation with the World Customs Organization

The Conference

1. Welcomes the work initiated by the Harmonized System Committee on the possibility of establishing a correlation between the Harmonized System and the Basel Convention;

2. Requests the Technical Working Group, as part of its work programme, to provide guidance to the Harmonized System Committee, as

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2/ See table annexed to decision V/26.



appropriate, on the separate identification of hazardous wastes and other wastes in the Harmonized System, including the formulation of proposals to be submitted to the World Customs Organization for the possible inclusion of new hazardous wastes and other wastes in the Harmonized System;

3. Further requests the Technical Working Group to keep the matter of correlation between the Harmonized System and the Basel Convention lists of wastes under review and to provide, as necessary, guidance to the Harmonized System Committee as it progresses in its work;

4. Requests the secretariat, under the guidance of the Technical Working Group, to pursue its cooperation with the World Customs Organization on matters pertaining to the separate identification of hazardous wastes and other wastes in the Harmonized System and on correlation between the Harmonized System and the Basel Convention;

5. Also requests the secretariat to continue its close cooperation with the World Customs Organization on matters pertaining, first, to joint training activities relating to implementation of the Basel Convention and of the Harmonized System; and, second, to the continuation of its cooperation on the control of transboundary movements of hazardous wastes and other wastes and the prevention of illegal traffic in such wastes.

V/11. Cooperation with the Organisation for Economic Cooperation and Development

The Conference

1. Notes the progress made by the Working Group on Waste Management Policy of the Organisation for Economic Cooperation and Development on the harmonization of the Control System of the Organisation for Economic Cooperation and Development with the Basel Convention;

2. Requests the secretariat of the Basel Convention to continue its cooperation with the Environment Directorate of the Organisation for Economic Cooperation and Development on matters pertaining to work on harmonization and information exchange;

3. Requests the Technical Working Group to provide guidance to the secretariat, as necessary, in regard to the secretariat's cooperation with the Organisation for Economic Cooperation and Development on the matter of harmonization of the Organisation's Control System with the Basel Convention.

V/12. Cooperation with United Nations bodies, specialized agencies, regional systems and organizations and others

The Conference

1. Takes note of activities undertaken by the secretariat of the Basel Convention to cooperate with key organizations of the United Nations system, regional conventions and commissions, other conventions and intergovernmental bodies;

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2. Requests the secretariat of the Basel Convention, with a view to avoiding duplication and promoting synergies, further to strengthen its cooperation on critical areas for the implementation of the Basel Convention with relevant United Nations bodies and specialized agencies, including with relevant offices of the United Nations Environment Programme, the International Maritime Organization, the International Atomic Energy Agency, the United Nations Industrial Development Organization and other international organizations and regional conventions and commissions, and to submit a comprehensive report thereon to the Conference of the Parties at its sixth meeting.

V/13. Cooperation with environmental non-governmental organizations and with the industry and business sectors

The Conference

1. Notes the enhanced working relationship with several members of the industry sector and environmental non-governmental organizations in the implementation of the Basel Convention;

2. Requests the secretariat of the Basel Convention to pursue its cooperation with relevant areas of the industry sector and with environmental and other non-governmental organizations, in particular, with a view to promoting the environmentally sound management of hazardous wastes and the minimization of their generation, through, inter alia, the provision of other relevant information to assist in the implementation of and compliance with the Basel Convention;

3. Requests the secretariat, in close collaboration with the regional centres for training and technology transfer, to explore ways and means of establishing partnerships with the industry sector and with non-governmental organizations, with a view to promoting and improving the management and minimization of such wastes, as well as to promoting awareness on hazardous waste issues, as appropriate, and to report to the Working Group for Implementation at its next session on progress in this area.

V/14. Implementation of decision IV/3 (Transmission of information)

The Conference

1. Takes note of the compilation of documents prepared by the secretariat, based on the information reported by Parties in accordance with articles 13 and 16 of the Basel Convention, for the years 1996 and 1997;

2. Takes note of the country fact-sheets prepared by the secretariat for the year 1997;

3. Welcomes the graphic presentation of the 1997 data reported by the Parties to the secretariat, contained in the publication Basel Convention Series/SBC No. 99/011, Part II;

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4. Acknowledges the efforts made by the Parties to provide information to the Secretariat for the calendar years 1996 and 1997;

5. Also acknowledges the difficulties that some Parties might have, particularly developing countries, in gathering data and information in accordance with the reporting requirements of article 13, due to the lack of proper arrangements and procedures in place at the national level for this purpose;

6. Requests the Parties that are in a position to do so to collaborate with and assist developing country Parties in setting up procedures and other arrangements to facilitate the collection of data and preparation of inventories of hazardous wastes;

7. Urges the Parties that have not yet done so to report on articles 13 and 16 for the calendar years 1997 and 1998 as soon as possible, using the questionnaire provided for this purpose by the Secretariat and bearing in mind that, in accordance with the provisions of article 13, Parties are requested to transmit, before the end of each calendar year, a report on information for the previous calendar year;

8. Recalls that such information has to be provided by Parties to the secretariat for the calendar year 1999 before the end of the calendar year 2000;

9. Requests the secretariat to review the existing questionnaire used for reporting under Articles 13 and 16, with a view to simplifying it as appropriate, so as to facilitate reporting by Parties from the year 1999 onwards;

10. Requests the secretariat to prepare the compilations and country fact-sheets for the years 1998 and 1999 and to make such information available on a regular basis to the Parties and non-Parties;

11. Requests the secretariat to continue its efforts in ensuring the availability of graphic presentations of the data provided by Parties for the years 1998 and 1999;

12. Requests the secretariat to continue its efforts in harmonizing data collection with other international bodies;

13. Requests the secretariat to explore the possibilities of developing indicators on hazardous wastes to facilitate decision-making and to report thereon to the Conference of the Parties at its sixth meeting.

V/15. Information management and dissemination - development of the information system on hazardous wastes and their management

The Conference

1. Takes note of the further development of the information system on hazardous wastes and their management under the Basel Convention;

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2. Further takes note of the development of the three-level questionnaire, which is intended to facilitate compliance by the Parties with the reporting requirements under articles 13 and 16;

3. Welcomes the financial support from the Government of Japan, which made it possible to initiate the development of the information system on hazardous wastes and their management under the Basel Convention;

4. Requests the secretariat to promote access to the Basel Convention information system on the internet, including information received in relation to articles 13 and 16, as well as the documentation and reports of Basel Convention meetings, Basel Convention newsletters and other promotional material;

5. Also requests the secretariat, in the further development of the information system, to explore the possibility of making the questionnaires for articles 13 and 16 available on the internet in such a way as to make possible the direct entering through the internet of the data by the respective Parties, which would considerably facilitate the work by the secretariat of processing those data;

6. Further requests the secretariat to work closely with other parts of the United Nations and other relevant organizations, in particular the United Nations Environment Programme, which are developing databases or operating databases or information systems of direct relevance to the Basel Convention, including with the European Topic Centre on Wastes affiliated to the European Environment Agency.

V/16. Monitoring the implementation of and compliance with the obligations set out by the Basel Convention

The Conference

Requests the Legal Working Group to prepare a draft decision for adoption by the Conference of the Parties at its sixth meeting, establishing a mechanism for promoting implementation and compliance based on the draft elements annexed to the present decision.

Annex

MONITORING THE IMPLEMENTATION OF AND COMPLIANCE WITH THE  
OBLIGATIONS SET OUT BY THE BASEL CONVENTION

1. The mechanism, to be administered by an existing or a new body, should monitor implementation of and compliance with the Basel Convention with a view to recommending the best way to promote full implementation of the provisions of the Convention. The mechanism should be transparent, cost-effective, preventive in nature, simple, flexible, non-binding and oriented in the direction of helping Parties to implement the provisions of the Basel Convention. It will pay particular attention to the needs of developing

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countries.

A. Composition and tenure

2. An existing body or a new body can administer the mechanism. If a new body is to be established:

(a) The number of its members should be limited and small (between 14 and 20);

(b) It may be composed of independent experts and/or State representatives, taking into account an equitable geographical distribution (e.g., ensuing representation from both developing and developed countries, from both hazardous waste exporting/producing and importing countries, and from different geographical regions);

(c) Members could be elected by the Conference of the Parties;

(d) The body should meet as often as necessary;

(e) The term of the body could range between one and three years or from one meeting of the Conference of the Parties to the next meeting of the Conference of the Parties, and possibly be renewable.

B. Functions

3. The body could have the following functions:

(a) To provide Parties with advice, recommendations and information relating to:

(i) Establishing and strengthening of domestic regulatory regimes;

(ii) Enforcing and implementing laws, including border controls;

(iii) Ensuring the environmentally sound management and disposal of hazardous wastes;

(iv) Training customs and other personnel;

(v) Procuring technical and financial assistance from external sources;

(vi) Establishing and developing means of detecting and eradicating illegal traffic, including investigating, sampling and testing;

(b) To consult with Parties on ways to facilitate their implementation of and compliance with the obligations set out by the Basel Convention;

(c) To monitor, assess and facilitate reporting under article 13 of the Basel Convention;

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(d) To monitor and assist individual Parties in their efforts to implement decisions of the Conference of the Parties on compliance;

(e) To consult other bodies as required;

(f) To make recommendations on monitoring and compliance issues, including priorities;

(g) To report to the Conference of the Parties and its subsidiary bodies.

4. In addition to performing the functions listed under subparagraphs 3 (a)-(g) above, the body may provide assistance in individual cases when specific implementation and compliance questions are raised. In these cases, the assistance of the body may be invoked:

(a) By a Party (or Parties) with respect to its (their) own activities or activities of other Parties in which it is (they are) directly involved;

(b) By the Conference of the Parties, and its subsidiary bodies where so mandated by the Conference of the Parties.

V/17. Analysis of the dispute settlement mechanism under article 20 of the Basel Convention

The Conference,

Recalling its decision IV/21,

1. Welcomes the steps already taken by the secretariat of the Basel Convention in the collection of information concerning aspects of dispute settlement under the Basel Convention;

2. Invites Parties which have not yet replied to the set of questions to do so, to facilitate progress on this matter;

3. Requests the Legal Working Group to give further consideration, inter alia, to the issue of the analysis of the dispute settlement under article 20 of the Basel Convention and to advise on future work on that issue.

V/18. Emergency fund

The Conference

Having addressed the issue of and need for a financial mechanism for emergency situations, as envisaged in paragraph 2 of article 14 of the Basel Convention,

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Taking note of Article 15 of the Protocol on Liability and Compensation for Damage Resulting from Transboundary Movement of Hazardous Wastes and their Disposal,

Taking also into consideration the Caribbean proposal on the emergency fund annexed to the secretariat's note on the issue prepared for the fifth meeting of the Conference of the Parties, 1/

Requests the Legal Working Group to consider and finalize the financial mechanism for emergency situations, with a view to presenting its recommendation to the Conference of the Parties at its sixth meeting.

V/19. Competent authorities and focal points

The Conference

Invites Parties which have not yet informed the secretariat of the Basel Convention of the designation of their competent authorities and focal points to do so as soon as possible to facilitate the implementation of the Basel Convention.

V/20. Bilateral, multilateral or regional agreements or arrangements

The Conference

1. Takes note of the bilateral, multilateral or regional agreements or arrangements concluded before and after the entry into force of the Convention, as reported under article 11 of the Basel Convention;

2. Requests the Parties that have entered, in accordance with article 11, into bilateral, multilateral or regional agreements or arrangements and that have not yet reported on the conformity of such agreements or arrangements with the said article, to report through the secretariat of the Basel Convention to the Working Group for Implementation at its next session, taking into account the list of questions annexed to decision II/10;

3. Requests the secretariat continuously to update the list of bilateral, multilateral or regional agreements or arrangements in effect, as reported to the secretariat, and to distribute this list on a regular basis to the Parties and non-Parties.

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3/ UNEP/CHW.5/14.

V/21. Draft guidance elements for bilateral, multilateral or regional agreements or arrangements

The Conference

1. Extends the mandate of the Technical Working Group and requests this Group and the Legal Working Group to finalize the draft guidance elements for bilateral, multilateral or regional agreements and present the draft guidance elements for approval, through the Working Group for Implementation, by the Conference of the Parties at its sixth meeting;

2. Requests the Parties to present to the secretariat of the Basel Convention their views and proposals for the finalization of the draft guidance elements for bilateral, multilateral or regional agreements or arrangements.

V/22. Work programme of the Legal Working Group

The Conference

1. Adopts the programme of work of the Legal Working Group as shown in the annex to the present decision;

2. Requests the Legal Working Group, at its next session, to decide which of the proposed activities have to be carried out as a matter of priority, taking into account the priorities identified by the Conference of the Parties and the arrangements that would be necessary for that purpose.

Annex

WORK PROGRAMME OF THE LEGAL WORKING GROUP

Tasks	Activities	Year (Tentative)
I. Monitoring implementation of and compliance with the obligations set out by the Basel Convention	Finalize the proposal for establishing a mechanism on implementation and compliance.	
II. Dispute settlement mechanism	Further examine the dispute settlement mechanism that exists under article 20 of the Basel Convention and consider whether it continues to meet the needs of the Parties to the Convention.	
III. Emergency fund or mechanism	Further consider the establishment of a revolving fund or mechanism to assist on an interim basis in cases of emergency situations to minimize damage from accidents arising from the transboundary movements of hazardous wastes and other wastes or during the disposal of those wastes.	
III. Emergency fund or mechanism (contd)	Further consider the elements that would be required for establishing such an emergency fund or mechanism,	

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Tasks	Activities	Year (Tentative)
	the relationship between such an emergency fund or mechanism and the protocol on liability and compensation, and the availability of institutions able to provide prompt and adequate assistance in emergency situations.	
IV. Prevention and monitoring of illegal traffic	Develop procedures to address alleged cases of illegal traffic in hazardous wastes.  In cooperation with the Technical Working Group, finalize the draft guidance elements for the detection, prevention and control of illegal traffic in hazardous wastes.	
V. Bilateral, regional and multilateral agreements or arrangements	In cooperation with the Technical Working Group, finalize the text of the draft guidance elements for bilateral, multilateral and regional agreements or arrangements.	
VI. Decision IV/8 regarding Annex VII	In cooperation with the Technical Working Group, further explore issues relating to Annex VII and provide Parties with a detailed and documented analysis that would highlight issues related to Annex VII.	
VII. Dismantling of ships	In cooperation with the Technical Working Group, analyse the legal matters under the Basel Convention relating to the issue of the full and partial dismantling of ships, with a view to reporting to the Conference of the Parties, at its sixth meeting, on how this issue should finally be resolved.	
VIII. Other tasks	Provide legal advice to the regional centres for training and technology transfer, to ensure that they follow a coherent approach in their activities, and advise on any other matter as required by the Conference of the Parties.	

