Annex IV:

Albania

Dear Mr. Sabogal

I am pleased to submit our comments on the development and obstacles in the implementation of Strategic Plan of Basel Convention to 2010
In compliance with request of Basel Convention some steps forward have been made.

A. Development

In field of legislation:

Several of legal acts are prepared and adopted for management of industrial and urban waste
- Law No.8934 date 05/09/2002 “On Environmental Protection”;
- Law No. 9010 date 13/02/2003 “On environmental management of solid waste”;
- Law No.8990 date 23/01/03 “On environmental impact assessment”;
- Decision of Council of Ministers No.26 1/31/1994 on Hazardous Waste and Residues;
- Decision No. 541 of Council of Ministers dated 25 September 1995 “On Duties that Ministers, Institutions and Physical and Juridical Persons have in Environmental Monitoring and Control Process”;
- Law No.9108, date 17/07/2003 “On the Chemical Substances and their compounds”
- Decision of Council Ministers No 824 date 11.12.2003 “On classification, packaging, labeling and storage of hazardous chemicals”.
- Law No 9537 date 18.5.2006 “On Hazardous Waste Management,

Strengthening of Institutional Capacity:

- Coordinated inter Government environmental policies, strengthening environmental management.

- Establishing and improving the environmental inspection system, through strengthening control of the inspectors which operated in local environment agencies in all over Albania, and close cooperation with local authority.

- Establishing National Agency Environment and Forestry, National Agency for Natural Resource etc
Studies and implementation:

- Inventory of chemicals in industrial sector was prepared.
- Identification, Repackage, transportation and storage of some hazardous waste in more appropriate condition.
- Experimental efficient ways for disposal of the cyanides waste is completed.
- Treatment of sodium arsenical solution in fertilizer plant is completed too. Now, the project is in the implementation phase.
- Implemented study upon mercury pollution in soil of ex soda- P.V.C. plant, in collaboration with GEO test Brno, Czech Republic.
- Assessment risk and assessment environmental situation in some hot spots area polluted by pesticides
- Disposal of the military toxic chemicals through incineration method is realized.
- Some monitoring is done on heavy metals, and chlorinate pesticides in the coastal waters, under the MEDPOL programmed
- Inventory of PCB-s, in transformers and capacitors is realized
- In Collaboration with UNDP and UNEP, Preliminarily site investigation of hotspots is prepared, etc.

B. Obstacles

- Lack of National Strategic Plan for hazardous waste management;
- Lack of regulation and sub legal act for sound management of hazardous waste (reduce, reuse, recycled, incineration, landfill)
- Lack of funds for training of specialists for treatment of hazardous waste, (incineration, management elements for hazardous waste landfill etc)
- Lack of necessary data concerning waste production and management;
- Development of hazardous waste list, inventory and identification of new hazardous waste;
- National information systems and information exchange is yet weak. Lack of necessary data concerning waste production and management (hazardous waste generation, quantity, physic – chemical properties, producers of waste) etc
- Strengthening activity in regional or local level and role of the local inspectors.
- Strengthening of the analytic laboratory, physical – chemical and toxicological analysis, labeling etc);
- Risk assessment through sampling and analyses;
- Interministerial coordination (establish of the national office as a coordinator for information and dissemination, registration of the life – cycle wastes etc);
- Resource mobilization, (local authority, local inspectors, N.G.O, etc);
- Awareness raising;
- Lack of industrial landfill for treatment of hazardous waste that are not reused or recycled;
- Only one Incinerator for medical waste with low technical level that do not meet the requirements of the atmospheric protection by toxic elements (dioxin and furans);
- Lack of technology and experience for treatment and disposal of hazardous waste
- Technology transfer, recycling of waste and the last solution their disposal, (incinerate, industrial landfill, etc);
- Lack of new technology in order to provide cleaned production and reduce of hazardous waste production;
- Pilot projects for safe removal of hazardous waste (mercury waste and oil extraction and refinery)

**Recommendation**

1. Assistance for regional coordination centers for treatment or incineration of hazardous waste;
2. Promoting and assistance for recycling and reuse of hazardous wastes (Particularly electrical and electronic waste);
3. Encourage the Tran boundary movements of shipments of material waste for incineration from developing country to developed country due to a lack of proper experience and technology installation for treatment such waste;
4. Waste shipped between the member States is better treatment, but not for all types of waste.
5. Implementation of Basel Convention; and legal act for treatment of hazardous waste, especially for developing country, need close cooperation and coordination of technical assistance.

Kind Regards

Pashko Gega,

Agency of Environment and Forestry (Specialist)

Tirana - Albania
Dear Mr. Sabogal

We appreciate the draft report of the implementation of current Strategic Plan, prepared by the Secretariat of the Basel Convention. We are absolutely agreed with all chapters and its annexes. Also We support the comments made by representatives of Germany, Check Republic, USA, Canada, Argentina, Egypt etc, and we consider as very important all the comments for amendment of the strategic plan. Like of our colleagues we share the same opinion with them who emphasized that all countries are starting a new framework for implementation of the Basel Convention.

This indicate that our relevant Institutions have to do much more effort to realize its task better for maintaining and improving the general policy in order to rectify situation to ensure environmentally sound management of waste on base and in full compliance with Strategic Plan of Basel Convention.

In prior information we have listed all our needs and obstacles. So We don’t like to repeat them but we can underline as matter concerns the facts related to inventory of new hazardous and other waste, like electric and electronic waste, hazardous waste from private activity, hazardous waste originated from former industrial buildings and households waste, sort out waste on base of their properties, strengthening of illegal traffic control, capacity building of synergies with other countries for gathering information and dissemination etc.

We appreciate the great role of BCRC. We are in continuity of helpful collaboration to BCRC office in Bratislava, direct with Mrs. Dana Lapesova, and we hope to have close collaboration in future.

Our compliments for the progress that You have been on the draft report and we wish further successful in progress for implementation of Strategic Plan of the Basel Convention.

Best Regards

Pashko Gega, Contact point

Agency of Environment and Forestry.

Tirana – Albania.
Argentina

Dear Executive Secretary,

I write in relation to the implementation of Decision IX/3 adopted by the Ninth Conference of the Parties to the Basel Convention on the Strategic Plan, for your information and necessary action. The following are the comments on the difficulties and obstacles faced in the implementation of the above-mentioned Plan.

Accessibly, it is necessary to observe that the Secretariat of Environment and Sustainable Development through its National Directorate for Environmental Control is the Competent Authority on the Control of Transboundary Movements of Hazardous through the execution of the following instruments:

- Law No. 23.922 (approval of the Basel Convention on the Transboundary Movement of Hazardous Wastes and other Wastes)
- Law No. 24.051 on Hazardous Wastes; and Regulatory Decree No. 831/92.
- Decree No. 181/92 which regulates the control of imports of Non-Hazardous wastes utilized by the national industry as industrial supplies
- Resolution No. 946/02 on importation procedures of non-hazardous wastes within the framework of Decree PEN 181/92
- Resolution No. 896/02 on procedures of exportation of hazardous wastes within the framework of the Basel Convention.

Since 2003 the following actions have been concluded:

- The control through the Customs Office of the Argentinean government of all transboundary movement of hazardous and non-hazardous wastes in the terms of the Basel Convention and national legislation.
- The elaboration and publication in the Secretariat’s website (www.ambiente.gov.ar) of reports on territorial movements of hazardous wastes for 2004 and 2005.
- The implementation in 2008 of two pilot projects on the recollection and management of electric and electronic waste no longer in use coming from households. These projects were carried out with the aim of elucidating the problem emerging by this type of wastes and to define the framework for a sustainable environmental sound management.
- The organization of a series of seminars in 2008 on management, handling and treatment of used tyres as well as wastes originating from electrical and electric equipment.

Regarding the Strategic Plan, it must be highlighted that it contributed to improve the environmentally sound management of hazardous wastes through pilot projects and development of national capacities in the subject. In this regard, the Basel Convention Regional Centre for South America has played a key role in its implementation.

The main objective of the Basel Convention Regional Centres is to become an entity that promotes capacity building, technology transfer and information on the environmentally sound management of hazardous wastes and other wastes; with the objective of preventing damage to health and the environment at national, sub-regional and regional level.

In order to reach this aim, currently the regional centres are dedicated to serve the different agents involved in the management of hazardous materials, such as industry, governments, universities, customs authorities, the private sector, NGOs, among others; with the necessary capacity, information and technology transfer regarding the management, collection, control, identification,
transport, treatment, recycling of materials and final disposal of hazardous wastes and other wastes subject to the Basel Convention.

In order to ensure an effective implementation of the mentioned activities, a sustainable financial mechanism is required which shall be capable to cover the constant costs incurred. In this context, one of the outstanding difficulties observed is the limited availability of funds, which have a direct effect in the capacity of the Centers in the development of their activities.

Regarding mentioned circumstances and taking into account the relevance that this Competent Authority assigns to the strengthening of the Regional Centres, and acting in accordance to the objectives of the Strategic Plan, the Republic of Argentina, through its Secretariat of Environment and Sustainable Development made in 2008 a financial contribution of US$ 100.000 that will be part of the budget of 2008-2010.

