



# Glossary of Terms

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

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## The Players

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

## The Actions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

## The Issues

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