V/23. Prevention and monitoring of illegal traffic in hazardous wastes and other wastes

The Conference

1. Extends the mandate of the Technical Working Group and requests the Legal Working Group to give further consideration to the issue of illegal traffic in hazardous wastes and other wastes, to develop recommended procedures to address alleged cases of illegal traffic and to assist Parties in preventing, identifying, monitoring and managing illegal traffic, taking into account the draft guidance elements for the detection, prevention and control of illegal traffic in hazardous wastes, approved by the Technical Working Group and the Consultative Subgroup of Legal and Technical Experts at their first joint meeting, in Pretoria, in November 1998;

2. Appeals to Parties to bring any confirmed case or, after consultation and agreement with the other Parties involved, alleged case of

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illegal traffic to the attention of the secretariat of the Basel Convention, with all the necessary information to enable the secretariat to take appropriate action, including support for any efforts by the Parties to solve the issues, such as the provision of appropriate expertise;

3. Invites Parties to use the approved form in their reports to the secretariat related to confirmed cases of illegal traffic;

4. Requests the secretariat to continue its cooperation with various regional commissions and secretariats of regional conventions and protocols, non-governmental organization, the industry sector and the private sector, as well as the World Customs Organization and the International Criminal Police Organization, in order to achieve a better control and monitoring of cases or alleged cases of illegal traffic in hazardous wastes and other wastes;

5. Requests the Parties and the secretariat to take the necessary preventive measures, in particular through the dissemination of information on the Basel Convention and through working closely with the World Customs Organization, to include, as a matter of priority, the wastes under the scope of the Convention in the Harmonized System;

6. Requests the secretariat, bearing in mind the provisions of decision IV/12, to work closely with the United Nations Committee of Experts on the Transport of Dangerous Goods to harmonize classification and labelling systems for hazardous wastes and dangerous goods;

7. Requests the Parties, with the assistance of the secretariat, to organize training courses and develop training manuals, at the national and regional levels, for customs officers and police forces, in cooperation with the World Customs Organization, the International Criminal Police Organization and other appropriate bodies, including United Nations regional commissions and secretariats of regional agreements dealing with similar issues.

V/24. Classification and hazard characterization of wastes

The Conference

1. Notes with appreciation the progress made by the Technical Working Group on the classification and hazard characterization of wastes and the decision to adjust entry B2060 (Spent activated carbon) of Annex IX;

2. Adopts the procedure for reviewing or adjusting the list of wastes, <sup>1</sup>/ as approved by the Technical Working Group, and acknowledges the need for further elaboration of the procedure for submitting decisions of the Technical Working Group to the Conference of the Parties, with a view to proposing an amendment of the Annex VIII or Annex IX, and requests the Technical Working Group to adjust the procedure as appropriate;

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<sup>4</sup>/ See annex IV to the present report.

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3. Further notes the agreement of the Technical Working Group on the course of action with regard to the review of wastes placed on list C and requests the Technical Working Group to keep these wastes under review and to report to the Conference of the Parties, at its next meeting, on its conclusions and recommendations;

4. Commends the lead Parties and signatory, namely, Denmark, Egypt, the European Community, the United Kingdom of Great Britain and Northern Ireland and the United States of America, for their work in the preparation of draft scoping papers for the hazard characteristics H6.2, H11, H12 and H13 and requests the Technical Working Group to finalize its work on those hazard characteristics for consideration by the Conference of the Parties at its next meeting;

5. Also requests the Technical Working Group to initiate work on the hazard characteristic H10, as appropriate, and to report on progress to the Conference of the Parties at its next meeting.

V/25. Draft technical guidelines for the identification and environmentally sound management of plastic waste and for its disposal

The Conference

1. Takes note of the draft technical guidelines for the identification and environmentally sound management of plastic waste and for its disposal developed so far;

2. Takes note of the comments received from experts on the draft technical guidelines;

3. Requests the secretariat of the Basel Convention to prepare a revised version of the technical guidelines for consideration by the Technical Working Group at its next meeting, taking into consideration the proposed structure of the technical guidelines 1/, as well as the additional comments and information provided by the experts;

4. Requests the Technical Working Group to finalize its work on the technical guidelines for consideration by the Conference of the Parties at its sixth meeting;

5. Invites the Technical Working Group to make available the final version of the technical guidelines in advance of the sixth meeting of the Conference of the Parties once the Group has adopted the technical guidelines.

V/26. Work programme of the Technical Working Group

The Conference

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5/ See attached Annex III to the report on the work of the Technical Working Group - UNEP/CHW.5/19

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1. Commends Parties, in particular Australia, Germany, India and the Netherlands, for taking the lead in the preparation of technical guidelines and encourages other Parties to assist in that work;

2. Adopts the programme of work of the Technical Working Group, as contained in the annex to the present decision;

3. Takes note of the considerable progress made with regard to the preparation of technical guidelines on the environmentally sound management of biomedical and health-care wastes and further encourages Parties to finalize the guidelines for consideration and adoption by the Conference of the Parties at its sixth meeting;

4. Extends the mandate of the Technical Working Group to carry out the tasks contained in its work programme and invites Parties to continue providing technical and financial assistance to enable the Technical Working Group to fulfil its tasks;

5. Requests the Technical Working Group, at its next session, to arrange its work programme taking into account the priorities identified by the Parties;

6. Further adopts:

(a) The Technical Guidelines on Physico-Chemical Treatment (D9) and Biological Treatment (D8);

(b) The Technical Guidelines on the Identification and Management of Used Tyres;

7. Requests the secretariat to keep Parties and others informed, on a regular basis, of the work accomplished by the Technical Working Group.

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## Annex

## WORK PROGRAMME OF THE TECHNICAL WORKING GROUP

Tasks	Activities
<p>I. Classification and hazard characterization of waste</p>	<ol style="list-style-type: none"> <li>1. Classification               <ol style="list-style-type: none"> <li>(a) Review of applications</li> <li>(b) Review of status of wastes on list C</li> <li>(c) Review or adjustment of lists of wastes contained in Annexes VIII and IX</li> <li>(d) Preparation of elements of an information paper on the purpose of Annex IX</li> </ol> </li> <li>2. Hazard characterization               <ol style="list-style-type: none"> <li>(a) Finalization of work on the hazard characteristics H6.2; H11; H12 and H13</li> <li>(b) Initiation of work on the hazard characteristic H10</li> </ol> </li> <li>3. Review of available and forthcoming scientific information concerning the evaluation of the potential environmental health effects of the disposal of PVC wastes and PVC-coated cables.</li> <li>4. Initiation of work on:               <ol style="list-style-type: none"> <li>(a) Implementation of a work programme on dioxins and dibenzofurans</li> <li>(b) Classification of waste pesticides destined for reformulation, together with details of recovery operations of concern</li> </ol> </li> </ol>
<p>II. Technical guidelines</p>	<ol style="list-style-type: none"> <li>1. Finalization of the technical guidelines on environmentally sound management of biomedical and health-care waste.</li> <li>2. Finalization of the technical guidelines for the identification and environmentally sound management of plastic waste and for its disposal.</li> <li>3. Preparation of the following technical guidelines on:               <ol style="list-style-type: none"> <li>(a) Waste batteries;</li> <li>(b) Monitoring and closure plans for the facilities (guidance to operators);</li> <li>(c) Recycling/reclamation of metals and metal compounds (R4);</li> <li>(d) Wastes resulting from surface treatment of metals and plastics (Y17).</li> </ol> </li> <li>4. Consideration of the further preparation of technical guidelines on the environmentally sound management of persistent organic pollutants.</li> </ol>
<p>III. Harmonized Commodity Description and Coding System (HS) of the World Customs Organization (WCO)</p>	<ol style="list-style-type: none"> <li>1. Initiate work, through the secretariat, with WCO on the issue of correlation of the lists of wastes of the Basel Convention with the HS codes. The secretariat to liaise with UNCETDG, IMO and OECD on this matter.</li> <li>2. Propose a framework and action for ensuring proper reflection of the wastes covered by the Basel Convention in the HS.</li> </ol>

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Tasks		Activities
IV.	Annex II of the Basel Convention	Initiate work on the scope of Annex II.
V.	Decision IV/8 regarding Annex VII	In cooperation with the Legal Working Group, further explore issues relating to Annex VII and provide Parties with a detailed and documented analysis that would highlight issues related to Annex VII
VI.	Cooperation with UNEP Chemicals and relevant organizations	<p>Prior informed consent (PIC) for hazardous chemicals (Rotterdam Convention) and persistent organic pollutants (POPs):</p> <ul style="list-style-type: none"> <li>(a) Issue guidance notes or materials as necessary to the organizations responsible for the Rotterdam Convention and POPs on the classification and hazard characterization of wastes within the framework of the Basel Convention;</li> <li>(b) Provide technical guidance to the secretariat of the Basel Convention on matters pertaining to coordination among intergovernmental bodies responsible or involved in developing a legally binding instrument for POPs, to ensure that there is no overlap with or gaps between this instrument and the Basel Convention;</li> <li>(c) Consider the issue of the stockpiling for the purpose of disposal/destruction, or for recycling.</li> </ul>
VII.	Work on harmonization	<ol style="list-style-type: none"> <li>1. Harmonization of lists of wastes and related procedures concerning transboundary movements of wastes and hazardous wastes at the world level. Provide guidance to the secretariat of the Basel Convention on technical implications and modalities required to aim at achieving compatibility among the different international and regional systems dealing with the control of transboundary movements of wastes and hazardous wastes. The secretariat of the Basel Convention to cooperate closely with OECD on this matter.</li> <li>2. Keep under review work under way at intergovernmental forums (e.g., UNCETDG, ILO, OECD) on the global harmonization of systems of classification and labelling of chemicals.</li> </ol>
VIII.	Dismantling of ships	Preparation of guidelines for the environmentally sound management of full or partial dismantling of ships in close collaboration with IMO.
IX.	Other tasks	<ol style="list-style-type: none"> <li>1. Regional centres for training and technology transfer: provision of technical input or guidance to assist in the establishment and operation of the regional centres.</li> <li>2. Recovery, hazardous wastes minimization and cleaner production: <ul style="list-style-type: none"> <li>(a) Continue with the work of selecting hazardous waste susceptible to cleaner production approaches within the framework of the Basel Convention;</li> <li>(b) Further initiate case studies on recovery of hazardous waste and assessment of recovery facilities.</li> </ul> </li> </ol>

V/27. Hazardous waste minimizationThe Conference

1. Welcomes the activities undertaken by the Regional Centre for Training and Technology Transfer in Bratislava on cleaner production and waste minimization and encourages other regional centres established under the Basel Convention to address this issue as one of their priorities;

2. Welcomes the work initiated between the Division of Technology, Industry and Economics of the United Nations Environment Programme and the secretariat of the Basel Convention for the promotion of collaboration on their respective programmes on the United Nations Environment Programme/United Nations Industrial Development Organization national cleaner production centres and the regional centres under the Basel Convention;

3. Invites Parties to cooperate in the minimization of the generation of hazardous wastes, in particular through the use of cleaner production methods and environmental management systems;

4. Further invites Parties that are currently using cleaner production methods or technologies in their industrial processes and product design to facilitate and cooperate in the transfer of those methods and technologies to other Parties;

5. Encourages Parties, in accordance with their national legislation and practices, and requests the secretariat to work closely with the industry sector and appropriate non-governmental organizations for the minimization of hazardous wastes;

6. Notes that the Technical Working Group, as part of its proposed work programme, will provide guidance, as necessary, to the regional centres for training and technology transfer relating to activities to be undertaken for the selection of waste streams susceptible for cleaner production;

7. Urges the secretariat and the Division of Technology, Industry and Economics to initiate joint activities as soon as possible between the national cleaner production centres and the regional centres for training and technology transfer under the Basel Convention, preferably through a formal agreement, which would outline the modalities for such collaboration and specify the type of joint activities to be undertaken;

8. Requests the secretariat to report on progress in the work on waste minimization to the Working Group for Implementation at its next session.

V/28. Dismantling of ships

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The Conference

1. Notes the agreement of the Technical Working Group and the Consultative Subgroup of Legal and Technical Experts of the Basel Convention, at their joint meeting, on the course of action with regard to the dismantling of ships;

2. Gives a mandate to:

(a) The Technical Working Group, to collaborate, through the secretariat of the Basel Convention, with the appropriate body of the International Maritime Organization on the subject of the full and partial dismantling of ships and to prepare guidelines for the environmentally sound management of the dismantling of ships;

(b) The Technical Working Group and the Legal Working Group, to discuss the legal aspects under the Basel Convention relating to the issue of the full and partial dismantling of ships;

3. Requests these two bodies to report to the Conference of the Parties at its sixth meeting, through the Working Group for Implementation, on how this issue should finally be resolved.

V/29. Basel Protocol on Liability and Compensation for Damage resulting from the Transboundary Movements of Hazardous Wastes and their Disposal

The Conference

Adopts the Basel Protocol on Liability and Compensation for Damage resulting from the Transboundary Movements of Hazardous Wastes and their Disposal. 1/

V/30. Article 3 of the Convention

The Conference,

Having regard to the need to facilitate the implementation of Article 3 of the Convention,

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6/ See annex III to the present report.

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Requests the secretariat to keep available on a website an updated list of the wastes which are defined or considered as hazardous by a Party pursuant to Article 1, paragraph (1) (b), and have been notified to the secretariat in accordance with Article 3 of the Convention, as well as to provide the Parties with paper copies of that list.

V/31. Relationship of the Protocol with the Basel Convention

The Conference,

Taking note of article 23 of the Protocol on Liability and Compensation for Damage resulting from the Transboundary Movements of Hazardous Wastes and their Disposal,

Desiring further to consider whether and how these powers should be exercised at the next Conference of the Parties,

1. Requests the Legal and Technical Working Groups at their joint meetings to consider paragraph (2) of annex B with a view to the presentation of its recommendation to the Conference of the Parties at its sixth meeting;

2. Requests the secretariat to undertake appropriate preparatory work, in consultation with the Parties, to facilitate the deliberations of the Legal and Technical Working Groups on the basis of the studies that have been completed and consulting experts in the field as necessary.