In addition to that, in its role of Competent Authority, the Secretariat has experienced constraints regarding its limited human resources assigned to the specific area that is attached to the transboundary movements of hazardous and non-hazardous wastes. The personnel assigned to this activity are also involved in the total control of transboundary movements of wastes under the terms of the national legislation and of the Convention; the control of industrial facilities, or of services involving activities of export of hazardous wastes and import of non-hazardous wastes; monitoring and control of hazardous wastes generators that are destined to be treated in facilities in other countries; inspections in order to verify the destination of waste materials that are imported to be used as input materials for industrial processes, among other activities. Such limitations not only reduce the capacity to the analysis and review of documents and technical guidelines, but also to provide due response to requests for comments from the Secretariat of the Convention, and also for the participation in other initiatives regarding the implementation of the Basel Convention.

**Designation of a contact person to liaise with the Secretariat of the Basel Convention to analyze the Strategic Plan:**

Regarding the invitation to Parties as per Paragraph 7 of Decision IX/3, to designate a national contact person the following is the updated information:

Name: Lic. Alberto Santos Capra  
Office: Direction of Hazardous Wastes  
Entity: Secretariat of Environment and Sustainable Development  
Telephone: 0054 11-4348-8692/8210  
Fax: 0054 11-4348-8239  
Email: acapra@ambiente.gov.ar

With kindest regards,

Lic. Alberto Santos Capra  
Director of Hazardous Wastes  
Nacional Direction for Environmental Control
ARMENIA

IX/3: Strategic Plan and new strategic framework

The Republic of Armenia emphasizes the importance of a new strategic framework for implementation of the Basel Convention.

In particular:

Point 4.
(c) We especially support the enhanced cooperation and coordination among the Basel, Stockholm and Rotterdam conventions.

(e) We also acknowledge that resource mobilization should be seen as a very important element in consideration of the Basel Convention’s new strategic framework and reinforce commitment to taking an active and comprehensive approach to resource mobilization, as set out in decision VIII/34;

(f) We propose to make an amendment to point (f). Alongside with other international organizations we suggest to add UNIDO.

Point 7.
As the contact person to facilitate liaison with the Secretariat in the review of the Strategic Plan the Republic of Armenia nominates:
Ms. Anahit Aleksandryan
Head of Hazardous Substances and Wastes Management Department, Ministry of Nature Protection of the Republic of Armenia
Focal point of Basel, Stockholm and Rotterdam conventions.
Phone/Fax: (374 10) 53 88 38
E-mail: anahit_aleksandryan@yahoo.com
Azerbaijan

Dear Sir/Madam,

I am pleased to reply for your e-mail letter dated on 13 November 2007. First of all I would like to inform you that the Ministry Ecology and Natural Resources wants to give general situation on development and management of wastes in the Republic of Azerbaijan and the following legislation acts are existed:

In accordance with rational management of hazardous wastes, law about «municipal and industrial wastes» to be come into the force on June 1998. After ratification Basel convention (June 2001) by the Republic of Azerbaijan come into the force the following legislation acts.


In accordance with requests of Basel convention, law about «appendix and amendment of the municipal and industrial wastes» which has been come into the force on May 2007.

After come into the force a Decree of President of Republic of the Azerbaijan on October 2007, elaborated new projects which have been considered and combined with appropriate law by the Cabinet Ministers of the Republic of Azerbaijan.

- Inventory regulations of wastes which to be occurred at the production activities.
- Translotech and movement regulations of municipal, industrial and hazardous medical wastes.
- Transboundary movement regulations of hazardous wastes
- Safe final disposal, recycling and recovery regulations of hazardous wastes
- Management regulations of medical wastes.
- Management regulations of wastes which have to be occurred in the field of oil, gas and energy industry» placing at Cabinet Ministers' disposal.

According with legislations of the Republic of Azerbaijan is offered all necessary facilities for activities in the field of management of wastes and obstacles not to be generated for juridical and physical persons.

Bahrain

This is with reference to the decision 3/9 of the Conference of the parties to the Basel Convention held in Bali, from 23-27 June 2008 regarding the subject mentioned above.

We suggest the following areas are needed to be addressed in the strategic plan:

1-The developed countries must fulfill their commitments with regard to financing development and technology transfer, and that time has come for the developed countries to adopt binding commitments instead of continuing to make promises.

2-Exchange experiences and knowledge and to cooperate on risk reduction of the hazardous waste spillage disasters to which their countries are subjected and also to develop cooperation and link between national centers of cleaner production in their countries with the aim of realizing more optimal use of resources and reducing pollution.
Implementation of the Strategic Plan of the Basel Convention

The Strategic Plan (2002-2010) for the implementation of the Basel Convention helped develop and implement a number of projects including those relating to:
- Electric and electronic wastes;
- Lead Acid batteries;
- Used oils;
- Persistent organic pollutants wastes, including obsolete stocks of pesticides, polychlorobiphenyles (PCB), dioxins and furans;
- Biomedical wastes and healthcare wastes;
- Households wastes mixed with hazardous wastes;
- By-products from ships dismantling;

These different projects proposals submitted by the regional centres were based on their Business Plan, which reflected the needs of the countries in the region.

In view of the above, the Strategic Plan is crucial for an effective implementation of the Basel Convention at the triple level of national, regional and international. Therefore a new ten years Strategic Framework is necessary to ensure sustainability in the effective application of the Convention.

However, the following difficulties from the Strategic Plan 2002 – 2010 have been encountered:
- Lack of sustainable financing;
- Insufficient qualified persons in developing countries, because of lack of human’s capacity-building related to the environmentally sound management of hazardous wastes;
- Insufficient hazardous wastes management’s infrastructures in developing countries;
- Insufficient legal and regulatory framework;
- Lack of a policy of environmentally sound management of hazardous wastes with an operational action plan;
- The ineffectiveness of a sustainable strategy for mobilizing financial resources.

In conclusion, we believe that the Strategic Plan 2002 – 2010 did not receive a monitoring-evaluation mechanism. Indeed the lack of an international coordination committee (or steering committee) responsible for coordinating the implementation of the Plan did not allow a mid-term evaluation. This committee should have a clearly defined mandate and work in close collaboration with the Secretariat of the Convention, the regional coordinators and the national Focal Points exclusively in charge of the implementation of the Strategic Plan.
Concerning the up-coming Plan, on one hand the difficulties above mentioned should be taken into account and on the other hand to consider some priorities waste streams, which are nowadays concerns even scourges for developing countries, like:

- Plastics wastes that cause the destruction of livestock, the lack of regeneration of groundwater, the soil sealing and the degradation of air quality following uncontrolled cremation.
- Used waters and excretas;
- Used tyres;
- Biomedical wastes;
- Municipal wastes;
- PCB: The regional project for French-speaking countries in Africa on PCB, if implemented, will give the opportunity to the region to get rid of hazardous wastes, to create new jobs and especially to protect population health and environment. Our country pays particular attention to this project and will spare no efforts to ensure its success.
- Used oils: The Basel Convention Regional Centre for French-speaking countries in Africa took the advantage of a regional project, which enable to quantify the used oils and develop operational action plans. But it lacks adequate funding to ensure the effectiveness of these plans. Our country actively took part of this project and has an action plan.
- National inventory of hazardous wastes

Indeed it is important to stress that in many developing countries, the competent authorities do not know exactly which type and which quantities of hazardous wastes are generated or imported into their territory and which management are applied. Such information are important to regulate, plan, set priorities and control wastes management and particularly hazardous wastes management.

Therefore, the first step in the implementation of the Strategic Plan consists of making an inventory of types, quantities and wastes management. It is only than we can decide which problems should be resolved in priority, and through what steps. It is also from that time it will become possible to develop national and regional hazardous waste management covering all stages of the life of waste, including production, transfer and disposal.

- Taking into account the Rabat Statement after the first continental conference for Africa on the prevention and environmentally sound management of stockpiles of hazardous wastes held in Rabat, Kingdom of Morocco.
- The continuation of the initiative for a partnership on mobile phones;
- Illegal traffic of hazardous wastes.

Here is Sir/Madam the Note of Burkina Faso in terms of implementation of the Basel Convention.

Dr Paul W. SAVADOGO
CAMEROON

COMMENTS ON THE CURRENT STRATEGIC PLAN AND A NEW STRATEGIC FRAMEWORK FOR THE IMPLEMENTATION OF THE BASEL CONVENTION

Reference to your correspondence cited above regarding the decision for parties to provide comments on the current Strategic Plan and a new Strategic Framework, we are honored to submit here below the following for your consideration.

We wish to recognize that the various sectors of the strategic plan for the period 2002-2010, that were implemented have contributed significantly towards the attainment of the Basel Convention objectives.

Also, we noted that the plan in reference was not fully implemented because of insufficient funding. Subsequently, this set back among other factors affected mostly member states in developing countries, as it became difficult for these countries to attain the full benefits that link waste management and the achievements of the Millennium Development Goals, human health and livelihood.