V/32. Enlargement of the scope of the Technical Cooperation Trust Fund

The Conference,

Recalling its decisions I/14, II/2, III/3 and IV/20 concerning the emergency fund,

Recalling its decisions I/5, II/1, III/2 and IV/19 concerning the adoption of a protocol on liability and compensation,

Recalling its decisions I/7 and IV/22 concerning the Technical Cooperation Trust Fund of the Basel Convention,

Referring to its decision V/29 on the adoption of the Protocol on Liability and Compensation,

1. Decides on an interim basis to enlarge the scope of the Technical Cooperation Trust Fund of the Basel Convention to assist the Contracting Parties which are developing countries or countries with economies in transition in cases of emergency and compensation for damage resulting from

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incidents arising from transboundary movements of hazardous wastes and other wastes and their disposal;

2. Decides that the Secretariat of the Basel Convention may, upon request, use the funds referred to in paragraph 8 to assist a Party to the Convention which is a developing country or a country with economy in transition in case of an incident occurring during a transboundary movement of hazardous wastes and other wastes covered by the Basel Convention in order:

(a) To estimate the magnitude of damage occurred or damage that may occur and the measures needed to prevent damage;

(b) To take appropriate emergency measures to prevent or mitigate the damage;

(c) To help find those Parties and other entities in a position to give the assistance needed;

3. Also decides that, where damage occurs that is covered by the Liability and Compensation Protocol, the Secretariat of the Basel Convention may, upon request by a Contracting Party which is a developing country or a Contracting Party which is a country with economy in transition, use the funds referred to in paragraph 8 to provide compensation for damage to and reinstatement of the environment up to the limits provided for in the Protocol, where such compensation and reinstatement is not adequate under the Protocol, and that the present paragraph will become operational on the date the Protocol enters into force;

4. Also decides that the Secretariat of the Basel Convention may, upon request, use the funds referred to in paragraph 8 to assist a Party to the Convention which is a developing country or a country with economy in transition in developing its capacity-building and transfer of technology and in putting in place measures to prevent accidents and damage to the environment caused by the transboundary movement of hazardous wastes and other wastes and their disposal;

5. Further decides that the Parties shall evaluate the information made available by the Secretariat on:

(a) Functioning of this interim arrangement;

(b) The number of incidents arising from transboundary movements of hazardous wastes and other wastes and their disposal;

(c) With regard to each incident, the nature of the damage, the costs of preventive measures and measures of reinstatement;

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(d) With regard to each incident, the extent to which damage was not compensated;

6. Requests the Secretariat to provide to the Parties the information referred to in the previous paragraph as it becomes available and in any case not later than one year after the adoption of the present decision;

7. Notes that the evaluation referred to in paragraph 5 shall be done in order to enable the Conference of the Parties at its sixth meeting to decide on the need to maintain, improve, change this interim arrangement or propose additional measures:

(a) To provide for the costs of preventive measures and measures of reinstatement for damage from accidents arising from transboundary movements of hazardous wastes and other waste under the Convention or during the disposal of the wastes;

(b) To provide for compensation when the person liable is or remains unknown, disappears or cannot be found, or is or may become financially incapable of meeting his or her obligation, or the liable person is exempted from liability in conformity with Article 4, paragraph 5 of the Protocol, and with regard to illegal traffic;

8. Urges Parties to provide contributions to the Technical Cooperation Trust Fund to support the activities referred to in paragraphs 2, 3 and 4 and agrees that a contributor may specify that its contributions be used for purposes specified in paragraphs 2, 3 or 4;

9. Requests the Expanded Bureau, in consultation with interested Parties and stakeholders, to prepare and issue interim guidelines as soon as possible for the Secretariat to implement the tasks assigned to it by the present decision and agrees that the guidelines will be submitted to the Conference of the Parties at its sixth meeting for adoption; that these guidelines will include provisions for the recovery, from sources such as liable parties and providers of financial assurance, of funds paid by the Technical Cooperation Trust Fund under paragraphs 2 and 3; that such recovered funds may be used for purposes set forth in paragraphs 2, 3 and 4, while respecting the original earmarking where appropriate;

10. Urges Parties to cooperate and provide advisory services, technical support and equipment for the purpose of responding to damage involving the transboundary movement of hazardous wastes and other wastes and their disposal;

11. Urges each Party which has not yet done so to establish a national system for responding promptly and effectively to incidents

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occurring during transboundary movement of hazardous wastes and their disposal;

12. Decides that the Secretariat shall present through the Expanded Bureau a report for the Conference of the Parties at its sixth meeting on implementation of the present decision.

V/33. Environmentally sound management

The Conference,

Welcoming the Basel Declaration on Environmentally Sound Management and reaffirming the objectives set out therein,

1. Decides that, for the next decade of the Basel Convention, the following activities should be undertaken to achieve the objectives of environmentally sound management in the following fields:

- (a) Prevention, minimization, recycling, recovery and disposal of hazardous and other wastes subject to the Basel Convention, taking into account social, technological and economic concerns:

Elaboration of a concept and a programme for the environmentally sound management of hazardous and other wastes, with an emphasis on waste prevention and minimization, taking into account the different regional and sectoral capabilities or specificities; promotion of initiatives in all States and at all levels to encourage environmentally sound waste management, in partnership with government authorities at all levels and with stakeholders, including capacity-building, awareness-raising and education;

Promotion of financial and other economic instruments or concepts, with a view to identifying sustainable and self-sufficient solutions for the minimization and environmentally sound and efficient management of hazardous and other wastes subject to the Basel Convention, bearing in mind that such instruments should be affordable and socially acceptable, as well as economically viable; and the exchange of information on such instruments and their application;

- (b) Active promotion and use of cleaner technologies with the aim of the prevention and minimization of hazardous and other wastes subject to the Basel Convention:

Cooperation of the regional and subregional centres for training and technology transfer with cleaner production centres and similar institutions having experience and expertise in areas

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related to the minimization and management of hazardous and other wastes subject to the Basel Convention, for the purpose of sharing information and knowledge and streamlining activities;

- (c) Further reduction of the transboundary movements of hazardous and other wastes subject to the Basel Convention, taking into account the need for efficient management, the principles of self-sufficiency and proximity and the priority requirements for recovery and recycling:

Consistent with the technological needs of the Parties, promotion of initiatives aimed at reducing transboundary movements to the minimum, taking into account the environmentally sound management of the wastes, the protection of human health, the principles of proximity and self-sufficiency and the priority requirement of recovery and recycling;

- (d) Prevention and monitoring of illegal traffic:

Continued cooperation with the International Criminal Police Organization and the World Customs Organization, in particular, in the training of customs and enforcement officers in order to identify, monitor and prevent illegal traffic in hazardous and other wastes subject to the Basel Convention;

Adoption of procedures to address alleged cases of illegal traffic and to assist Parties in preventing, identifying, monitoring and resolving illegal traffic;

Institutional strengthening of the regional and subregional centres for training and technology transfer, to enable Parties to prevent and monitor illegal traffic;

- (e) Improvement and promotion of institutional and technical capacity-building, and development, and of the transfer of environmentally sound technologies, especially for developing countries and countries with economies in transition:

With regard to capacity-building and assistance in legal and institutional matters, the development and effective implementation of legal instruments, building and strengthening of institutional infrastructures for the environmentally sound management of hazardous and other wastes subject to the Basel Convention and their minimization and the control of their transboundary movements;

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With regard to capacity-building and assistance in technical matters, assisting in building and improving installations for the treatment of hazardous and other wastes subject to the Basel Convention and the transfer of know-how and technology; and the advancement and improvement of strategies for the practical implementation of the minimization and environmentally sound management of both domestically generated wastes and wastes subject to transboundary movements that would include appropriate tools, measures and incentives especially for use by developing countries and countries with economies in transition, taking into account the needs of small and medium-sized enterprises;

(f) Further development of regional and subregional centres for training and technology transfer:

Establishment or strengthening of the activities of regional and subregional centres for training and technology transfer, to ensure their important role in the implementation of the Basel Convention and of minimization methods and the environmentally sound management of hazardous and other wastes subject to the Basel Convention, aiming at financial self-sufficiency, bearing in mind that the role and activities of different regional centres in information exchange are to be consolidated and made available to all stakeholders and that regional centres should progressively become involved in activities related to training, public awareness and the exchange of information on waste minimization and environmentally sound technology and expertise;

Collection and dissemination of information on existing examples, in particular in developing countries and countries with economies in transition, of best practices in waste management;

Facilitation of different partnerships where so required, including partnerships with industry, for the development of minimization methods and environmentally sound waste-management solutions;

(g) Enhancement of information exchange, education and awareness-raising in all sectors of society:

Enhancement of the existing information system developed by the secretariat, including improved access, in order to disseminate the knowledge and experience gained in the implementation of the Basel Convention;

Development and operation of a worldwide information system to provide information on available expertise and solutions for

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waste-related problems and to strengthen the role of the regional centres in these efforts;

Training of the staff of competent authorities, enforcement officers and other key actors (e.g., generators, transporters, disposers, recyclers), where needed, bearing in mind that such training is required to implement the environmentally sound management of hazardous wastes, in particular, controls for transboundary movements, and the monitoring and prevention of illegal traffic in hazardous and other wastes and that it could include, inter alia, in-house training in partnership between government authorities and industry, as well as practice-oriented seminars and workshops, and that the capacities and experience of the regional centres for training and technology transfer should be fully utilized and enhanced;

Promotion of public education and awareness on waste-related issues, in particular at the regional, subregional and local levels, involving all stakeholders, as well as educational institutions, bearing in mind that such efforts may include information campaigns related to waste minimization and the environmentally sound management of hazardous and other wastes subject to the Basel Convention;

- (h) Cooperation and partnership at all levels between countries, public authorities, international organizations, the industry sector, non-governmental organizations and academic institutions:

Enhancement of partnership with all stakeholders, to include the various experiences, needs and interests of different regions and sectors for the implementation of the Basel Convention; encouragement of and provision of incentives to the private and public sectors to cooperate with other stakeholders and to contribute experience and expertise in the management of hazardous and other wastes subject to the Basel Convention, including the application of cleaner technologies;

Enhancement of cooperation between the secretariat and international organizations active in areas relevant to the implementation of the Basel Convention and its amendments, bearing in mind that this is to include cooperation with United Nations bodies active in the field of sustainable development, to encourage the incorporation of policies on the environmentally sound management of hazardous wastes in Parties' national environmental management and sustainable development plans and cooperation with the relevant programmes on cleaner production, such as with the joint programme on cleaner production of the United Nations Environment Programme and the United Nations Industrial Development Organization; launching of joint activities and projects in cooperation with organizations such as the United Nations Environment Programme and the Food and

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Agriculture Organization of the United Nations in areas of common interest, in particular, on persistent organic pollutants, waste pesticides and other chemical wastes;

- (i) Development of mechanisms for compliance with and the monitoring and effective implementation of the Convention and its amendments:

Promotion of the effective implementation of and compliance with the obligations of the Convention and its amendments and the provision of assistance to the Parties as required;

Completion of work on mechanisms designed to facilitate and monitor compliance and implementation of the Convention, bearing in mind that this is to include a mechanism for compliance monitoring, procedures for dispute settlement and guidelines to assist States to prevent, identify and resolve cases of illegal traffic, for consideration by the Conference of the Parties at its sixth meeting;

2. Requests the Technical Working Group to work on the selection of waste streams in countries or regions, for the purpose of developing pilot projects on the state of the art in the field of cleaner production and the environmentally sound management of hazardous and other wastes, including the development of contingency emergency plans;

3. Further decides that, in order to implement these activities, access to financial resources and mechanisms is essential and that, accordingly, the following activities should be undertaken:

- (a) Development of projects in cooperation with the United Nations Environment Programme for funding by international entities such as the Global Environment Facility and the facilitation of access to other international financial mechanisms;

- (b) Encouragement of the development of financial strategies that will harness market forces to promote environmentally sound management and waste minimization and provide opportunities for investment in this field;

- (c) Development of a financial strategy for the operations and activities of the Convention, including innovative methods of fund-raising;

4. Requests the subsidiary bodies of the Conference of the Parties, under the guidance of the Expanded Bureau, further to elaborate and to prioritize the activities for the years 2000-2002 listed in the table attached to the present decision and to start working towards implementing

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the above objectives as soon as feasible, pending the elaboration and adoption of the work programme;

5. Also requests the subsidiary bodies to prepare a strategic plan, including an indicative work programme, for the period to the year 2010, to address the objectives set forth in the present decision, and to develop a work programme by areas of work based on the present decision for the years 2003-2004, for consideration and adoption by the Conference of the Parties at its sixth meeting;

6. Requests the subsidiary bodies to provide periodic information to the Conference of the Parties on the progress of implementation of the agenda for the next decade on environmentally sound management;

7. Requests the secretariat to collect and disseminate the information needed for the tasks set out above and to coordinate the contacts with the partners involved;

8. Invites Parties to provide comments to the secretariat on the attached table by the end of February 2000.

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Table

PROPOSED PRIORITY ACTIVITIES

	<b>Proposal</b>	<b>Objective</b>	<b>Method</b>	<b>Outcome</b>
(a)	Dakar II (2000)	<p>To further define the concept of, and identify opportunities for, environmentally sound management in the areas of waste minimization, reduction, recycling and disposal,</p> <p>To provide a forum that will facilitate exchange of information and experience on environmentally sound management.</p> <p>To enhance partnership with all stakeholders</p>	An international conference hosted by the Government of Senegal and the subregional centre for training and technology transfer in Dakar to bring together key stakeholders, such as Governments, industry, civil society and intergovernmental agencies	<ul style="list-style-type: none"> <li>• Exchange of information and experience on the practical implementation of the concept of environmentally sound management</li> <li>• To act as a basis for the further development of other workshops as given in (b)</li> </ul>
(b)	International workshops (2000-2002) on: (i) hazardous waste minimization initiatives (ii) environmentally sound recovery/ recycling initiatives (iii) environmentally sound disposal	To build on outcome from Dakar II	Workshops to bring together key stakeholders and experts to highlight best practice through, for example, the identification of appropriate technologies, including site visits, information exchange and case studies	<ul style="list-style-type: none"> <li>• Exchange of information and experience on the practical implementation of the concept of environmentally sound management with focus on each of the themes identified</li> </ul>
	Development of	Develop methods for the environmentally sound	The methods will be developed through	<ul style="list-style-type: none"> <li>• Methodologies for</li> </ul>