In taking into consideration the ongoing, we strongly propose that the parties of the Basel Convention, with the assistance of its Secretariat should ensure that the new strategic framework seeks for ways to integrate the implementation of the Basel Convention objectives to the GEF Funding Mechanism. Where this is not possible, the parties of the convention should take adequate measures to create a financial mechanism that will secure and mobilize financial resources for the implementation of the convention.

With the assistance of the secretariat, it is our desire that the funds secured will be mobilized to assist developing countries and countries with economies in transition strengthen their Basel convention national focal units so that they can assist their Governments identify, formulate/develop and implement their priorities within the framework of the Convention’s objectives.

Furthermore, the new strategic framework should restructure the institutions of the convention by closing the regional/coordinating centers, and thereafter transfer their activities to the secretariat or maintain the centers and strengthen them financially so that they can assist the countries. If the first option is accepted, the additional funds that will be saved could be directed to developing countries, and used for the strengthening and promotion of national efforts in terms of capacity building and awareness raising, formulation and enforcement of regulations, technical assistance and technology transfer etc.

We hope these contributions will be helpful, and may we use to this opportunity to express our continued commitment to the objectives of the convention.

Thank you.

Contact Point:
ENOH Peter Ayuk
Ministry of Environment and Protection of Nature
Yaounde
Cameroon
Tel/Fax: 00 237 2222 11 06
Canada

Gatineau, Québec
K1A 0H3

December 1, 2008

Mr. Nelson Sabogal
Senior Programme Officer
Secretariat of the Basel Convention

RE: Canada’s comments on the developments and obstacles related to the Strategic Plan for the Implementation of the Basel Convention

Dear Mr. Sabogal:

This is further Decision IX/3 of the ninth meeting of the Conference of the Parties requesting comments on the current Strategic Plan for the implementation of the Basel Convention. This Decision is very important and timely to pause and review what the Basel Convention is doing, what it is doing well, what occurred that was not planned, what did not occur as planned and what it can improve upon. The review should provide information for Parties to the Convention to be well positioned to tackle current and emerging challenges related to the management of wastes and its impacts on human health and the environment. This is a first step in helping Parties assess the overall effectiveness of the Convention, as we are required to do under Article 15.7.

In addition of knowing how the Strategic Plan has been implemented, we believe that the starting point of this process must be to review the objectives of Basel’s current Strategic Plan and consider whether these objectives have been met. The analysis to conduct this assessment should include a review of existing data and trends regarding transboundary movements, number of Parties having transposed their obligations into national legislation, the trend of the results of the indicators described in the Strategic Plan (to see whether the indicators have been met), etc. The review should be based on facts and be simple, pertinent and performed in a timely fashion. To do so, we suggest that the review of the Strategic Plan be all-encompassing and include related initiatives, such as the recommendation on cooperation and coordination among the Basel, Rotterdam and Stockholm Conventions, results of the compliance committee activities and the Review of the Basel Convention Regional and Coordinating Centres (BCRCs).

As a first step and as requested, below are our comments, in no particular order, on the challenges with the implementation of the current Strategic Plan:

- The Strategic Plan assisted Parties to the Basel Convention in several areas: several projects were implemented and delivered and resulted in various guidelines, workshops, awareness raising, sharing of information, etc;
- There is a need for reporting on the Strategic Plan based on results (have its objectives been met? have the strategic plan indicators been met? etc);
- The current Strategic Plan is flexible but it would appear that it may have been too broad in its scope; we may wish to compare the Plan with those of other multilateral environmental agreements to see if there are other approaches that might be of assistance;
- The Strategic Plan aims at projects which, based on Basel’s limited funds, would seem to have been too ambitious to result in a realistic funding mechanism/level;
• The roles of those involved must be clarified (Basel’s Secretariat, BCRCs, host country, etc);
• There is a need for strengthening the mechanism for regions and BCRCs to gather and disseminate information within and between Regions (i.e. strengthening work/learn from each others);
• There is a need to find out why fewer activities were undertaken for some fields of the Strategic Plan;
• Are some of the priority waste streams still posing a growing threat to human health and the environment? Is the characterization of such wastes and end-of life materials clear?
• Has the Plan improved the environmentally sound management capacity of countries? We must also take into consideration a review of Parties’ capacity to manage and control waste in the context of today’s reality;
• Are enforcement levels appropriate? Have they improved? What about sham exports?
• Is the Plan clearly linked to Basel COP decisions and Convention commitments and responding to Basel’s current issues, such as e-waste and ship dismantling?
• How to better integrate cooperation and coordination with the Rotterdam and Stockholm Conventions, the 3R concept and ensure the efficient use of natural resources on a global scale while ensuring the protection of human health and the environment.

I hope these comments will assist in informing the review of the Strategic Plan for implementing the Basel Convention.

Sincerely,

Carolyn Blain
Competent Authority of Canada under the Basel Convention
Director, Waste Reduction and Management Division
Environment Canada
China

In response to the letter from the Executive Secretary of Basel Convention dated 17 December 2008 concerning the review of the strategic plan of Basel Convention, we would like to inform you of the following.

1. We would like to nominate Mr. Du Kexiong from Ministry of Environmental Protection of China as the contact person of China dealing with the strategic plan issues. The contact information of Mr. Du Kexiong is as below.

Mr. Du Kexiong  
Solid Waste Division  
Department of Pollution Control  
MEP, China  
Tel: 8610-66556257  
Fax: 8610-66556252  
E-mail: du.kexiong@mep.gov.cn

2. Our comments on the developments and obstacles in the implementation of the current Strategic Plan is as following.

During the past years for implementing the Strategic Plan (2000-2010), the Secretariat of the Basel Convention, the parties, and Basel Convention Regional Centers have conducted a series of activities/projects in accordance with the key fields identified in the Basel Declaration on Environmentally Sound Management to support and implement the Strategic Plan. Although the Strategic Plan (2000-2010) has been proven to be an important mechanism to support the implementation of the Basel Convention, it is noted that the activities/projects under implementation did not cover all of the activities identified in the Action Table of the Strategic Plan and also did not cover all of the regions and parities because of the difficulties of resource mobilization. In our views, the main obstacles or problems in the implementation of the Strategic Plan (2000-2010) could be reflected in two aspects as follows:

(a) The lack of effective and sustainable financial mechanism to support the implementation of the Strategic Plan resulted in the partial and incomplete implementation of activities identified in the Strategic Plan. The outcomes of some projects have not been effectively delivered and extended to other regions or countries to highlight their demonstration roles. It is also because of the lack of financial resources, the regional centers have not been well used, and the work on technology transfer urgently needed by many developing countries has seldom been carried out.

(b) The activities/projects on the control of transboundary movement of hazardous and other wastes are not highlighted in the current strategic plan and lack enough implementation although it is one of the key objectives of Basel Convention.

Through analyzing the problems and obstacles during the implementation of the Strategic Plan (2000-2010) as mentioned above, the comments on the new strategic framework are simply proposed as follows:

(a) Financial resource is vital for the effective implementation of the Strategic Plan of Basel Convention, so the mechanism of financial resource mobilization should be strengthened. In our views, the financial mechanism for activities with high priority to the implementation of Basel Convention should be developed, and SBC is proposed to play a leading role in resource mobilization. Regarding to the activities at regional level, it is suggested a sustainable seed fund, especially for the regional centers, should be developed within the financial framework of the Basel Convention. It could promote the complete achievement of the functions of the regional centers.
(b) Taking into account the extensive areas and high technical requirements in the field of hazardous wastes and other wastes management and treatment, capacity building should be emphasized in developing countries; technical assistance and technology transfer on reduction, recycling and environmentally sound disposal of hazardous wastes should be highlighted; guidance documents on environmentally sound management of wastes suitable for developing countries should be continuously developed with a focus on the heavy metal containing waste, asbestos wastes and etc. We also suggest helping regional centers to establish an information exchange platform on technology transfer of hazardous waste and other wastes.

(c) Since the control of transboundary movement of hazardous waste and other wastes is one of the fundamental objectives of Basel Convention, the capacity on the control of transboundary movement and fighting against illegal traffic should be enhanced. The high efficient operation mechanism for Prior Informed Consent (PIC) procedure should be studied. In order to support the PIC procedure and to enhance related information communication among the parties in the regions, it is suggested that the related information network should be establish based on the regional centers. It is also suggested that more training activities on illegal traffic should be designed for parties to enhance their capacity.

(d) New type of waste streams, such as E-wastes, packing wastes and End-of-life automobiles, should be paid more attention and listed as high priority waste streams. The management toolkit and related technology guidelines on these waste streams should be especially studied and developed under the Basel Convention to enhance the environmentally sound management and transboundary movement control on these waste streams.