	<b>Proposal</b>	<b>Objective</b>	<b>Method</b>	<b>Outcome</b>
(c)	methodologies for environmentally sound management	management of specific waste streams.	the establishment of five case studies, information exchange in the form of questionnaires, and in cooperation with Parties and intergovernmental organizations	environmentally sound management for specific waste streams developed <ul style="list-style-type: none"> <li>• Dissemination of these methodologies to Parties</li> </ul>
(d)	Economic instruments	To find out how economic instruments (e.g. fiscal and investment policies or programmes) can contribute to environmentally sound management	In cooperation with Parties, UNEP, UNCTAD, OECD, and other relevant bodies: <ul style="list-style-type: none"> <li>(i) Undertake a survey on economic instruments used and experiences with economic instruments;</li> <li>(ii) Undertake four case studies to find out how the economic instruments can contribute to specific elements of environmentally sound management through: <ul style="list-style-type: none"> <li>• Stimulating waste minimization;</li> <li>• Increasing collection and environmental sound treatment of waste;</li> <li>• Promoting recycling over disposal</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Provide reference material for the Parties in the formulation of economic measures for environmentally sound management</li> </ul>
(e)	Cooperation with United Nations bodies and intergovernmental organizations	To continue to develop and/or enhance synergies with each partner for a more efficient use of resources and to share experiences on environmentally sound management and cleaner technology	Develop joint activities in full collaboration with Parties <p>Periodic assessment of accomplishments to date on these initiatives and identification of new ones</p>	<ul style="list-style-type: none"> <li>• Concrete outputs for use by Governments, the private sector and non-governmental organizations</li> <li>• More efficient use of resources</li> <li>• Sharing of experiences and enhancement of outputs with respect to their quality and</li> </ul>

	<b>Proposal</b>	<b>Objective</b>	<b>Method</b>	<b>Outcome</b>
				effectiveness
(f)	Electronic information systems	To develop electronic information systems on environmentally sound management to help Parties gain access to information	Enhancement of existing information systems to highlight environmentally sound management Provision of the necessary technologies and access to these systems	<ul style="list-style-type: none"> <li>• Access to electronic information systems</li> <li>• Information transfer and exchange</li> <li>• Increased awareness of issues</li> </ul>
(g)	Institutional and technological capacity-building	To build up institutional and technological capacity	<ul style="list-style-type: none"> <li>• Carrying out of an inventory of institutional and technological needs of Parties</li> <li>• Training and making available expertise by the Secretariat to the Parties, for example, through particular expertise of regional centres</li> </ul>	<ul style="list-style-type: none"> <li>• Report on institutional and technological needs of Parties</li> <li>• Improved institutional capacity</li> <li>• Improved technological capacity</li> </ul>
(h)	Training of enforcement officers	To provide training for customs and other enforcement officers	Cooperation with Parties, INTERPOL, WCO and other international organizations working in this field, to develop training materials, establish training programmes and raise awareness which would be implemented through three workshops	<ul style="list-style-type: none"> <li>• Appropriately trained customs and enforcement officers</li> <li>• Prevention of illegal traffic in hazardous waste</li> <li>• Improved control of the transboundary movement of hazardous waste</li> </ul>
(i)	Inventory of generation and stockpiles of	To develop inventories of hazardous waste to establish a baseline in what is generated and what is stockpiled	Assistance to conduct inventories to assist Parties in the development of these	<ul style="list-style-type: none"> <li>• Inventories</li> </ul>

	<b>Proposal</b>	<b>Objective</b>	<b>Method</b>	<b>Outcome</b>
	hazardous waste		inventories	<ul style="list-style-type: none"> <li>• Baselines</li> <li>• Prioritization</li> <li>• Information base/expertise to be used to develop management plans/strategies</li> </ul>
(j)	Cooperation and partnership	To enhance partnership arrangements with the private sector, non-governmental organizations, academia, and local communities for the promotion of environmentally sound management	Development of information resource networks	<ul style="list-style-type: none"> <li>• Resource material</li> <li>• Better informed partners</li> <li>• Information exchange and increased awareness of issues</li> </ul>
(k)	Strengthening of regional and subregional centres for training and technology transfer	To support training and technology transfer activities at regional and subregional levels for environmentally sound management	<p>Involvement and participation in activities designed to promote the objectives of the regional and subregional centres</p> <p>These activities are to be developed in full collaboration with the Parties in the region and/or subregion</p>	<ul style="list-style-type: none"> <li>• Development of, and increase in, knowledge base</li> <li>• Transfer of technology</li> <li>• Training to improve control of the transboundary movement of hazardous waste</li> <li>• Waste minimization</li> </ul>

V/34. Institutional arrangements

The Conference

Recalling paragraph 5 (e) of article 15 of the Basel Convention, stipulating that the Conference of the Parties shall establish such subsidiary bodies as are deemed necessary for the implementation of the Convention,

Also recalling its decisions I/5, I/2, I/16, II/11, II/27 and III/28, which established the subsidiary bodies of the Convention,

Having considered the experience of the work of the subsidiary bodies,

1. Decides to reorganize the subsidiary bodies of the Convention in the following manner:

- (a) Expanded Bureau;
- (b) Working Group for Implementation;
- (c) Technical Working Group;
- (d) Legal Working Group;

2. Also decides that the Expanded Bureau will be composed of thirteen members: five members of the present Bureau; five members of the Bureau of the previous meeting of the Conference of the Parties; the Chair of the Working Group for Implementation; the Chair of the Technical Working Group; and the Chair of the Legal Working Group, and that should a national of one Party occupy more than one position on the Expanded Bureau, the relevant regional group may nominate a representative of another Party to fill the additional position;

3. Further decides that, within the policy agreed by the Conference of the Parties, the Expanded Bureau will have the following mandate:

- (a) To provide general policy and general operational directions to the secretariat between meetings of the Conference of the Parties;
- (b) To provide guidance and advice to the secretariat on the preparation of agendas and other requirements of meetings and on any other matters brought to it by the secretariat in the exercise of its function;

/...

(c) To oversee the development and execution of the secretariat's budget as derived from the trust funds and other sources, and also all aspects of fund-raising undertaken by the secretariat;

(d) To perform functions requested by the Working Group for Implementation, especially administrative tasks, taking into account the need for the rational use of limited financial resources available under the Basel Convention trust funds;

(e) To receive, every six months, reports from the Executive Secretary of the secretariat of the Basel Convention on all sources of income received, including carry-over, plus actual provisional expenditures and commitments;

(f) To receive, every six months, information from the Executive Director of the United Nations Environment Programme, through the Executive Secretary, on all sources of income received on the trust funds of the Basel Convention, including carry-over, plus actual provisional expenditures and commitments related to those trust funds;

(g) To keep under review the information provided under subparagraphs 3 (e) and 3 (f);

(h) To report to the Conference of the Parties on the activities it has carried out between meetings of the Conference of the Parties;

(i) to perform any other functions as may be entrusted to it by the Conference of the Parties;

4. Decides that the Working Group for Implementation will take over the role currently performed by the Open-ended Ad Hoc Committee for Implementation and that the Working Group for Implementation will be composed of the representatives of all the Parties interested and will have the following mandate:

(a) To prepare draft decisions for consideration by the Conference of the Parties;

(b) To consider matters related to the budget of the Basel Convention;

(c) To consider matters related to the bilateral, multilateral and regional agreements or arrangements;

(d) To examine the reports submitted by the Parties in accordance with the requirements of article 13 of the Basel Convention;

/...

(e) To identify the specific needs of different regions and subregions for training and technology transfer and to consider ways and means of ensuring the establishment and functioning of the regional centres for training and technology transfer;

(f) To prepare, analyse and revise, as necessary, materials to assist Parties in the implementation of the Basel Convention;

(g) To analyse the information management system of the Basel Convention;

(h) To perform any other functions as may be entrusted to it by the Conference of the Parties;

5. Decides also that the Working Group for Implementation may request the Expanded Bureau to perform, on an ad hoc basis, some of its functions;

6. Requests the secretariat to prepare a draft work programme for consideration and adoption by the Working Group for Implementation at its first meeting;

7. Decides that the Technical Working Group will be composed of the representatives of all the Parties interested and will have the following mandate:

(a) To perform the functions of the classification and hazard characterization of wastes, encompassing, inter alia, the responsibility for the review or adjustment of the lists of wastes contained in Annexes VIII and IX of the Convention;

(b) To prepare technical guidelines and guidance materials for the environmentally sound management of wastes covered by the Convention and of disposal operations;

(c) To examine scientific, technical and other relevant implications of the implementation of the Basel Convention;

(d) To work on the harmonization of the lists of wastes and procedures, as appropriate, of the Basel Convention with the Harmonized System of the World Customs Organization and existing international and regional systems dealing with the control of transboundary movements of wastes and hazardous wastes, and with the intergovernmental process on the global harmonization of systems of classification and labelling of chemicals;

/...



(e) To provide guidance on technical issues relating to wastes and hazardous wastes, including the disposal of end-of-life equipment and post-consumer goods, on hazardous wastes minimization and on the relationship with other conventions in related fields and with international organizations with related interests;

(f) To perform any other technical tasks as may be entrusted to it by the Conference of the Parties.

8. Decides that the Legal Working Group will take over the role currently performed by the Consultative Subgroup of Legal and Technical Experts and that the Legal Working Group will be composed of the representatives of all the Parties interested and will have the following mandate:

(a) To keep on its agenda the issues related to establishing an emergency fund, including elements required for its establishment with a view to elaborating on the establishment of an emergency fund mechanism that meets the needs of the Parties;

(b) To cooperate closely with the Technical Working Group to finalize the draft guidance elements for bilateral, multilateral and regional agreements concluded under article 11 of the Basel Convention;

(c) To explore issues relating to Annex VII and, in cooperation with the Technical Working Group, to provide Parties with a detailed and documented analysis that would highlight issues related to Annex VII;

(d) To develop procedures to address alleged cases of illegal traffic;

(e) To develop, in cooperation with the Technical Working Group, recommended procedures to assist Parties in preventing, identifying and managing illegal traffic;

(f) To prepare a proposal for establishing a mechanism for promoting implementation and compliance with the obligations set out by the Basel Convention;

(g) To examine the dispute settlement mechanism that exists under article 20 of the Basel Convention and to consider whether it continues to meet the needs of the Parties to the Convention;

(h) To analyse the legal aspects under the Basel Convention relating to the issue of full and partial dismantling of ships;

/...

(i) To perform any other legal tasks as may be entrusted to it by the Conference of the Parties;

9. Further decides that the Working Group for Implementation, Technical Working Group and Legal Working Group may organize joint meetings for the consideration of issues that relate to the mandate of more than one group;

10. Also decides that the subsidiary bodies, separately or jointly, may establish, as necessary and appropriate, during the meetings small task groups, with equitable geographic representation, to perform specific tasks on an ad hoc basis.

V/35. Financial arrangements

The Conference,

Recalling decision IV/22 of the fourth meeting of the Conference of the Parties,

Noting with appreciation the comprehensive information provided on the trust funds of the Basel Convention by the secretariat,

1. Approves the budget for the Trust Fund for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in the amount of 4,201,854 United States dollars for 2001 and 4,201,854 United States dollars for 2002 as contained in annex I to the present decision, reduces the reserve and fund balance for the years 2001 and 2002 by 1,200,000 United States dollars per annum and establishes the level of contributions accordingly. The contributions by the Parties are allocated according to the tables in annex II to the present decision;

2. Notes the continued increase in the level of reserve and fund balance in the Trust Fund for the Implementation of the Basel Convention;

3. Requests the secretariat to seek guidance from the Expanded Bureau to work towards a reduction in the reserve and fund balance to a level that is consistent with the practice of the United Nations and in line with the framework of its financial rules and regulations;

4. Expresses its concern over the delays in payment of the agreed contributions by Parties, contrary to the provisions of the terms of reference for the administration of the trust funds for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, as contained in paragraph 12 of annex II to decision I/7 of the first meeting of the Conference of the Parties;

/...

5. Takes note of the budget for the Technical Cooperation Trust Fund to assist developing countries and other countries in need of technical assistance in the implementation of the Basel Convention to the amount of 2,175,250 United States dollars for 2001 and 2,175,250 United States dollars for 2002 as contained in annex III to the present decision;

6. Recognizes that voluntary contributions are essential for the effective implementation of the Convention and invites voluntary contributions to the Technical Cooperation Trust Fund to assist developing countries and other countries in need of technical assistance and to the Trust Fund for the Implementation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal from Parties and non-Parties, as well as from other sources;

7. Invites Parties to notify the secretariat of the Basel Convention of all contributions made to the Basel Convention trust funds at the time such payments are made;

8. Requests the secretariat of the Basel Convention to ensure the implementation of all decisions adopted by the Conference of the Parties as approved within the budgets for 2001 and 2002 ;

9. Requests the Executive Secretary of the Basel Convention to report every six months to the Expanded Bureau on all sources of income received, including the reserve and fund balance, as well as actual provisional and projected expenditure and commitments; and further requests the Executive Secretary to report all expenditure against the agreed budget lines;

10. Requests the Expanded Bureau to keep under review the financial information provided by the secretariat including the timeliness and transparency of this information;

11. Requests the secretariat to prepare an updated version of the terms of reference for the administration of the Trust Funds for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal for consideration by the Working Group for Implementation and adoption by the Conference of the Parties at its sixth meeting;

12. Authorizes the Executive Secretary, in addition to the approved budgets, on an exceptional basis to utilize an amount not exceeding 900,000 United States dollars in the three year period 2000-2002 from the reserve and fund balance of the Trust Fund for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal for the purpose of implementing prioritized activities relating to the Basel Declaration and decision V/33 on Environmentally Sound Management and requests the Expanded Bureau to keep such implementation under review and the

/...

Executive Secretary to submit a financial report on the implementation to the Conference of the Parties at its sixth meeting.