Colombia

Ministry for Foreign Affairs
Republic of Colombia

VAM/DAM/CAA No. 2333

Bogotá, D.C. 20 January 2009

Ms. Katharina Kummer Peiry
Executive Secretary
Basel Convention
Geneva, Switzerland

Subject: Comments by Colombia on the Strategic Plan

Dear Ms. Executive Secretary,

In my capacity as Focal Point of Colombia to the Basel Convention and in compliance with Decision IX/3 adopted by the ninth Conference of Parties to the Basel Convention on the Strategic Plan, I am attaching for your information and pertinent action comments by my Government to the Strategic Plan:

1. Observations on the development and obstacles regarding the implementation of the present Strategic Plan for the implementation of the Basel Convention.
In Colombia progress has been made regarding the implementation of the Strategic Plan of the Basel Convention until 2010:

In December 2006 the Environmental Policy for the Environmentally Sound Management of Hazardous Wastes was enacted with the aim to prevent the generation and promote the environmentally sound management of such wastes, with the objective of minimizing risks to human health and the environment and thus contribute to sustainable development.

This policy was focused on the reduction of pollution originated by the generation and inadequate management of hazardous wastes in Colombia, and it had the following objectives:

- Prevention of generation of hazardous wastes through the promotion of the implementation of cleaner production strategies in priority sectors, and likewise promoting that all production sectors develop actions conducive to the reduction of the quantity and hazardousness of the wastes, considering their technical, economic and environmental viability.
- Implementation of international commitments contained in the agreements signed by Colombia with regard to substances and hazardous wastes, with a view to protect human health and avoid pollution originated by discharge of substances and hazardous wastes.

The Basel Convention and its strategies constitute the foundations for pursuing this objective.

Among the most important instruments and strategies being implemented with regard to the development of this policy, we highlight regulatory and managerial instruments that facilitate the control by urban and regional environmental authorities. On the other hand, there are pressuring demands for management plans, voluntary agreements and regulatory instruments that provide references for the life cycle management of hazardous wastes and the environmental responsibility of generators, prioritizing prevention, general reduction on hazardous wastes and the promotion of the most adequate environmental policies.

In accordance with the above, the following actions have been taken:

a) Enactment of Decree 4741 of 2005 by which prevention and management of hazardous wastes generated within the framework of a comprehensive management is partially regulated. This regulation constitutes the reference framework for the management of hazardous wastes in the country.

b) Establishment of the National Register of Generators of Hazardous Wastes, by means of entering into force of Resolution 1362 of 2007, elaborated in joint collaborative work with the Institute of Hydrology, Meteorology and Environmental Studies (IDEAM). Through the adoption of this resolution data on the generation and management of hazardous wastes shall become available in each jurisdiction and priority will be given to a strategic workplan at regional level. In 2008 the implementation phase of the information system through the WEB on the topic of generation of hazardous wastes was initiated aiming to address the biggest generators of hazardous waste.

c) Determination of Protocols for testing and laboratory analysis for the physical-chemical characteristics of hazardous wastes, work which has been developed jointly with IDEAM, as per resolution 062 of 2007.

d) Establishment of systems of reuse of hazardous wastes generated through consumption. The first regulated sector was pesticides, with the entry in force of Resolution 693 of 2007, that created management plans for returning containers, packages and pesticides that were no longer in use: This is the first regulation in the country which obliges importers or
manufacturers to assume their responsibilities for the management of hazardous wastes of the products they have put into the market.

e) Participation in the Agreement for Environmental Management of Mobile Phone Wastes between operators of this service and mobile phone equipment manufacturers in April 2007. The objective of this agreement is to allow a safer management of these wastes. At present the recollection plan of mobile phones has 153 collection points in 30 countries in the country, and to date approximately one million elements like electronic chips, batteries, mobile phones and accessories have been collected. Approximately 90% of these have been exported.

f) Agreement for the Environmental Management of hazardous wastes in the electricity sector, in which representatives of the main companies in the sectors and big distribution chains participate. This agreement is focused on the evaluation of the more adapted national strategies for the management of wastes resulting from the consumption of bulbs contained mercury and lead.

g) Pilot project for the recollection and management of computers no longer in use coming from households, under the framework of the Basel Convention. With the support of the Basel Convention Regional Center for South America in Buenos Aires and the collaboration of “Computadores para Educar”, the Ministry developed a pilot project with the aim of having a first approach to the issue of hazardous wastes and to seek further definitions for an adequate management.

h) To monitor the development and implementation of collection strategies for ink cartridge and printing equipment in companies in Colombia for further recycling procedures.

i) Formulation of strategies for the prevention and reduction of hazardous wastes in the printing and graphic sector. Based on the results of the project carried out jointly by the regional Cleaner Production Centre of the Cauca Valley, and with micro, small and medium-size companies (MIPYMES) in the sector, a similar project may also be carried out in the cities of Medellín, Bogotá, Barranquilla and Bucaramanga.

Nevertheless, there are many other needs required for the implementation of the Strategic Plan, such as:

- Promotion and use of and less polluted production technologies, which requires a good amount of resources for pilot projects and their validation.
- Improvement and development of the creation of institutional and technical capacities for the establishment and the transfer of environmental sound technologies, mainly to the environmental authorities at the regional and local levels.
- Improvement of the capacity to monitor and control reuse, treatment and disposal facilities of hazardous wastes.

Difficulties and obstacles observed in the Implementation of the Plan

- Even if tangible results have been achieved in the implementation of the Strategic Plan on the application of the principles and obligations of the Basel Convention at the world level, it is nevertheless evident that the main obstacle faced by the Plan, is the little financial resources available to support developing countries on the implementation of the Plan and to carry out priority actions in coordination with the Regional Centres.

For an efficient implementation of the Plan a sustained financial mechanism is required, in view of the fact that its financial resources and assistance in kind contributed by developed countries, intergovernmental organizations, industrial sector and non-governmental organizations. In this regard, it would be very convenient if the new strategic framework would examine the feasibility of developing economic instruments, which facilitates the implementation of the Convention, taking into account among other principles, the principle of polluter pays.
• It is necessary to strengthen the Basel Convention Regional Centres in order to offer more training and support to the Parties, especially in developing countries, in relation to technology transfer, planning and implementation of systematic actions aimed to consolidate the management of hazardous wastes and other wastes in their territories and the respective regions.

• The impossibility to achieve progresses in relation to the Ban Amendment, adopted in 1995 during the third meeting of the Conference of the Parties (Decision III/1) can be an issue that weakens the commitment in implementing the Strategic Plan.

• It is necessary to give importance to the actions on the dissemination of information and public awareness in relation to the problem of hazardous wastes in order that the public at large and involved stakeholders may count with an adequate database to improve their degree of commitment in attaining the objectives of the Strategic Plan.

• Regarding the development of the efforts directed towards strengthening synergies with other Multilateral Environmental Agreements related to the management of chemical products, it is necessary to establish that these agreements are considered a commitment on the environmentally sound management of hazardous wastes and chemical products covered therewith. That is for example the case of the Stockholm Convention and the Montreal Protocol.

2. Designation of a contact person to facilitate liaison with the Secretariat regarding the examination of the Strategic Plan

With reference to the request made to Parties in paragraph 7, decision IX/3, to designate a contact person, the information regarding the national contact on the Strategic Plan is as follows:

Name: César Buitrago Gómez
Office: Directorate for Sectoral Sustainable Development
Entity: Ministry of Environment, Housing and Territorial Development
Fax: 571-3323434 ext. 2378
Email: cbuitrago@minambiente.gov.co

I hope that the comments hereby submitted would be useful for the development of the Plan, as well as for the compliance of the objectives of the Convention.

Yours sincerely,

Adriana Mejia Hernández
Vice Minister for Multilateral Affairs
Achievements

Draft of a plan for minimization and environmentally sound management of hazardous wastes and their disposal.

Regarding lead-acid batteries, the directives emanating from the Technical Unit of the Secretariat of the Basel Convention are applied.

A counter draft project on minimization and environmentally sound management of mercury contained in wastes generated in the health sector was presented. It awaits approval and financing by the Secretariat of the Basel Convention.

Executive Decrees regulating all matters related to the management of expired medicaments, electrical and electronic wastes, as well as polychlorinated biphenyls are in process of approval by the Government.

Export of pesticides with DDT is under way for final disposal in France.

At present bid proposals are being prepared by electric power firms with a view to dispose of accumulators, transformers and generators containing PCBs.

Difficulties encountered

Problems with the elaboration and approval of new procedure manuals, directives and regulations.

Difficulties with the financing for training of personnel.

Problems in the training of firms dealing with the recuperation of wastes.

Financial difficulties to carry out pilot projects in untrained areas.

Lack of coordination by the Regional Centre regarding the Convention.

Lack of personnel.

Waiting for support by the Secretariat of the Basel Convention to implement the present plan.
Croatia

Katharina Kummer Peiry,
Executive Secretary

Secretariat of the Basel Convention
on the control of transboundary movements
of hazardous wastes and their disposal
15, chemin des Anémones,
1219 Chatelaine (Geneva)
Switzerland

Zagreb, 1st February 2008

Dear Ms. Kummer Peiry,

Regarding to your document OEWG-VI/28: Developments and obstacles in the implementation of the Strategic Plan for the implementation of the Basel Convention our ministry as a Focal Point for the implementation of the Basel Convention do not have any additional comments and objections to the adopted Plan.

Yours sincerely,

[Signature]
State Secretary for Environment

Nikola Ružicki, Ph. D.
Egypt

تقرير
 نقطة الاتصال الوطنية في مصر حول مراجعة عمل اتفاقية بازل - المعنية بالتحكم في نقل النفاثات الخطرة عبر الحدود - وملاحظات على شكل الإطار الاستراتيجي الجديد للاتفاقية 2010-2020

في إطار ما يقوم به مؤتمر الأطراف لاتفاقية بازل - المعنية بالتحكم في نقل النفاثات الخطرة عبر الحدود - من إجراء مشاورات مع الدول الأطراف حول مراجعة عمل الاتفاقية على المستوى الدولي وشكل الإطار الاستراتيجي الجديد للاتفاقية، نود هنا أن نستنهل بعض الرؤى من وجهة نظر نقطة الاتصال الوطنية للاتفاقية حول التطورات والعقود المتعلقة بتنفيذ الاتفاقية:

1. تلخص الموارد المالية لاتفاقية بازل اللازمة لتمويل الصندوق الاسترمني للتعاون الفني، وصندوق دعم الطوارئ، واللازمة لتفتيت التكاليف الأساسية لبرامج الاتفاقية والأمانة التنفيذية لها، لذا يجب أن تتمكن الأطراف في الاتفاقية من إرسال الاتفاقية على أسس سليمة ومستدامة ماليًا.

2. تبين من الممارسة العملية أن جهود الحكومات وحدها غير كافى لضمان نجاح تنفيذ اتفاقية بازل، مما يدعو إلى تعزيز مبدأ الشراكات مع جميع أصحاب الصناعة، وبخاصة الصناعة كمولد رئيسي لنفاثات، ويجب على الاتفاقية أن تعمل بجدية في خلق آلية إرشادية للشراكات مع القطاع الصناعي لمواجهة قضايا النفاثات الخطرة.

3. يجب أن تنشد بمواقف التزام البلدان المضيفة للمراكز الإقليمية، ومنها مصر على الجهد المبذول لدفع العمل بهدف المراكز، وأيضًا نشيد بما قدمه عدد من المانحين من مساهمات للمشاريع التي تتقدها تلك المراكز.

4. نرحب بالتحركات الرامية إلى تعزيز التنسيق بين اتفاقيات بازل وروتردام واستوكهولم وخلق آلية تأزرر بينهما، وحتى الآن صادق كل من مؤتمرات الأطراف لاتفاقية بازل وتتفقت روتاردم على هذه الآلية وبقى مصادقة مؤتمر الأطراف لاتفاقية استوكهولم في مايو 2009.

5. هناك جهود حثيثة جارية من مصر وأطراف أخرى من الدول النامية والعديد الأوروبي وسويسرا لمعالجة الأزمة المستحكة بشأن...
قرار حظر تصدير النفايات الخطرة من دول الملحق السابع (دول منظمة التعاون الاقتصادي والتنمية) الي الدول النامية.

6. على الرغم بأننا نرغب بإمكانات اتفاقية بازل فإننا نرَّوء من عجز الأطراف فيها عن اغتنام وتحقيق ما تعد به من مالم. ونعيد التذكرة بقرار الحظر الذي هو عصب وروح هذه الاتفاقية. ونأمل على أنه لم يدخل حيز النفاذ بعد، وهو ما يعني أن الأطراف عاجزين عن إنهاء التجارة في النفايات الخطرة.

7. إن الوقت قد حان لكي تفي الأطراف في الاتفاقية التي تناهض دخول قرار الحظر حيز النفاذ بواجباتها نحو اتخاذ الفرصة لدخول تعديل الحظر حيز النفاذ والتصديق عليه لاحقا. ولا بد ان نشير إلى أن الغالبية العظمى من الدول الأطراف أبدت تعديل الحظر، مما يدعونا بالأخص بمارسه الحكم الموجود في النظام الداخلي بالتصويت على ما كان ينبغي لتعديل الحظر أن يدخل حيز النفاذ لم.

8. مزال الاتجار الغير مشروع في النفايات الخطرة يمارس على الساحة الدولية أخيرا حدث دفن النفايات الخطرة في كوت ديفوار في عام 2006؛ لذا تحدث على القيام بمزيد من الجهد والعمل عن كثب في دعم قدرات موظفي الجمارك، ودعم قدرات القانونيين والرواتب في ملاحقة جميع أشكال الاتجار غير المشروع قضائيا.

9. إنه على الرغم من أن الاتفاقية تعالج مسألة النفايات بمفهومها الواسع، فإن الهدف الأساسي ينبغي أن يكون تقييد الدوافع الأولى لإنجاح النفايات، ومراعاة الأهداف الأصلية للاتفاقية. ولن كانت إعادة استعمال النفايات وتدويرها يشكلان موردا لزيادة الإنتاج ومردود اقتصادي.
10. مما يجعل قدرة البلدان على مساهمة بعضها البعض في مجال بناء القدرات وعمده من أشكال الدعم قدرة محدودة، وذلك على الرغم من أن نطاق الأنشطة على المستوى الوطني أمر جلي برغم العراقي.
والدليل على ذلك أن المراكز الإقليمية التي أُعطيت أملا كبيرا للبلدان النامية تعاني صعوبات في دفع مجرد تكاليف تشغيلها.

11. إن من الضروري أن تبعث إشارة قوية إلى المجتمع الدولي، وحيث الأطراف في الاتفاقية على نبذ الخلافات الصغيرة وتوفير الهدف. وتعترف بأننا نشطر بنوع من الإحباط نتيجة لضعف الاتفاقية النسبية في الوقت الراهن، ونأمل في أن تثير الإجراءات الهادفة إلى إعطائها اتجاها جديدا. ونرحب بما التزم به برنامج الأمم المتحدة للبيئة عن التزامه بالخطة البيئية الدولية، وذلك بواسطة مبادرات أطلقت في الأونة الأخيرة منها توفير مبلغ مليون دولار للمساعدة على مكافحة نفايات الزرنيخ، وملغ آخر قدره مليون دولار للمساعدة على التنسيق بين أمم الاتفاقيات البيئية متعددة الأطراف.

12. كما هو الشأن في أي صك دولي، من المهم جدًا الانتباه إلى توافق الأراء الذي يقوم عليه هذا الاتفاق، وإننا لم نستطيع مؤتمرات الأطراف أن تكفل تنفيذ الاتفاقية وإنفاذها، فإنها سوف تفقد مصداقيتها.

تؤكد على أن هناك حاجة إلى إطار عمل استراتيجي جديد في ضوء الحاجات الملحة لمصر وغيرها من البلدان النامية في مجال الإدارة الأمنة للنفايات الخطرة والنافات الأخرى.

إن إعداد إطار عمل استراتيجي جديد لتنفيذ الاتفاقية بازل سيستفاد به في إبراز الصلات بين إدارة النفايات وإنجاز الأهداف الإقليمية للاتفاقية، وكذلك الصلات المتعلقة بالصحة العامة ومعدلات النمو الاقتصادي والاجتماعي.

فضلاً عن أن إطار الاستراتيجي سوف يساهم في تقييم فعالية تنفيذ الاتفاقية، وهو ما يتفق مع التفويض الممنوح لمجلس الأطراف للاتفاقية وفقًا لنص الفقرة (7) من المادة (15) من الاتفاقية بضرورة إجراء تقييم فعالية الاتفاقية مرة على الأقل كل ستة أعوام، مع النظر إدا للزم

New Strategic Framework – Basel Convention
Adel.Shafiei/d.files.hw.250109
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الامر في فرض حظر كلي أو جزئي على حركة النفايات الخطرة والنفايات الأخرى عبر الحدود في ضوء المتغيرات البيئية والتقنية والاقتصادية.

نرئ ان الإطار الاستراتيجي الجديد للاتفاقية لا يدك في الاعتبار المفاهيم التالية والتي تتوافق مع الموقع المصري في الاتفاقية والتشريعات الوطنية في مصر، والتي تعكس أيضا الاحتياجات الوطنية:

1. أن يستند الإطار الاستراتيجي في مجمله على أهداف المادة (4) من الاتفاقية والتي توضح بصورة نفسلية الالتزامات العامة فيما يتعلق بممارسة الدول الأطراف حقها السيادي في حظر استيراد النفايات الخطرة والنفايات الأخرى إلى أراضيها، وحق الدول في إحداث الإجراءات المناسبة لأوضاعها البيئية والاقتصادية والاجتماعية من أجل خفض توليد النفايات وإتاحة المرافق اللازمة للتخلص الآمن منها، وكذا خفض حركتها عبر الحدود.

2. أن يراعي الإطار الاستراتيجي قدرات البلدان النامية والتحديات التي تواجهها في الإدارة السلامة بيئيا للنفايات.