## Trust Fund for the Implementation of the Basel Convention

	2001	2002
<b>10 PERSONNEL COMPONENT</b>		
<i>1100 Professional Staff (Title &amp; Grade)</i>		
1101 Executive Secretary (D1)	157,500	157,500
1102 Senior Programme Officer - Technical cluster matters (P5)	146,800	146,800
1103 Senior Programme Officer - Regional Centres/Technology (P5)	146,800	146,800
1104 Senior Programme Officer - Institutional/Sec. Legal WG (P5)	146,800	146,800
1105 First Programme Officer -Scientific Sec. TWG (P4)	130,000	130,000
1106 Programme Officer - Information reporting (P3)	108,000	108,000
1107 Programme Officer - Tech. Cooperation and Training (P3)	108,000	108,000
1108 Programme Officer - External Relations and Public Awareness (P3)	108,000	108,000
1109 Administrative / Fund Management Officer (UNEP)**	-	-
1110 Associate Programme Officer - Computer Systems (P2)	87,600	87,600
<b>1199 Sub-total, Professional Staff</b>	<b>1,139,500</b>	<b>1,139,500</b>
<i>1200 Consultants</i>		
1201 Legal Advice and Support	130,000	130,000
1202 Capacity-building / Technical Guidelines	130,000	130,000
<b>1299 Sub-total, Consultants</b>	<b>260,000</b>	<b>260,000</b>
<i>1300 Administrative Support (Title &amp; Grade)</i>		
1301 Administrative Assistant **	-	-
1302 Senior Secretary - Executive Secretary (G5)	85,200	85,200
1303 Documentation Control/Meetings Assistant (G5)	85,200	85,200
1304 Secretary (G4)	85,200	85,200
1305 Secretary (G4)	85,200	85,200
1306 Secretary (G4)	85,200	85,200
1307 Data Entry Operator (G4)	85,200	85,200
1308 Reproduction & Registry Clerk (G3)	85,200	85,200
1320 Temporary assistance	95,500	95,500
1329 Sub-total	691,900	691,900
<i>Conference Servicing Costs</i>		

### Trust Fund for the Implementation of the Basel Convention

	2001	2002
Conference of the Parties (in six languages, 50% charged to each year)	300,000	300,000
1321 Committee for Implementation (one meeting per year, in English only)	50,000	50,000
1322 Legal Working Group (3 meetings in a biennium, in English only, 50 % charged to each year)	48,750	48,750
1323 Technical Working Group (3 meetings in a biennium, in English only, 50% charged to each year)	48,750	48,750
1324 Extended Bureau (3 meetings per year, in English only)	10,500	10,500
1325		
<b>1399 Sub-total Administrative Support and Conference Servicing Costs</b>	<b>1,149,900</b>	<b>1,149,900</b>
1600 <i>Travel on Official Business</i>		
1601 Official Travel	180,000	180,000
<b>1699 Total, Travel On Official Business</b>	<b>180,000</b>	<b>180,000</b>
<b>20 SUB-CONTRACT COMPONENT</b>		
2100 <i>Sub-contracts Component</i>		
2101 Information System	50,000	50,000
<b>2199 Sub-total sub-contracts</b>	<b>50,000</b>	<b>50,000</b>
<b>2999 TOTAL SUB-CONTRACT COMPONENT</b>	<b>50,000</b>	<b>50,000</b>
<b>30 MEETINGS AND CONFERENCES</b>		
3300 <i>Travel and DSA Costs of Participants</i>		
3301 Conference of the Parties	-	-
3302 Committee)	-	-
3303 Legal Working Group (12 persons per meeting)	75,000	75,000
3304 Technical Working Group (12 persons per meeting)	75,000	75,000
3305 Extended Bureau (3 meetings per annum, 7 travels per meeting)	90,555	90,555
<b>3399 Sub-total Meetings and Conferences</b>	<b>240,555</b>	<b>240,555</b>
<b>3999 TOTAL MEETINGS AND CONFERENCES</b>	<b>240,555</b>	<b>240,555</b>
<b>40 EQUIPMENT AND PREMISES COMPONENT</b>		
4100 <i>Expendable Equipment</i>		
4101 Office Supplies	10,500	10,500
4102 Library acquisitions	10,500	10,500

## Trust Fund for the Implementation of the Basel Convention

	2001	2002
4103 Computer Software	10,000	10,000
<b>4199 Sub-total, Expendable Equipment</b>	<b>31,000</b>	<b>31,000</b>
<i>4200 Non Expendable Equipment</i>		
4201 Computer Equipment	14,000	14,000
4202 Printers and other computer equipment	4,000	4,000
4203 Office Furniture and other	5,000	5,000
4204 Multimedia equipment	5,000	5,000
4205 Fax machine	-	-
<b>4299 Sub-total, Non Expendable Equipment</b>	<b>28,000</b>	<b>28,000</b>
<i>4300 Premises</i>		
4301 Office space fees	74,000	74,000
4302 Building maintenance (incl. Cleaning)	24,500	24,500
4303 Security services	-	-
4304 Utilities	25,200	25,200
4305 Insurance	5,300	5,300
<b>4399 Total, Premises</b>	<b>129,000</b>	<b>129,000</b>
<b>4999 TOTAL, EQUIPMENT AND PREMISES COMPONENT</b>	<b>188,000</b>	<b>188,000</b>
<b>50 MISCELLANEOUS COMPONENT</b>		
<i>5100 Operation and Maintenance of Equipment</i>		
5101 Computers / Printers (incl. Rental if necessary)	6,000	6,000
5102 Photocopiers (incl. Rental)	40,000	40,000
5103 Other operational costs	5,300	5,300
<b>5199 Sub-total, Maintenance of Equipment</b>	<b>51,300</b>	<b>51,300</b>
<i>5200 Reporting costs</i>		
5201 Newsletters	21,000	21,000
5202 Publications and other media	78,800	78,800
5203 Translation costs of official meeting documents in the UN languages***	250,000	250,000

## Trust Fund for the Implementation of the Basel Convention

	2001	2002
<b>5299 Sub-total, Reporting costs</b>	<b>349,800</b>	<b>349,800</b>
<i>5300 Sundry</i>		
5301 Communications (telephone, fax, email, internet, etc.)	78,800	78,800
5302 Freight charges	15,800	15,800
5303 Other	5,300	5,300
<b>5399 Sub-total Sundry</b>	<b>99,900</b>	<b>99,900</b>
<i>5400 Hospitality</i>		
5401 Hospitality	9,500	9,500
<b>5499 Sub-total Hospitality</b>	<b>9,500</b>	<b>9,500</b>
<b>5999 TOTAL, MISCELLANEOUS COMPONENT</b>	<b>510,500</b>	<b>510,500</b>
<b>99 TOTAL OPERATIONAL COSTS</b>	<b>3,718,455</b>	<b>3,718,455</b>
13% Programme Support Costs	483,399	483,399
<b>TOTAL BUDGET OF THE TRUST FUND</b>	<b>4,201,854</b>	<b>4,201,854</b>
Deduction from the Reserve and Fund Balance ****	1,200,000	1,200,000
<b>TO BE COVERED BY CONTRIBUTIONS BY PARTIES</b>	<b>3,001,854</b>	<b>3,001,854</b>

\*\* Provided fully by UNEP from 13% Programme Support Cost (PSC).

\*\*\* Limited funds are available in line 5203 for prioritized translation of documents for the Technical Working Group and the Committee for the Implementation.

\*\*\*\* The reserve and fund balance amounts to 5,065,285 at the end of 1998 and is projected to amount to a similar figure at the end of 1999.



PARTIES		United Nations scales of assessments 2000 *	Scale for the Trust Fund with 25% ceiling and countries that contribute less than 0.1 per cent to the UN, not paying	Contributions as per year 2001	Contributions as per year 2002
		(per cent)	(per cent)		
1	Albania	0.003	0.000	0	0
2	Algeria	0.086	0.000	0	0
3	Andorra	0.004	0.000	0	0
4	Antigua and Barbuda	0.002	0.000	0	0
5	Argentina	1.103	1.491	44,769	44,769
6	Armenia	0.006	0.000	0	0
7	Australia	1.483	2.005	60,192	60,192
8	Austria	0.942	1.274	38,234	38,234
9	Bahamas	0.015	0.000	0	0
10	Bahrain	0.017	0.000	0	0
11	Bangladesh	0.010	0.000	0	0
12	Barbados	0.008	0.000	0	0
13	Belgium	1.104	1.493	44,809	44,809
14	Belize	0.001	0.000	0	0
15	Benin	0.002	0.000	0	0
16	Bolivia	0.007	0.000	0	0
17	Botswana	0.010	0.000	0	0
18	Brazil	1.471	1.989	59,705	59,705
19	Bulgaria	0.011	0.000	0	0
20	Burkina Faso	0.002	0.000	0	0
21	Burundi	0.001	0.000	0	0
22	Canada	2.732	3.694	110,887	110,887
23	Cape Verde	0.002	0.000	0	0
24	Chile	0.136	0.184	5,520	5,520
25	China	0.995	1.345	40,385	40,385
26	Colombia	0.109	0.147	4,424	4,424
27	Comoros	0.001	0.000	0	0
28	Costa Rica	0.016	0.000	0	0
29	Cote d'Ivoire	0.009	0.000	0	0
30	Croatia	0.030	0.000	0	0
31	Cuba	0.024	0.000	0	0
32	Cyprus	0.034	0.000	0	0
33	Czech Republic	0.107	0.145	4,343	4,343
34	Democratic Republic of the Congo	0.007	0.000	0	0
35	Denmark	0.692	0.936	28,087	28,087
36	Dominica	0.001	0.000	0	0
37	Ecuador	0.020	0.000	0	0
38	Egypt	0.065	0.000	0	0
39	El Salvador	0.012	0.000	0	0
40	Estonia	0.012	0.000	0	0
41	Finland	0.543	0.734	22,039	22,039
42	France	6.545	8.850	265,650	265,650
43	Gambia	0.001	0.000	0	0
44	Georgia	0.007	0.000	0	0
45	Germany	9.857	13.328	400,079	400,079
46	Greece	0.351	0.475	14,246	14,246
47	Guatemala	0.018	0.000	0	0
48	Guinea	0.003	0.000	0	0
49	Honduras	0.003	0.000	0	0
50	Hungary	0.120	0.162	4,871	4,871
51	Iceland	0.032	0.000	0	0
52	India	0.299	0.404	12,136	12,136
53	Indonesia	0.188	0.254	7,631	7,631
54	Iran (Islamic Republic of)	0.161	0.218	6,535	6,535
55	Ireland	0.224	0.303	9,092	9,092
56	Israel	0.350	0.473	14,206	14,206
57	Italy	5.437	7.351	220,679	220,679
58	Japan	20.573	25.000	750,464	750,464
59	Jordan	0.006	0.000	0	0
60	Kuwait	0.128	0.173	5,195	5,195
61	Kyrgyzstan	0.006	0.000	0	0
62	Latvia	0.017	0.000	0	0
63	Lebanon	0.016	0.000	0	0
64	Liechtenstein	0.006	0.000	0	0
65	Lithuania	0.015	0.000	0	0
66	Luxembourg	0.068	0.000	0	0
67	Madagascar	0.003	0.000	0	0
68	Malawi	0.002	0.000	0	0
69	Malaysia	0.183	0.247	7,428	7,428
70	Maldives	0.001	0.000	0	0
71	Mauritania	0.001	0.000	0	0
72	Mauritius	0.009	0.000	0	0
73	Mexico	0.995	1.345	40,385	40,385
74	Micronesia (Federated States of )	0.001	0.000	0	0

PARTIES		United Nations scales of assessments 2000 *	Scale for the Trust Fund with 25% ceiling and countries that contribute less than 0.1 per cent to the UN, not paying	Contributions as per year 2001	Contributions as per year 2002
		(per cent)	(per cent)		
75	Monaco	0.004	0.000	0	0
76	Mongolia	0.002	0.000	0	0
77	Morocco	0.041	0.000	0	0
78	Mozambique	0.001	0.000	0	0
79	Namibia	0.007	0.000	0	0
80	Nepal	0.004	0.000	0	0
81	Netherlands	1.632	2.207	66,240	66,240
82	New Zealand	0.221	0.299	8,970	8,970
83	Nicaragua	0.001	0.000	0	0
84	Niger	0.002	0.000	0	0
85	Nigeria	0.032	0.000	0	0
86	Norway	0.610	0.825	24,759	24,759
87	Oman	0.051	0.000	0	0
88	Pakistan	0.059	0.000	0	0
89	Panama	0.013	0.000	0	0
90	Papua New Guinea	0.007	0.000	0	0
91	Paraguay	0.014	0.000	0	0
92	Peru	0.099	0.000	0	0
93	Philippines	0.081	0.000	0	0
94	Poland	0.196	0.265	7,955	7,955
95	Portugal	0.431	0.583	17,494	17,494
96	Qatar	0.033	0.000	0	0
97	Republic of Korea	1.006	1.360	40,832	40,832
98	Republic of Moldova	0.010	0.000	0	0
99	Romania	0.056	0.000	0	0
100	Russian Federation	1.077	1.456	43,714	43,714
101	Saint Kitts and Nevis	0.001	0.000	0	0
102	Saint Lucia	0.001	0.000	0	0
103	Saint Vincent and the Grenadines	0.001	0.000	0	0
104	Saudi Arabia	0.562	0.760	22,811	22,811
105	Senegal	0.006	0.000	0	0
106	Seychelles	0.002	0.000	0	0
107	Singapore	0.179	0.242	7,265	7,265
108	Slovakia	0.035	0.000	0	0
109	Slovenia	0.061	0.000	0	0
110	South Africa	0.366	0.495	14,855	14,855
111	Spain	2.591	3.503	105,164	105,164
112	Sri Lanka	0.012	0.000	0	0
113	Sweden	1.079	1.459	43,795	43,795
114	Switzerland	1.215	1.643	49,315	49,315
115	Syrian Arab Republic	0.064	0.000	0	0
116	Thailand	0.170	0.230	6,900	6,900
117	The former Yugoslav Republic of	0.004	0.000	0	0
118	Trinidad and Tobago	0.016	0.000	0	0
119	Tunisia	0.028	0.000	0	0
120	Turkey	0.440	0.595	17,859	17,859
121	Turkmenistan	0.006	0.000	0	0
122	Uganda	0.004	0.000	0	0
123	Ukraine	0.160	0.216	6,494	6,494
124	United Arab Emirates	0.178	0.241	7,225	7,225
125	United Kingdom of Great Britain and	5.092	6.885	206,676	206,676
126	United Republic of Tanzania	0.003	0.000	0	0
127	Uruguay	0.048	0.000	0	0
128	Uzbekistan	0.025	0.000	0	0
129	Venezuela	0.160	0.216	6,494	6,494
130	Viet Nam	0.007	0.000	0	0
131	Yemen	0.010	0.000	0	0
132	Zambia	0.002	0.000	0	0
133	European Community	2.500	2.500	75,046	75,046
	<b>TOTAL</b>	<b>78.179</b>	<b>100.000</b>	<b>3,001,854</b>	<b>3,001,854</b>

\* United Nations Report of the Committee on Contributions, Supplement No. 11 (A/49/11)  
The UN Scales of Assessment for years 2001 and 2002 will be released in late December  
1999.