3. ينظر في تعزيز التعاون والتنسيق فيما بين اتفاقيات بازل واستوكهولم وروتردام.

4. دعم للمراكز الإقليمية لاتفاقية بازل وأخذ قدرات المراكز ودورها في الاعتبار.

5. أفضل المعرفة الممكنة عن مستويات واتجاهات تيازات النفايات العابرة للحدود والإدارة السلامة بيئيا للنفايات.

6. يكون جذابا للشركاء في غير اتفاقية بازل، بما في ذلك برنامج الأمم المتحدة للبيئة وبرنامج الأمم المتحدة الإنمائي ومعهد الأمم المتحدة للتدريب والبحث ومرفق البيئة العالمية والبنك الدولي والجهات المانحة، وكذلك للشركات مع المجتمع المدني والقطاع الخاص.

7. يستفيد من تفهم الدروس المكتسبة من الخطة الإستراتيجية السابقة في تحقيق أهداف الاتفاقية، وينبغي أن يستفيد أيضا من التقييمات الأخرى لخبرات الاتفاقية.
I would like to offer the following comments on the draft report on your website:

Section 3 of the draft report: The text seems to be a compilation from the comments submitted. In my view, the text should give the lessons learned, including by the Secretariat, in a summarized and structured way but without naming any countries or BCRCs, taking into account the comments submitted.

Annex III: A number of decisions listed may be somehow relevant for the Strat. Plan, but in view only the decision directly addressing the Strat. Plan should be listed.

Annex V: This table is certainly an important part of the report. It is supported to give results and comments to all activities (initiatives, outcome and indicators) as far as possible. For clarification, the second column should read "Initiatives/outcome/indicators". In the column results, it may be helpful to introduce a very short summary like "Achieved", "Partly achieved", "Not achieved". In addition, all boxes in this column should be filled in (if necessary like "Data not available")

Annex VI (this useful Annex should referenced in the report): This annex is important. With regard to Table 1, it seems better to merge the two parts (adopted at OEWG1 and adopted at OEWG2) into one list (projects adopted at OEWG1 and 2). In addition, the fourth column may better read only "BC funds" since there was partly an allowance from the COP that money could be spent later than 2003-2004. The date (years) of the start and end of the projects may be an additional useful information and could e.g. be given in the column "title of project"

With regard to table 2 (Partnership activites) and table 3 (BCRC projects under the BD fund) it seems more appropriate to move them into separate annexes (VII and VIII) to make them more visible.
Guyana

Mr. Nelson Sabogal
Senior Programme Officer
Secretariat of the Basel Convention (SBC)
International Environment House 1
15 Chemin des Anémones
1219 Châtelaine (Geneva),
Switzerland

Dear Mr. Sabogal,

Re: Comments on Basel Strategic Plan 2010

On behalf of the Environmental Protection Agency, the Focal Point for the Basel Convention in Guyana, I am pleased to present our comments on the implementation of the Strategic Plan of the Basel Convention 2010. In compliance with the Basel Convention, several developments have been made to aid in better management of hazardous waste. However, we face several obstacles that prevent us from completely fulfilling our mandate.

DEVELOPMENTS

- 2000-Hazardous Waste Management Regulations were passed under the Environmental Protection Act, No 11 of 1996 to (1) establish a framework for the management of hazardous waste pollution and (2) operate a permitting system for the transportation, generation, treatment, storage or disposal of hazardous waste.

- 2003-Pesticide and Toxic Chemicals Regulations control the manufacture, importation, transportation, storage, sale, use and disposal of pesticides and toxic chemicals, which constitute hazardous waste.

- Drafted The Environmental Protection and In-transit Import of Hazardous Waste Regulations.
Reuse, and recycling of hazardous waste such as waste oil by several local companies.

Improved technology employed by some local companies for example the use of automatic shut-off systems to prevent spillage from both oil and fuel.

Plans are currently being implemented for the construction of a new disposal facility based on internationally accepted technical and environmental standards at Hague Bosch, Eccles.


Public Awareness and Education on the Implementation of the Hazardous Waste Management Regulations, Environmental Protection Act were conducted.

The Environmental Protection Agency and the Guyana Bureau of Standard monitor operations that handle hazardous waste.

Obstacles

- Absence of proper facilities to dispose hazardous waste.
- Lack of adequate and updated legislation and enforcement mechanisms to address hazardous waste management issues.
- Lack of an effective monitoring system and implementation mechanisms to effect changes.
- Limited collaboration among agencies for the management of hazardous waste.
- Lack of understanding of roles and responsibilities by stakeholders in hazardous waste management.
- Weak mechanism for the sharing of information among stakeholders to enhance decision making.
- Lack of record keeping on hazardous waste generation at the source.
Human Resources Obstacles

- Under utilization of technical expertise where it may be available.
- Improper use of practical and theoretical expertise.

Technology Access Obstacles

- Lack of or inadequate technology for effective hazardous waste treatment.
- High cost for the treatment of hazardous waste.
- Cost recovery mechanisms that could be used for investment in hazardous waste management are lacking.

Financial Resources Access Obstacles

- Inadequate funding available locally for Hazardous Waste Management.
- Lack of resources for training.

Socio-Cultural Obstacles

- Behaviour and cultural resistance to change waste management practices.
- Lack of acceptance of roles and responsibilities by major stakeholders.

We look forward to your continued assistance and guidance in the future.

Yours sincerely,

Tashana Redmond MES
Senior Environmental Officer
Environmental Management Division
Environmental Protection Agency

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"The Environment is Everybody’s Business"
Islamic Republic of Iran

Comments from Islamic Republic of Iran

With reference to the decision 3/9 of the Conference of the parties to the Basel Convention held in Bali, from 23-27 June 2008 on the Strategic Plan and a new Strategic Framework adopted by COP9, the following areas are suggested in implementing the strategic plan:

1. Consideration of policy options in order to control the illegal traffic of hazardous wastes from non-parties as exporter to parties as importer and transit, regarding to the current problems concerning movement of hazardous wastes without notification and receiving official permission from importer countries.

2. Preparation of more detailed HS codes for hazardous wastes subject to the annexes of BC, and removing of repeated items in annexes I and VIII. Identification of wastes as a hazardous waste on basis of annexes is sometime difficult and unclear. In this regard presenting more detailed explanatory guideline for identifying wastes inclusion to annexes VIII and XI from each other is needed.

3. Providing technical guideline for a global integrated experiments, methods and equipments required for analysing waste samples of waste.(for identifying the wastes contained in the Annex XI which will not be wastes covered by Article 1, paragraph 1 (a), of the BC unless they contain Annex I material to an extent causing them to exhibit an Annex III characteristic).

4. Establishment of globally integrated standard limits for determination of the characteristics of hazardous waste. For example the amount of heavy metals in wastes in order to be considered as a hazardous waste.

5. Providing a technical guideline for improving zero wastes industrial systems or reduced wastes systems or designing a method for introducing modern clean or cleaner Technologies.

6. Establishment of a data network to follow the waste stream in stage of production, movement and disposal of hazardous wastes from source of generation to the disposal destination at international and regional level available for parties under Basel Convention.

Environmental Research Center: Hakim Expressway, Pardisan Park, Tehran, Iran
www.environment.ir info@environment.ir Post Box: 14155-7383 Tel.:88268040-44
7. Awareness raising and technical knowledge of developing countries concerning current issues on hazardous wastes and other wastes.

8. Strengthening customs as one of the main factors in implementation of the BC by providing specific training programs.

9. On the purpose of upgrading the implementation of Basel Convention context in developing countries, providing of financial support for above mentioned items should be considered before designing a compliance mechanism.
Japan

The strategic plan for the implementation of the Basel Convention (to 2010) brings various opportunities for the Parties, the Basel Convention regional and coordinating centres (BCRCs), and other organizations to undertake various projects and programmes to achieve the fundamental objectives of the Basel Convention: 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. The strategic plan has been functioning as a major instrument to give further effect to the Basel Declaration on Environmentally Sound Management adopted under Decision V/1.

In accordance with Decision IX/3 and the discussions at the last teleconference held on 20 January 2009, the Government of Japan would like to submit the following comments on the developments and obstacles in the implementation of the current Strategic Plan aimed at providing guidance for what the Secretariat of the Basel Convention should focus on in reviewing the current strategic plan as well as for developing a new strategic framework.

Changing environmental, economic and social circumstances

In Decision VI/1, the Parties agreed to take into account regional and national diversities and specificities, including developing countries and least developed countries, in the development and implementation of the strategic plan. Seven years have passed since the strategic plan was adopted in 2002 when awareness of the environmentally sound management of hazardous and other wastes was just beginning to rise in developing countries and countries with economies in transition. In the meantime, environmental, economic and social circumstances surrounding the Parties have changed dramatically. The economic growth in developing countries has boosted the demand for resources. The scarcity of natural resources has increased the environmental as well as economic rationale for acquiring recyclable resources from wastes. Since advanced globalization has intensified the uneven distribution of supply and demand of recyclable resources, transboundary movements of those resources for the purpose of recovery and recycling, some of which include hazardous materials subject to the Basel Convention, has been promoted.