**Technical Cooperation Trust Fund to Assist Developing Countries and other Countries in need of  
assistance in the implementation of the Basel Convention**

Budget for 2001 - 2002

(In US dollars)

	2001	2002
<b>30 TRAINING AND MEETINGS COMPONENT</b>		
<i>3100 Training</i>		
3101 Technical Assistance to 10 Countries	272'500	272'500
3102 Capacity Building (10 + Travel & DSA)	100'000	100'000
3103 Technical Assistance and Technology Matters (10 + Travel & DSA)	100'000	100'000
<b>3199 Sub Total Training</b>	<b>472'500</b>	<b>472'500</b>
<i>3200 Group Training</i>		
3201 Regional / Sub-Regional Workshops and Seminars (1 per region per year)	157'500	157'500
3202 Technology Centres (12 Centres)	400'000	400'000
3203 Assistance to Developing Countries in Development of Information System (26 Countries)	260'000	260'000
<b>3299 Sub-total Group Training</b>	<b>817'500</b>	<b>817'500</b>
<i>3300 Meetings &amp; Conferences</i>		
3301 Sixth Conference of Parties	200,000	200,000
3302 Committee on Implementation (ex. Open-ended Ad Hoc Committee)	105,000	105,000
3303 3 Meetings per biennium - Technical Working Group	150,000	150,000
3304 3 Meetings per biennium - Informal Legal Working Group	75,000	75,000
<b>3299 Sub-total Group Training</b>	<b>530,000</b>	<b>530,000</b>
<b>3999 TOTAL MEETINGS AND CONFERENCES</b>	<b>1,820,000</b>	<b>1,820,000</b>
<b>99 TOTAL OPERATION COST</b>	<b>1,820,000</b>	<b>1,820,000</b>
<b>GRAND TOTAL OPERATIONAL COSTS</b>	<b>1,820,000</b>	<b>1,820,000</b>
13% Programme Support Costs	236,600	236,600
<b>TOTAL BUDGET OF THE TRUST FUND</b>	<b>2,056,600</b>	<b>2,056,600</b>

V/36. Tribute to the host country

The Conference,

Having met in Basel from 6 to 10 December 1999, the tenth anniversary of the signing of the Basel Convention,

Extends its gratitude to the Government of Switzerland for the organization of the fifth meeting of the Conference of the Parties and to the people of Basel for the warm hospitality accorded to all delegates at the meeting.

Annex II

BASEL DECLARATION ON ENVIRONMENTALLY SOUND MANAGEMENT

We, the Ministers and other heads of delegation from the Parties to the Basel Convention and from other States,

Having met in Basel, Switzerland, from 6 to 10 December 1999, on the occasion of the fifth meeting of the Conference of the Parties to the Basel Convention and the tenth anniversary of the adoption of the Basel Convention,

Concerned about the continuing risk of damage to the environment and of harmful effects on human health caused by the environmentally unsound management of hazardous wastes,

Recognizing that, notwithstanding the concerted efforts made during the first decade of the Basel Convention, hazardous waste generation has continued to grow at the global level and transboundary movements of hazardous wastes are still a matter for concern,

Further recognizing the importance of partnership with the private sector and non-governmental organizations,

Building on the achievements of the first decade of the Convention,

1. Assert a vision that the environmentally sound management of hazardous and other wastes is accessible to all Parties, emphasizing the minimization of such wastes and the strengthening of capacity-building;
2. Conclude that, having reviewed progress in the implementation and further development of the Basel Convention during its first decade, significant achievements have been made, such as the development and adoption of the control system for transboundary movements; the waste lists and model legislation; the adoption of the ban amendment; and the establishment of regional and subregional centres for training and technology transfer and also note with satisfaction that the number of Parties has greatly increased since the entry into force of the Convention;
3. Reaffirm the fundamental aims of the Basel Convention, namely, the reduction of transboundary movements of hazardous and other wastes subject to the Basel Convention, the prevention and minimization of their generation, the environmentally sound management of such wastes and the active promotion of the transfer and use of cleaner technologies;
4. Reiterate our commitment to sustainable development and full support for the implementation of the Rio Declaration, Agenda 21 and the

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programme for its further implementation adopted by the United Nations General Assembly at its nineteenth special session in 1997;

5. Undertake to make all possible efforts to ensure the universality of the Convention by promoting the ratification of or accession to the Convention and its amendments and by ensuring effective implementation of and compliance with its obligations;

6. Recognize the need to focus our activities within the next decade on specific actions to promote the implementation of the Convention and its amendments worldwide, at all levels, and, to this end, agree to enhance and strengthen our efforts and cooperation to achieve environmentally sound management in the following fields:

(a) Prevention, minimization, recycling, recovery and disposal of hazardous and other wastes subject to the Basel Convention, taking into account social, technological and economic concerns;

(b) Active promotion and use of cleaner technologies and production, with the aim of the prevention and minimization of hazardous and other wastes subject to the Basel Convention;

(c) Further reduction of transboundary movements of hazardous and other wastes subject to the Basel Convention, taking into account the need for efficient management, the principles of self-sufficiency and proximity and the priority requirement of recovery and recycling;

(d) Prevention and monitoring of illegal traffic;

(e) Improvement and promotion of institutional and technical capacity-building, as well as the development and transfer of environmentally sound technologies, especially for developing countries and countries with economies in transition;

(f) Further development of regional and subregional centres for training and technology transfer;

(g) Enhancement of information exchange, education and awareness-raising in all sectors of society;

(h) Cooperation and partnership at all levels between countries, public authorities, international organizations, the industry sector, non-governmental organizations and academic institutions;

(i) Development of mechanisms for compliance with and for the monitoring and effective implementation of the Convention and its amendments;

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7. Support the development of pilot projects on state-of-the-art or best available technologies to demonstrate the environmentally sound management of hazardous wastes and their minimization, including those financed by public or private partnership, in selected countries or regions, taking into account the needs of small and medium-sized enterprises, and agree that these pilot projects will take into consideration issues related to the environmentally sound disposal of stockpiles of hazardous wastes;

8. Recognize the need for a sound financial basis for the effective implementation of these activities and for increased efforts to gain access to all sources of funding, including international financial institutions, and recognize, in addition, the need to develop strategies that will harness market forces to promote waste minimization and environmentally sound management and to provide opportunities for investment in this field;

9. Agree that decision V/33 of the Conference of the Parties constitutes our agenda for the next decade on environmentally sound management.

Annex III

PROTOCOL ON LIABILITY AND COMPENSATION FOR DAMAGE RESULTING FROM  
TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

The Parties to the Protocol,

Having taken into account the relevant provisions of Principle 13  
of the 1992 Rio Declaration on Environment and Development, according  
to which States shall develop international and national legal  
instruments regarding liability and compensation for the victims of  
pollution and other environmental damage,

Being Parties to the Basel Convention on the Control of  
Transboundary Movements of Hazardous Wastes and their Disposal,

Mindful of their obligations under the Convention,

Aware of the risk of damage to human health, property and the  
environment caused by hazardous wastes and other wastes and the  
transboundary movement and disposal thereof,

Concerned about the problem of illegal transboundary traffic in  
hazardous wastes and other wastes,

Committed to Article 12 of the Convention, and emphasizing the  
need to set out appropriate rules and procedures in the field of  
liability and compensation for damage resulting from the transboundary  
movement and disposal of hazardous wastes and other wastes,

Convinced of the need to provide for third party liability and  
environmental liability in order to ensure that adequate and prompt  
compensation is available for damage resulting from the transboundary  
movement and disposal of hazardous wastes and other wastes,



Have agreed as follows:

Article 1

Objective

The objective of the Protocol is to provide for a comprehensive regime for liability and for adequate and prompt compensation for damage resulting from the transboundary movement of hazardous wastes and other wastes and their disposal including illegal traffic in those wastes.

Article 2

Definitions

1. The definitions of terms contained in the Convention apply to the Protocol, unless expressly provided otherwise in the Protocol.
2. For the purposes of the Protocol:
  - (a) "The Convention" means the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;
  - (b) "Hazardous wastes and other wastes" means hazardous wastes and other wastes within the meaning of Article 1 of the Convention;
  - (c) "Damage" means:
    - (i) Loss of life or personal injury;
    - (ii) Loss of or damage to property other than property held by the person liable in accordance with the present Protocol;
    - (iii) Loss of income directly deriving from an economic interest in any use of the environment, incurred as a result of impairment of the environment, taking into account savings and costs;
    - (iv) The costs of measures of reinstatement of the impaired environment, limited to the costs of measures actually taken or to be undertaken; and
    - (v) The costs of preventive measures, including any loss or damage caused by such measures, to the extent that the damage arises out of or results from hazardous properties of the wastes involved in the transboundary movement and disposal of hazardous wastes and other wastes subject to the Convention;
  - (d) "Measures of reinstatement" means any reasonable measures aiming to assess, reinstate or restore damaged or destroyed components of the environment. Domestic law may indicate who will be entitled to take such measures;

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(e) "Preventive measures" means any reasonable measures taken by any person in response to an incident, to prevent, minimize, or mitigate loss or damage, or to effect environmental clean-up;

(f) "Contracting Party" means a Party to the Protocol;

(g) "Protocol" means the present Protocol;

(h) "Incident" means any occurrence, or series of occurrences having the same origin that causes damage or creates a grave and imminent threat of causing damage;

(i) "Regional economic integration organization" means an organization constituted by sovereign States to which its member States have transferred competence in respect of matters governed by the Protocol and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve, formally confirm or accede to it;

(j) "Unit of account" means the Special Drawing Right as defined by the International Monetary Fund.

### Article 3

#### Scope of application

1. The Protocol shall apply to damage due to an incident occurring during a transboundary movement of hazardous wastes and other wastes and their disposal, including illegal traffic, from the point where the wastes are loaded on the means of transport in an area under the national jurisdiction of a State of export. Any Contracting Party may by way of notification to the Depositary exclude the application of the Protocol, in respect of all transboundary movements for which it is the State of export, for such incidents which occur in an area under its national jurisdiction, as regards damage in its area of national jurisdiction. The Secretariat shall inform all Contracting Parties of notifications received in accordance with this Article.

2. The Protocol shall apply:

(a) In relation to movements destined for one of the operations specified in Annex IV to the Convention other than D13, D14, D15, R12 or R13, until the time at which the notification of completion of disposal pursuant to Article 6, paragraph 9, of the Convention has occurred, or, where such notification has not been made, completion of disposal has occurred; and

(b) In relation to movements destined for the operations specified in D13, D14, D15, R12 or R13 of Annex IV to the Convention, until completion of the subsequent disposal operation specified in D1 to D12 and R1 to R11 of Annex IV to the Convention.

3. (a) The Protocol shall apply only to damage suffered in an area under the national jurisdiction of a Contracting Party arising from an incident as

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referred to in paragraph 1;

(b) When the State of import, but not the State of export, is a Contracting Party, the Protocol shall apply only with respect to damage arising from an incident as referred to in paragraph 1 which takes place after the moment at which the disposer has taken possession of the hazardous wastes and other wastes. When the State of export, but not the State of import, is a Contracting Party, the Protocol shall apply only with respect to damage arising from an incident as referred to in paragraph 1 which takes place prior to the moment at which the disposer takes possession of the hazardous wastes and other wastes. When neither the State of export nor the State of import is a Contracting Party, the Protocol shall not apply;

(c) Notwithstanding subparagraph (a), the Protocol shall also apply to the damages specified in Article 2, subparagraphs 2 (c) (i), (ii) and (v), of the Protocol occurring in areas beyond any national jurisdiction;

(d) Notwithstanding subparagraph (a), the Protocol shall, in relation to rights under the Protocol, also apply to damages suffered in an area under the national jurisdiction of a State of transit which is not a Contracting Party provided that such State appears in Annex A and has acceded to a multilateral or regional agreement concerning transboundary movements of hazardous waste which is in force. Subparagraph (b) will apply mutatis mutandis.

4. Notwithstanding paragraph 1, in case of re-importation under Article 8 or Article 9, subparagraph 2 (a), and Article 9, paragraph 4, of the Convention, the provisions of the Protocol shall apply until the hazardous wastes and other wastes reach the original State of export.

5. Nothing in the Protocol shall affect in any way the sovereignty of States over their territorial seas and their jurisdiction and the right in their respective exclusive economic zones and continental shelves in accordance with international law.

6. Notwithstanding paragraph 1 and subject to paragraph 2 of this Article:

(a) The Protocol shall not apply to damage that has arisen from a transboundary movement of hazardous wastes and other wastes that has commenced before the entry into force of the Protocol for the Contracting Party concerned;

(b) The Protocol shall apply to damage resulting from an incident occurring during a transboundary movement of wastes falling under Article 1, subparagraph 1 (b), of the Convention only if those wastes have been notified in accordance with Article 3 of the Convention by the State of export or import, or both, and the damage arises in an area under the national jurisdiction of a State, including a State of transit, that has defined or considers those wastes as hazardous provided that the requirements of Article 3 of the Convention have been met. In this case strict liability shall be channelled in accordance with Article 4 of the Protocol.

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7. (a) The Protocol shall not apply to damage due to an incident occurring during a transboundary movement of hazardous wastes and other wastes and their disposal pursuant to a bilateral, multilateral or regional agreement or arrangement concluded and notified in accordance with Article 11 of the Convention if:

- (i) The damage occurred in an area under the national jurisdiction of any of the Parties to the agreement or arrangement;
- (ii) There exists a liability and compensation regime, which is in force and is applicable to the damage resulting from such a transboundary movement or disposal provided it fully meets, or exceeds the objective of the Protocol by providing a high level of protection to persons who have suffered damage;
- (iii) The Party to the Article 11 agreement or arrangement in which the damage has occurred has previously notified the Depositary of the non-application of the Protocol to any damage occurring in an area under its national jurisdiction due to an incident resulting from movements or disposals referred to in this subparagraph; and
- (iv) The Parties to the Article 11 agreement or arrangement have not declared that the Protocol shall be applicable;

(b) In order to promote transparency, a Contracting Party that has notified the Depositary of the non-application of the Protocol shall notify the Secretariat of the applicable liability and compensation regime referred to in subparagraph (a) (ii) and include a description of the regime. The Secretariat shall submit to the Meeting of the Parties, on a regular basis, summary reports on the notifications received;

(c) After a notification pursuant to subparagraph (a) (iii) is made, actions for compensation for damage to which subparagraph (a) (i) applies may not be made under the Protocol.