The 3R initiatives which the Government of Japan has advocated stress that an international point of view for efficient use of resources through the promotion of the 3R initiative is required to respond to the advancing interdependence of the world economy, expansion of trade in materials and products, and resource constraints due to increasing demands. The Kobe 3R Action Plan adopted at the last G8 Environment Ministers Meeting in May 2008 notes that 3R policy can contribute to the promotion of the environmentally sound waste management and capacity development in developing countries by supporting the implementation of the Basel Convention.

In addition, national legislation and institutional and policy frameworks have been developed in developing countries thanks to the great efforts of the Parties themselves with the close support of the Secretariat and BCRCs. Currently, some countries have established policy frameworks and infrastructure to treat hazardous wastes in an environmentally sound manner. Transboundary movements of hazardous wastes sometimes enable countries which do not have appropriate facilities for environmentally sound management of hazardous wastes to export those wastes to other countries which have facilities. Furthermore, the import of hazardous wastes can help countries sustain the formal recycling businesses established within them.
In this context, the field (c) of the strategic plan aims at the 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. In reviewing the current strategic plan and developing a new strategic framework, the Parties and the Secretariat need to consider a balanced way to minimize the threat of hazardous wastes to human health and the environment as well as to ensure their environmentally sound and efficient management on a regional scale, taking into account regional and national diversities and specificities.

**Data gathering and analyses**

Decision IX/3 stressed the importance of gathering and analysing data and information required to provide an evaluation of the effectiveness of the implementation of the Convention as a basis for the preparation of a new strategic framework. The assessment of the achievements of the current strategic plan as well as the effectiveness evaluation of the implementation of the Convention should be based on the objective analysis of information and data which represent the current circumstances and reality the Parties face. Such information includes but is not limited to:

- Past and current patterns and trends of transboundary movements of hazardous wastes (which can be obtained from the online reporting database of the Convention);

- Development and implementation of national legislation and institutional and policy frameworks in developing countries;

- Development of recovery/recycling policies, infrastructure and technologies in developing countries, including the import policies of hazardous wastes for recovery/recycling purposes; and

- Initiatives for recovery/recycling systems and schemes for hazardous wastes at the regional level.

The Japanese Ministry of the Environment is now conducting research from this perspective and is willing to provide the results at a later stage to facilitate an effectiveness evaluation of the implementation of the Convention as a basis for the preparation of a new strategic framework in accordance with paragraph 10 of Decision IX/3.

**Financial matter**

The Basel Declaration on Environmentally Sound Management recognized the need for a sound financial basis for the effective implementation of activities set therein and for increased efforts to gain access to all sources of funding, including international financial institutions, and recognized, 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. Decision VI/1 agreed to mobilize resources to implement the strategic plan for 2003-2004 and to develop a financial strategy for the period 2005-2010. During the period 2003-2004, BCRCs were able to undertake various projects under the strategic plan because of the resource availability and successfully brought important results and recommendations to the Parties about the further challenges to tackle in the implementation of the Convention.

However, while Decision VII/1 noted that a sustainable and adequate financial basis was essential, the seventh Conference of the Parties did not include the plans for resource mobilization for the implementation of the strategic plan. BCRCs have faced financial difficulties in continuing their active implementation of projects under the strategic plan since COP 7. The Technical Cooperation Trust Funds became the main financial source for BCRCs to sustain their activities where limited financial...
support is available from the specific donor countries on an individual project basis depending on a business plan and proposal document developed by BCRCs. Considering that financial instability was one of the major factors leading to stagnated implementation activities of the current strategic plan, a new strategic framework should explore measures for a broader number of the Parties to fulfill their responsibilities and to make financial and technical contributions for its implementation.

In Decision VI/1, the Secretariat was requested to develop financial plans, in cooperation with Parties, to support the strategic plan, including plans for Parties to access Global Environmental Facility and other multilateral and bilateral funding. Evaluation of the financial plans the Secretariat developed especially for the period 2005-2010 should be conducted to see what has been achieved, taking into account the financial difficulty that BCRCs usually face in delivering their core functions (training, technology transfer, information, consulting, and awareness raising) expected by the strategic plan.

**Coordination and partnership**

The strategic plan clearly identifies the partners to take initiatives and activities with the Secretariat, BCRCs and the Parties. Well-coordinated partnership is one of the key factors for effective and sustainable operation of activities in the strategic plan. BCRCs have made efforts in involving the partners at various levels, such as intergovernmental organizations and national and local governments as well as public sectors and communities, to implement the projects under the strategic plan. However, there are some cases in which similar initiatives and projects were launched by other intergovernmental organizations despite the fact that those organizations were identified as the partners in the strategic plan. The review of the current strategic plan should consider possible measures to promote coordination with the partners, in particular with intergovernmental organizations, so that complementary demarcation and further collaboration including the possibility of co-funding would be addressed in a new strategic framework.

**Project evaluation**

Reports of completed projects under the strategic plan and those under the Technical Cooperation Trust Funds are available on the website of the Secretariat. In order to fully utilize the outcomes and lessons learned from those projects, project evaluation is essential for further consideration of what kinds of measures and actions the Parties and BCRCs should take, based on past experience. The UNEP project manual describes that evaluation provides recommendations and lessons learned for improving future policy, programmes and projects, and it establishes a basis for accountability. However, no information about evaluation of the projects conducted under the strategic plan is available. As one of our activities, the Government of Japan has implemented the initiative “Establishment of the Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes” under the strategic plan since 2003 and also continuously contributed to the Basel Convention partnership programme on the environmentally sound management of e-waste in the Asia-Pacific region since 2005. A systematic evaluation of all projects under the strategic plan should be undertaken to determine the relevance, impact and effectiveness of those projects as a basis for the preparation of a new strategic framework. We welcome feedback and even criticism on our projects as a part of that evaluation for further improvements of future projects.
Dear Mr Sabogal,

RE: COMMENTS ON THE DEVELOPMENTS AND OBSTACLES OF THE CURRENT STRATEGIC PLAN

Please refer to your letter dated 17 December 2008, regarding the strategic plan. Our comments are as follows:

(a) lack of sustainable financing mechanism for developing countries to support the implementation and also participation in working group meetings of the convention.

(b) no major projects have been developed in Small Islands Developing States.

(c) lack of clarity on the links and roles of the those involved in the implementation BCRCS, Secretariat and Host countries.

(d) no information is available on the level of enforcement levels in the various countries involved in the implementation

(e) Industry participation in terms of product stewardship in take back schemes world wide are lacking.

(f) no major development of pilot waste minimization projects that can be replicated regions wise

Yours faithfully,

P.Kowlesser
for Permanent Secretary

Mr Nielson Sabogal
Secretariat of the Basel Convention
16, Chemin des Anémoms
1219 Châtelaine
GENEVA
Moldova

Follow up to the Decision IX/3 on the Strategic Plan and new strategic framework

With reference to the letter of the Executive Secretary of the Basel Convention dated of 17 December 2008 concerning the decision on the Strategic Plan and a new Strategic Framework adopted by the Conference of the Parties of the Basel Convention, we would like to inform you of the following:

1. Nomination of contact person:
First of all we would like to inform you that the Republic of Moldova nominates Mr. Mihai Iftodi as the contact person to facilitate liaison with the Secretariat in the review of the Strategic Plan. Mr. Mihai Iftodi is Focal Point of the Basel Convention, Head of the Division of Environment Pollution Prevention of the Ministry of Ecology and Natural Resources. Please find below his contact details:

   Mr. Mihai Iftodi  
   Head  
   Focal Point of the Basel Convention  
   Division of Environment Pollution Prevention  
   Ministry of Ecology and Natural Resources  
   Address: 9, Cosmonautilor St., MD-2005, Chisinau, Republic of Moldova.  
   Tel.: (373 22) 20 45 25  
   Fax: (373 22) 22 68 58  
   E-mail: iftdi@mediu.gov.md

2. Information on implementation of the Strategic Plan:

Preamble:

In conformity with national legislation the Ministry of Ecology and Natural Resources (MENR) is the national competent authority.

The Focal Point to the Basel Convention is Head of the Division of Environment Pollution Prevention from the Ministry of Ecology and Natural Resources.

Main Legal Framework related to management of wastes, which has been approved before adoption of the Strategic Plan is as follows:

- the Law on Production and Domestic Wastes, No 1347-XIII of 9 October 1997
- the Law on Regime of Harmful Products and Substances, No. 1236-XIII of 3 July 1997
- the Law on the Payment for Pollution of the Environment, No. 1540-XIII of 25 February 1998
- the Government Decision on Approval of the Programme on Production and Domestic Wastes Management, No. 606 of 28 June 2000
- the Government Decision on Approval of the Measures for Centralizing Storage and Disposal of Obsolete Unused and Prohibited Pesticides, No. 30 of 15 January 2001 etc.

It is necessary to mention, also, that the guideline “ABC of waste” has been elaborated published and distributed in 2000.