8. The exclusion set out in paragraph 7 of this Article shall neither affect any of the rights or obligations under the Protocol of a Contracting Party which is not party to the agreement or arrangement mentioned above, nor shall it affect rights of States of transit which are not Contracting Parties.

9. Article 3, paragraph 2, shall not affect the application of Article 16 to all Contracting Parties.

#### Article 4

##### Strict liability

1. The person who notifies in accordance with Article 6 of the Convention, shall be liable for damage until the disposer has taken possession of the hazardous wastes and other wastes. Thereafter the disposer shall be liable for damage. If the State of export is the notifier or if no notification has

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taken place, the exporter shall be liable for damage until the disposer has taken possession of the hazardous wastes and other wastes. With respect to Article 3, subparagraph 6 (b), of the Protocol, Article 6, paragraph 5, of the Convention shall apply mutatis mutandis. Thereafter the disposer shall be liable for damage.

2. Without prejudice to paragraph 1, with respect to wastes under Article 1, subparagraph 1 (b), of the Convention that have been notified as hazardous by the State of import in accordance with Article 3 of the Convention but not by the State of export, the importer shall be liable until the disposer has taken possession of the wastes, if the State of import is the notifier or if no notification has taken place. Thereafter the disposer shall be liable for damage.

3. Should the hazardous wastes and other wastes be re-imported in accordance with Article 8 of the Convention, the person who notified shall be liable for damage from the time the hazardous wastes leave the disposal site, until the wastes are taken into possession by the exporter, if applicable, or by the alternate disposer.

4. Should the hazardous wastes and other wastes be re-imported under Article 9, subparagraph 2 (a), or Article 9, paragraph 4, of the Convention, subject to Article 3 of the Protocol, the person who re-imports shall be held liable for damage until the wastes are taken into possession by the exporter if applicable, or by the alternate disposer.

5. No liability in accordance with this Article shall attach to the person referred to in paragraphs 1 and 2 of this Article, if that person proves that the damage was:

(a) The result of an act of armed conflict, hostilities, civil war or insurrection;

(b) The result of a natural phenomenon of exceptional, inevitable, unforeseeable and irresistible character;

(c) Wholly the result of compliance with a compulsory measure of a public authority of the State where the damage occurred; or

(d) Wholly the result of the wrongful intentional conduct of a third party, including the person who suffered the damage.

6. If two or more persons are liable according to this Article, the claimant shall have the right to seek full compensation for the damage from any or all of the persons liable.

#### Article 5

##### Fault-based liability

Without prejudice to Article 4, any person shall be liable for damage caused or contributed to by his lack of compliance with the provisions

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implementing the Convention or by his wrongful intentional, reckless or negligent acts or omissions. This Article shall not affect the domestic law of the Contracting Parties governing liability of servants and agents.

#### Article 6

##### Preventive measures

1. Subject to any requirement of domestic law any person in operational control of hazardous wastes and other wastes at the time of an incident shall take all reasonable measures to mitigate damage arising therefrom.
2. Notwithstanding any other provision in the Protocol, any person in possession and/or control of hazardous wastes and other wastes for the sole purpose of taking preventive measures, provided that this person acted reasonably and in accordance with any domestic law regarding preventive measures, is not thereby subject to liability under the Protocol.

#### Article 7

##### Combined cause of the damage

1. Where damage is caused by wastes covered by the Protocol and wastes not covered by the Protocol, a person otherwise liable shall only be liable according to the Protocol in proportion to the contribution made by the wastes covered by the Protocol to the damage.
2. The proportion of the contribution to the damage of the wastes referred to in paragraph 1 shall be determined with regard to the volume and properties of the wastes involved, and the type of damage occurring.
3. In respect of damage where it is not possible to distinguish between the contribution made by wastes covered by the Protocol and wastes not covered by the Protocol, all damage shall be considered to be covered by the Protocol.

#### Article 8

##### Right of recourse

1. Any person liable under the Protocol shall be entitled to a right of recourse in accordance with the rules of procedure of the competent court:
  - (a) Against any other person also liable under the Protocol; and
  - (b) As expressly provided for in contractual arrangements.
2. Nothing in the Protocol shall prejudice any rights of recourse to which the person liable might be entitled pursuant to the law of the competent court.

Article 9Contributory fault

Compensation may be reduced or disallowed if the person who suffered the damage, or a person for whom he is responsible under the domestic law, by his own fault, has caused or contributed to the damage having regard to all circumstances.

Article 10Implementation

1. The Contracting Parties shall adopt the legislative, regulatory and administrative measures necessary to implement the Protocol.
2. In order to promote transparency, Contracting Parties shall inform the Secretariat of measures to implement the Protocol, including any limits of liability established pursuant to paragraph 1 of Annex B.
3. The provisions of the Protocol shall be applied without discrimination based on nationality, domicile or residence.

Article 11Conflicts with other liability and compensation agreements

Whenever the provisions of the Protocol and the provisions of a bilateral, multilateral or regional agreement apply to liability and compensation for damage caused by an incident arising during the same portion of a transboundary movement, the Protocol shall not apply provided the other agreement is in force for the Party or Parties concerned and had been opened for signature when the Protocol was opened for signature, even if the agreement was amended afterwards.

Article 12Financial limits

1. Financial limits for the liability under Article 4 of the Protocol are specified in Annex B to the Protocol. Such limits shall not include any interest or costs awarded by the competent court.
2. There shall be no financial limit on liability under Article 5.

Article 13Time limit of liability

1. Claims for compensation under the Protocol shall not be admissible unless they are brought within ten years from the date of the incident.

2. Claims for compensation under the Protocol shall not be admissible unless they are brought within five years from the date the claimant knew or ought reasonably to have known of the damage provided that the time limits established pursuant to paragraph 1 of this Article are not exceeded.

3. Where the incident consists of a series of occurrences having the same origin, time limits established pursuant to this Article shall run from the date of the last of such occurrences. Where the incident consists of a continuous occurrence, such time limits shall run from the end of that continuous occurrence.

#### Article 14

##### Insurance and other financial guarantees

1. The persons liable under Article 4 shall establish and maintain during the period of the time limit of liability, insurance, bonds or other financial guarantees covering their liability under Article 4 of the Protocol for amounts not less than the minimum limits specified in paragraph 2 of Annex B. States may fulfil their obligation under this paragraph by a declaration of self-insurance. Nothing in this paragraph shall prevent the use of deductibles or co-payments as between the insurer and the insured, but the failure of the insured to pay any deductible or co-payment shall not be a defence against the person who has suffered the damage.

2. With regard to the liability of the notifier, or exporter under Article 4, paragraph 1, or of the importer under Article 4, paragraph 2, insurance, bonds or other financial guarantees referred to in paragraph 1 of this Article shall only be drawn upon in order to provide compensation for damage covered by Article 2 of the Protocol.

3. A document reflecting the coverage of the liability of the notifier or exporter under Article 4, paragraph 1, or of the importer under Article 4, paragraph 2, of the Protocol shall accompany the notification referred to in Article 6 of the Convention. Proof of coverage of the liability of the disposer shall be delivered to the competent authorities of the State of import.

4. Any claim under the Protocol may be asserted directly against any person providing insurance, bonds or other financial guarantees. The insurer or the person providing the financial guarantee shall have the right to require the person liable under Article 4 to be joined in the proceedings. Insurers and persons providing financial guarantees may invoke the defences which the person liable under Article 4 would be entitled to invoke.

5. Notwithstanding paragraph 4, a Contracting Party shall, by notification to the Depositary at the time of signature, ratification, or approval of, or accession to the Protocol, indicate if it does not provide for a right to bring a direct action pursuant to paragraph 4. The Secretariat shall maintain a record of the Contracting Parties who have given notification pursuant to this paragraph.



Article 15Financial mechanism

1. Where compensation under the Protocol does not cover the costs of damage, additional and supplementary measures aimed at ensuring adequate and prompt compensation may be taken using existing mechanisms.
2. The Meeting of the Parties shall keep under review the need for and possibility of improving existing mechanisms or establishing a new mechanism.

Article 16State responsibility

The Protocol shall not affect the rights and obligations of the Contracting Parties under the rules of general international law with respect to State responsibility.

## PROCEDURES

Article 17Competent courts

1. Claims for compensation under the Protocol may be brought in the courts of a Contracting Party only where either:
  - (a) The damage was suffered; or
  - (b) The incident occurred; or
  - (c) The defendant has his habitual residence, or has his principal place of business.
2. Each Contracting Party shall ensure that its courts possess the necessary competence to entertain such claims for compensation.

Article 18Related actions

1. Where related actions are brought in the courts of different Parties, any court other than the court first seized may, while the actions are pending at first instance, stay its proceedings.
2. A court may, on the application of one of the Parties, decline jurisdiction if the law of that court permits the consolidation of related actions and another court has jurisdiction over both actions.
3. For the purpose of this Article, actions are deemed to be related where they are so closely connected that it is expedient to hear and determine them

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together to avoid the risk of irreconcilable judgements resulting from separate proceedings.

#### Article 19

##### Applicable law

All matters of substance or procedure regarding claims before the competent court which are not specifically regulated in the Protocol shall be governed by the law of that court including any rules of such law relating to conflict of laws.

#### Article 20

##### Relation between the Protocol and the law of the competent court

1. Subject to paragraph 2, nothing in the Protocol shall be construed as limiting or derogating from any rights of persons who have suffered damage, or as limiting the protection or reinstatement of the environment which may be provided under domestic law.

2. No claims for compensation for damage based on the strict liability of the notifier or the exporter liable under Article 4, paragraph 1, or the importer liable under Article 4, paragraph 2, of the Protocol, shall be made otherwise than in accordance with the Protocol.

#### Article 21

##### Mutual recognition and enforcement of judgements

1. Any judgement of a court having jurisdiction in accordance with Article 17 of the Protocol, which is enforceable in the State of origin and is no longer subject to ordinary forms of review, shall be recognized in any Contracting Party as soon as the formalities required in that Party have been completed, except:

- (a) Where the judgement was obtained by fraud;
- (b) Where the defendant was not given reasonable notice and a fair opportunity to present his case;
- (c) Where the judgement is irreconcilable with an earlier judgement validly pronounced in another Contracting Party with regard to the same cause of action and the same parties; or
- (d) Where the judgement is contrary to the public policy of the Contracting Party in which its recognition is sought.

2. A judgement recognized under paragraph 1 of this Article shall be enforceable in each Contracting Party as soon as the formalities required in that Party have been completed. The formalities shall not permit the merits of the case to be re-opened.

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3. The provisions of paragraphs 1 and 2 of this Article shall not apply between Contracting Parties that are Parties to an agreement or arrangement in force on mutual recognition and enforcement of judgements under which the judgement would be recognizable and enforceable.

#### Article 22

##### Relationship of the Protocol with the Basel Convention

Except as otherwise provided in the Protocol, the provisions of the Convention relating to its Protocols shall apply to the Protocol.

#### Article 23

##### Amendment of Annex B

1. At its sixth meeting, the Conference of the Parties to the Basel Convention may amend paragraph 2 of Annex B following the procedure set out in Article 18 of the Basel Convention.

2. Such an amendment may be made before the Protocol enters into force.

#### FINAL CLAUSES

#### Article 24

##### Meeting of the Parties

1. A Meeting of the Parties is hereby established. The Secretariat shall convene the first Meeting of the Parties in conjunction with the first meeting of the Conference of the Parties to the Convention after entry into force of the Protocol.

2. Subsequent ordinary Meetings of the Parties shall be held in conjunction with meetings of the Conference of the Parties to the Convention unless the Meeting of the Parties decides otherwise. Extraordinary Meetings of the Parties shall be held at such other times as may be deemed necessary by a Meeting of the Parties, or at the written request of any Contracting Party, provided that within six months of such a request being communicated to them by the Secretariat, it is supported by at least one third of the Contracting Parties.

3. The Contracting Parties, at their first meeting, shall adopt by consensus rules of procedure for their meetings as well as financial rules.

4. The functions of the Meeting of the Parties shall be:

- (a) To review the implementation of and compliance with the Protocol;
- (b) To provide for reporting and establish guidelines and procedures for such reporting where necessary;

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(c) To consider and adopt, where necessary, proposals for amendment of the Protocol or any annexes and for any new annexes; and

(d) To consider and undertake any additional action that may be required for the purposes of the Protocol.

Article 25

Secretariat

1. For the purposes of the Protocol, the Secretariat shall:

(a) Arrange for and service Meetings of the Parties as provided for in Article 24;

(b) Prepare reports, including financial data, on its activities carried out in implementation of its functions under the Protocol and present them to the Meeting of the Parties;

(c) Ensure the necessary coordination with relevant international bodies, and in particular enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;

(d) Compile information concerning the national laws and administrative provisions of Contracting Parties implementing the Protocol;

(e) Cooperate with Contracting Parties and with relevant and competent international organisations and agencies in the provision of experts and equipment for the purpose of rapid assistance to States in the event of an emergency situation;

(f) Encourage non-Parties to attend the Meetings of the Parties as observers and to act in accordance with the provisions of the Protocol; and

(g) Perform such other functions for the achievement of the purposes of this Protocol as may be assigned to it by the Meetings of the Parties.

2. The secretariat functions shall be carried out by the Secretariat of the Basel Convention.

Article 26

Signature

The Protocol shall be open for signature by States and by regional economic integration organizations Parties to the Basel Convention in Berne at the Federal Department of Foreign Affairs of Switzerland from 6 to 17 March 2000 and at United Nations Headquarters in New York from 1 April 2000 to 10 December 2000.

Article 27Ratification, acceptance, formal confirmation or approval

1. The Protocol shall be subject to ratification, acceptance or approval by States and to formal confirmation or approval by regional economic integration organizations. Instruments of ratification, acceptance, formal confirmation, or approval shall be deposited with the Depositary.
2. Any organization referred to in paragraph 1 of this Article which becomes a Contracting Party without any of its member States being a Contracting Party shall be bound by all the obligations under the Protocol. In the case of such organizations, one or more of whose member States is a Contracting Party, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Protocol. In such cases, the organization and the member States shall not be entitled to exercise rights under the Protocol concurrently.
3. In their instruments of formal confirmation or approval, the organizations referred to in paragraph 1 of this Article shall declare the extent of their competence with respect to the matters governed by the Protocol. These organizations shall also inform the Depositary, who will inform the Contracting Parties, of any substantial modification in the extent of their competence.

Article 28Accession

1. The Protocol shall be open for accession by any States and by any regional economic integration organization Party to the Basel Convention which has not signed the Protocol. The instruments of accession shall be deposited with the Depositary.
2. In their instruments of accession, the organizations referred to in paragraph 1 of this Article shall declare the extent of their competence with respect to the matters governed by the Protocol. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.
3. The provisions of Article 27, paragraph 2, shall apply to regional economic integration organizations which accede to the Protocol.

Article 29Entry into force

1. The Protocol shall enter into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification, acceptance, formal confirmation, approval or accession.

2. For each State or regional economic integration organization which ratifies, accepts, approves or formally confirms the Protocol or accedes thereto after the date of the deposit of the twentieth instrument of ratification, acceptance, approval, formal confirmation or accession, it shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval, formal confirmation or accession.

3. For the purpose of paragraphs 1 and 2 of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

#### Article 30

##### Reservations and declarations

1. No reservation or exception may be made to the Protocol. For the purposes of the Protocol, notifications according to Article 3, paragraph 1, Article 3, paragraph 6, or Article 14, paragraph 5, shall not be regarded as reservations or exceptions.

2. Paragraph 1 of this Article does not preclude a State or a regional economic integration organization, when signing, ratifying, accepting, approving, formally confirming or acceding to the Protocol, from making declarations or statements, however phrased or named, with a view, inter alia, to the harmonization of its laws and regulations with the provisions of the Protocol, provided that such declarations or statements do not purport to exclude or to modify the legal effects of the provisions of the Protocol in their application to that State or that organization.

#### Article 31

##### Withdrawal

1. At any time after three years from the date on which the Protocol has entered into force for a Contracting Party, that Contracting Party may withdraw from the Protocol by giving written notification to the Depositary.

2. Withdrawal shall be effective one year from receipt of notification by the Depositary, or on such later date as may be specified in the notification.

#### Article 32

##### Depositary

The Secretary-General of the United Nations shall be the Depositary of the Protocol.

Article 33

Authentic texts

The original Arabic, Chinese, English, French, Russian and Spanish texts of the Protocol are equally authentic.

Annex A

## LIST OF STATES OF TRANSIT AS REFERRED TO IN ARTICLE 3, SUBPARAGRAPH 3 (D)

- |     |                                     |     |                           |
|-----|-------------------------------------|-----|---------------------------|
| 1.  | Antigua and Barbuda                 | 23. | Netherlands, on behalf of |
| 2.  | Bahamas                             |     | Aruba and the Netherlands |
| 3.  | Bahrain                             |     | Antilles                  |
| 4.  | Barbados                            | 24. | New Zealand, on behalf of |
| 5.  | Cape Verde                          |     | Tokelau                   |
| 6.  | Comoros                             | 25. | Niue                      |
| 7.  | Cook Islands                        | 26. | Palau                     |
| 8.  | Cuba                                | 27. | Papua New Guinea          |
| 9.  | Cyprus                              | 28. | Samoa                     |
| 10. | Dominica                            | 29. | Sao Tome and Principe     |
| 11. | Dominican Republic                  | 30. | Seychelles                |
| 12. | Fiji                                | 31. | Singapore                 |
| 13. | Grenada                             | 32. | Solomon Islands           |
| 14. | Haiti                               | 33. | St. Lucia                 |
| 15. | Jamaica                             | 34. | St. Kitts and Nevis       |
| 16. | Kiribati                            | 35. | St. Vincent and the       |
| 17. | Maldives                            |     | Grenadines                |
| 18. | Malta                               | 36. | Tonga                     |
| 19. | Marshall Islands                    | 37. | Trinidad and Tobago       |
| 20. | Mauritius                           | 38. | Tuvalu                    |
| 21. | Micronesia (Federated States<br>of) | 39. | Vanuatu                   |
| 22. | Nauru                               |     |                           |



Annex B

## FINANCIAL LIMITS

1. Financial limits for the liability under Article 4 of the Protocol shall be determined by domestic law.

2. The limits of liability shall:

(a) For the notifier, exporter or importer, for any one incident, be not less than:

- (i) 1 million units of account for shipments up to and including 5 tonnes;
- (ii) 2 million units of account for shipments exceeding 5 tonnes, up to and including 25 tonnes;
- (iii) 4 million units of account for shipments exceeding 25 tonnes, up to and including 50 tonnes;
- (iv) 6 million units of account for shipments exceeding 50 tonnes, up to and including to 1,000 tonnes;
- (v) 10 million units of account for shipments exceeding 1,000 tonnes, up to and including 10,000 tonnes;
- (vi) Plus an additional 1,000 units of account for each additional tonne up to a maximum of 30 million units of account;

(b) For the disposer, for any one incident, be not less than

2 million units of account for any one incident.

3. The amounts referred to in paragraph 2 shall be reviewed by the Contracting Parties on a regular basis taking into account, inter alia, the potential risks posed to the environment by the movement of hazardous wastes and other wastes and their disposal, recycling, and the nature, quantity and hazardous properties of the wastes.

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Annex IV

REVIEW OR ADJUSTMENT OF LISTS OF  
WASTES CONTAINED IN  
ANNEXES VIII AND IX OF THE BASEL  
CONVENTION

agreement on the way forward in  
having a formal submission to the  
Conference of the Parties in  
accordance with Articles 17 and 18  
of the Convention.

1. **Applications**

- Applications must be submitted using the form and application procedure approved by the fourth meeting of the Conference of the Parties. Any application submitted to the secretariat shall be by or through a Party or observer State.
- Additional information should be submitted to the next meeting of the Technical Working Group in line with the time frame for new applications, i.e., 90 days before the meeting.

2. **Technical Working Group action**

- The Technical Working Group will consider and review the applications for placement or removal of wastes on Annexes VIII or IX. The applications must be based on sound scientific assessment in accordance with Article 1, paragraph 1 (a), of the Basel Convention.
- The Technical Working Group should arrive at a decision by consensus.
- The decisions of the Technical Working Group on the placement or removal of wastes on lists contained in Annexes VIII or IX shall be transmitted in a report of the Technical Working Group through the secretariat to the next meeting of the Conference of the Parties. The Chairperson of the Technical Working Group can transmit the report through the secretariat to the President of the Conference of the Parties and seek

3. **Effective review procedure**

- Costs of review should be kept to a minimum. This could be achieved by means of holding 3 meetings biannually (two in years where there is no Conference of the Parties and one in the year of the Conference of the Parties). Summary of cases restricted to 8 additional pages would help save costs, though a Party wishing to provide more information could do so at its own cost.

4. **Reporting**

- The secretariat of the Basel Convention should provide a report to Parties on the status of lists of wastes in Annexes VIII and IX of the Basel Convention on an annual basis, and when changes entered into force.

APPLICATION FORM FOR THE PLACEMENT  
OR REMOVAL  
OF WASTES ON ANNEX VIII OR ANNEX IX

**A. WASTE IDENTIFICATION**

1. **Proposed wording for the placement (or replacement wording for existing category)**

2. Name of the waste: \_\_\_\_\_
3. Origin of the waste: \_\_\_\_\_
4. Physical form: \_\_\_\_\_
5. Major constituents: \_\_\_\_\_
6. Typical contaminants: \_\_\_\_\_
7. Waste Code:  
UN Class \_\_\_\_\_ UN number \_\_\_\_\_

IWIC \_\_\_\_ OECD \_\_\_\_

EWC \_\_\_\_ Others (e.g. Harmonized System Code, BIR, ISRI, IPMI, etc.)

8. Enter all relevant Y numbers

9. Hazard characteristics

- H1  H4.3
- H3  H5.1
- H4.1  H5.2

**B. PROPOSED PLACEMENT**

- List A of Annex VIII
- List B of Annex IX

**PROPOSED REMOVAL**

- From list A of Annex VIII
- From list B of Annex IX

**C. NATIONAL DEFINITION**

Is the waste legally defined as or considered to be hazardous in the country submitting the application?

- Yes  No

**D. COMMERCIAL CLASSIFICATION**

Is the waste routinely traded through established channels and is that evidenced by commercial classifications?

- Yes  No

**SUMMARY OF REASONS FOR PROPOSED PLACEMENT**

NB: A detailed case (no more than 8 additional pages) should be attached considering the category(ies) in Annex I to the Basel Convention under which the waste falls with evidence demonstrating that the waste does or does not exhibit any of the hazard characteristics in Annex

III to the Convention (see guidance - to be drafted). Additional material may be submitted in the form of annexes or attachments. All such annexes or attachments must be listed in the application form, together with instructions on how to obtain these documents.

**E. NAME OF APPLICANT**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Tel: H6.2  H12

Tel: H8  H13

Fax: H10  H4.2  H6.1

E-mail: \_\_\_\_\_

Party

Observer State

NGO

Company

Individual

\_\_\_\_\_  
(Signature) (Stamp)

**F. AUTHORITY TRANSMITTING APPLICATION**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Tel: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

\_\_\_\_\_  
(Signature) (Stamp)

Date of transmission: \_\_\_\_\_

This application form may include up to 8 additional pages.

## APPLICATION FORM PROCEDURE

**Who is to complete the form (applicant)?**

- Any Contracting Party, observer State, non-governmental organization, private company or individual has the right to fill in the application form with the proposed placement of wastes under Annex VIII or Annex IX, or with a proposal for removing wastes from Annex VIII, Annex IX or working list C.

**Procedure for transmission of the form**

- The applicant must present the application form with any supporting annexes and attachments to national authorities for the Basel Convention.
- The competent authority and/or focal point should consider the application form with any supporting annexes and attachments and only forward it to the secretariat of the Basel Convention if it is properly completed and if it considers the completed application provides sufficient information for the Technical Working Group to reach a decision.
- It is for the national authority to decide how the application form will be forwarded to the secretariat of the Basel Convention. Normally, the competent authority or focal point of the Basel Convention will be responsible for transmitting the form to the secretariat. For those Parties that have more than one competent authority, they will need to decide through which competent authority the form should be forwarded to the secretariat.
- The Technical Working Group will consider the application at its next meeting, provided it is received by the secretariat within the time-frame outlined below.

**Time-frame for application**

- The application form for placement or removal of wastes has to be submitted to the secretariat of the Basel Convention at least three months prior to the meeting of

the Technical Working Group. The secretariat will despatch completed applications within two months of the date of the next Technical Working Group meeting.

- Competent authorities and focal points are requested to make available any annexes or attachments to all focal points of the Basel Convention and to advise the secretariat that this has been done. If a competent authority or focal point is unable to make available any annexes or attachments to all focal points of the Basel Convention, it may request the secretariat to undertake this function.

- In exceptional circumstances, a Party may communicate a proposal(s) for placement or removal of wastes six weeks before the meeting of the Technical Working Group if such proposal(s) cannot be sent to the secretariat within the three month deadline. The Party, in this case, would need to send the proposal(s) to all other focal points, as well as to the secretariat. The Technical Working Group would endeavour to consider such application(s) at its next meeting.

Annex V

MESSAGE OF MR. KOFI ANNAN,  
SECRETARY-GENERAL OF THE UNITED  
NATIONS, TO THE FIFTH MEETING OF  
THE PARTIES TO THE BASEL CONVENTION

1. Hazardous and toxic wastes, emanating from chemical and pesticide manufactures, petrochemical refineries, makers of synthetics and plastics, industries, mines, farms, nuclear power and weapons plants and military activities, continue to pose significant threats to ecosystems and human health. An estimated 3 million tonnes of toxic and hazardous waste cross national borders each year.

2. The Basel Convention, in its first ten years, has succeeded in putting hazardous wastes and the implications of their indiscriminate disposal on the global agenda. The second decade must be one of implementation. That means that the parties to the Convention will need to strengthen old alliances and create new ones.

You will need to think beyond traditional domains, and reach out to non-governmental organizations, industries and others who possess the knowledge, technology and financial resources needed for building and improving capacity to manage wastes, especially in the developing world.

3. Developing countries have already benefited significantly from your work. You have prevented them from becoming dumping grounds for the industrialized world. The challenge now is to empower them so that they can follow the path of sustainable development.

4. We must also, in the years ahead, begun to think of the environment and hazardous waste with a new logic. We need to encourage the view that clean water and land are valuable not only for their beauty, but also as economic goods. And we must do more to drive home the message that it makes good economic sense to reduce the generation of hazardous waste in the first place. Corporations already profit from such reductions, so does the planet. As in so many realms, prevention pays.

5. As you move ahead in these directions, let me assure you that you can rely on the full support of the United Nations system. We share one world and only one: we can ill afford to waste it.

Annex VI

## STATEMENT BY IMO ON THE DISMANTLING OF SHIPS

1. The Commission on Sustainable Development at its seventh session earlier in 1999 requested IMO, in cooperation with other organizations, to consider safety and environmental aspects associated with ship scrapping activities.

2. The Marine Environment Protection Committee (MEPC) of IMO held its forty-third session in July and the item on ship scrapping/demolition/recycling was discussed on the basis of a proposal made by Norway (contained in document MEPC/43/18/1) and comments submitted by the member States and the observer organizations.

3. A representative of the Basel Convention secretariat attended the meeting and informed MEPC of the ship dismantling activities within the conference of the Parties to the Basel Convention.

4. The initial proposal by Norway was to include this item in the work programme of MEPC and to develop a resolution of the IMO Assembly on the need for an

7. It was felt that there were loopholes in the existing Basel Convention and IMO instruments, as they were not specifically designed for the case. In this respect, the

international regime on the ship scrapping and of the need for an inter-agency cooperation in developing such a regime. There was a detailed and comprehensive discussion at MEPC. It was noted that the shipping industry was facing a substantial volume of ageing vessels originating from the building boom of the 1970s and now approaching the age of decommissioning. It is estimated that around 700 sea-going ships are scrapped each year.

5. A large crude carrier can contain several tonnes of asbestos, PCB, heavy metals, hydrocarbons, ozone-depleting substances and others. Environmental, human health and safety risks have been clearly demonstrated. It has become evident, however, that a number of technical, legal and administrative problems will have to be addressed to mitigate the negative effects of the ship demolition practices. For example, today the ship follows paths from an operative to a decommissioned State. However, no internationally agreed procedure which involves the flag State, the State of reception and international organizations exists.

6. Ships have to meet certain requirements to sail. Similarly, it was suggested that requirements relating to the environmental condition of a ship designated for scrapping could be defined.

need for inter-agency cooperation and the need for a holistic approach was fully recognized.

/...

8. MEPC agreed to include this item in both its work programmes and will further discuss it at its next session in March 2000, when it is expected to agree on the working schedule and arrangements.

Meanwhile, the secretariat was requested to liaise with other organizations, in order to coordinate their respective activities.

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