The following legal acts have been approved in goals to establish a mechanism of implementation of the Basel Convention and to prevent an illegal traffic of wastes:

- The Government Decision on the Control of Transboundary Movement of Waste and Their Disposal, No. 637 of 27 May 2003. It is necessary to mention, also, that the List of Categories of Hazardous Wastes and Regulation on the Control of Transboundary Movement of Waste and Their Disposal have been approved by the above-mentioned Decision of the Government.
- In goals to ensure the implementation of the above-mentioned Decision of the Government, the Instruction for completing the form for the notification and Instruction for completing the form for the wastes movement have been approved by the Order of the Minister of Ecology and Natural Resources, No. 233 of 10 November 2003.

Recognizing importance to protect human health and the environment from persistent organic pollutants (POPs) as well as to eliminate the POPs stockpiles the following measures have been effectuated in the Republic of Moldova during the period 2002-2004:

- the Protocol on Persistent Organic Pollutants to the Convention on the Long-range Transboundary Air Pollution has been ratified by the Law No. 1018-XV of 25 April 2002
- the Stockholm Convention on Persistent Organic Pollutants has been ratified by the Law No. 40-XV of 19 February 2004
- the National Strategy on Reduction and Elimination of Persistent Organic Pollutants has been approved by the Government Decision No.1155 of 20 October 2004
- the National Plan of Implementation of the Stockholm Convention on Persistent Organic Pollutants has been approved by the Government Decision No.1155 of 20 October 2004.

Taking into account the above-mentioned, the Republic of Moldova has developed the main legislation, strategies and programmes on waste prevention and minimization in accordance with provisions of the Strategic Plan of the Basel Convention and other MEAs.

Also, the Republic of Moldova has established:

- the mechanism of implementation of the Basel Convention and prevention of illegal traffic of wastes
- the national waste inventory and reporting system.

Implementation of activities during period 2005-2009

In the period 2005-2009 the Republic of Moldova has continued the activities on strengthening legal and regulatory framework related to management of wastes. The following acts have been developed and approved:

- The Law on Acceptance of Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, including Annex VII has been approved by the Parliament of the Republic of Moldova (No. 205-XVI of 9 October 2008).
- The Government Decision on Approval of the Regulation on Polychlorinated Biphenyls (PCBs), No. 81 of 2 February 2009 and others acts.

It is necessary to mention, also, that:

- the strategic directions on management of wastes have been included in the National Development Strategy for 2008 – 2011, approved by the Law No. 295-XVI of 21 December 2007

The activities on strengthening legal and regulatory framework are continued. Actually the draft new Law on Management of Wastes has elaborated. It is harmonized to the new European Union Directive 2008/98/EC on waste.

**Some activities on reduction and elimination of hazardous wastes and residues**

- The repackaging and centralized storage of 3350 tons of obsolete pesticides has been realized in 2005 – 2007.
- 2226 tons of toxic chemicals were shipped in 2006-2008 to France and disposed of in TREDI S.A facilities, including:
  - in energy sector, 18660 obsolete power capacitors containing polychlorinated biphenyls (PCB) have been dismantled and eliminated from high voltage transformer substations. The total weight of such wastes reaches 934 tons.
  - 1292 tons of pesticides from agricultural sector have been eliminated from 13 centralized warehouses (Telenesti, Straseni, Hincesti, Niporeni, Floresti, Soldanesti, Briceni, Riscani, Stefan-Voda, Vulcanesti and Cimislia districts). Thus, one third of country territory has been cleaned up of POP contaminated wastes.

These activities have been financed by the Global Environmental Facility (GEF) in the framework of the Stockholm Convention. At the same time realization of these activities has contributed to the implementation of the Strategic Plan of the Basel Convention.

3. **Some our comments on the developments and obstacles in the implementation of the existing Strategic Plan is as following:**

The Republic of Moldova considers that existing Strategic Plan is the important mechanism to support the implementation of Basel Convention. It assisted Parties to the Basel Convention in several fields, for example: through development of technical guidelines, manuals and other documents; effectuation of workshops etc.

Obviously, those during the past years the Secretariat of the Basel Convention, the Basel Convention Regional Centers and Parties to the Basel Convention have taken some activities in accordance with the key fields identified in the Strategic Plan.

At the same time we consider that the main problem and obstacle related to existing Strategic Plan is lack of adequately and sustainable financial mechanism to support developing countries and countries with economy in transition to implement the Basel Convention and its Strategic Plan as well as to ensure realization of role and tasks of the Basel Convention Regional Centers.

Capacities of developing countries and countries with economy in transition to implement Basel Convention and Strategic Plan are insufficient.

The Republic of Moldova acknowledges that resource mobilization should be seen as a very important element in consideration of new strategic framework to the Basel Convention and reinforces commitment to taking an active and comprehensive approach to resource mobilization.

In our view a new strategic framework should be realistic and based:

- on strengthened financial mechanism and directed to support developing countries and countries with economy in transition to strengthen their capacity and implement the Basel Convention.
- on enhanced cooperation and coordination among the Basel, Stockholm and Rotterdam Conventions as well as SAICM
- on paying more attention to new types of wastes such as: end-of life materials, packing wastes, e-wastes, obsolete automobiles, obsolete pesticides and others.

************
Morocco

Secretary of State attached to the Ministry of Energy, Mines, Water and Environment in charge of Water and Environment

Department of Environment
General Secretary
Directory of Monitoring and Risk Prevention (DPSI/SP)

Activities for the implementation of the Strategic Plan of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

1. Regulatory framework
   - Adoption of Law 28-00 related to waste management and their disposal: This act regulates in chapter VI the transboundary movement of waste in accordance with the provisions of the Basel Convention.
   - Adoption of Decree No. 2-07-253 of 18 July 2008 on waste classification and determining the list of hazardous wastes;
   - The Decree on the control of transboundary movements of hazardous wastes is being prepared.
   - Morocco has ratified the Ban Amendment of the Convention and has incorporated its provisions in the Act 28-00 on waste management and their disposal.

2. Support to the Basel Convention Regional Centre (BCTC-Egypt)
   - Participation in the training sessions organized by the BCRC on waste management.
   - The BCRC has provided funding for a project on the development of an approach for the environmentally sound management of wastes from the artisan industries in the region of Marrakech: the allocated budget is 30 000US$. This project, which started in December 2008, is to achieve a diagnosis of the current situation and impact assessment of waste from artisan industries on the environment, developing an action plan and the implementation of priority actions identified by the monitoring committee.

3. African programme to eliminate stockpiles of obsolete pesticides (PASP-Maroc)
   The African programme to eliminate stockpiles of obsolete pesticides (PASP) is part of the declaration on the prevention and the environmentally sound management of hazardous wastes adopted at the fifth Conference of the Parties, held from 6 to 10 December 1999 in Basel. The programme also meets the concerns of African countries expressed in the Rabat Declaration, prepared by the ministerial segment of the first African conference on the prevention and management of hazardous wastes held in Rabat from 8 to 12 January 2001 and adopted in Ouganda in July 2002 by the Council of African Ministers of Environment.
   The PASP has introduced a number of criteria, mainly the ratification of the Stockholm Convention on Persistent Organic Pollutants.
   Morocco took the benefit of PASP following the ratification of the Convention.

This programme is funded by donors including the World Bank, GEF and GTZ. The Grant Agreement on PASP-Morocco was signed on 5 February 2007 and its implementation is ensured by the Ministry of Agriculture and Fisheries as an implementing agency of the project. The Department of Environment is participating in this programme in the section on capacity-building by providing training to managers of Departments involved in the impact of pesticides on human health and the environment.

The first phase was implemented, it concerns:
   - Training on the inventories techniques of obsolete pesticides, the risk assessment models, personal protective measures and safeguard’s techniques.
The second phase will concern:
- The environmentally sound disposal of pesticides and wastes contaminated by pesticides (containers and equipments) accumulated in Morocco;
- Prevention of their accumulation by the introduction of measures to ensure (i) the sustainability of operations and (ii) the non-re-accumulation of important stockpiles of obsolete pesticides;
- Capacity building and institutional strengthening on important issues related to chemicals.

4. Project on environmentally sound management and disposal of PCB

Under the Stockholm Convention, the National Committee on Persistent Organic Pollutants has identified as a national priority the disposal of PCB’s equipments and PCB’s wastes. On this basis, a project “sound management and disposal of PCB” was conducted jointly with UNDP and UNIDO, with funding provided by GEF.

The project started in March 2007 and includes two components:
- “Soft” component including activities on upgrade regulatory and inventories of equipment and PCB wastes existing in Morocco. This component is supervised by the UNDP;
- “Hard” component including the feasibility study of a facility for disposal of transformers oils. The achievement of this component was assigned to UNIDO.

The results of these two components will be integrated in a document of a “Full Size Project” (FSP) submitted to the GEF for obtaining funding.

This funding will:
- update the national legislation on PCB,
- establish a system of monitoring and management of PCBs,
- to subsidize the disposal of pure PCB transformers,
- to establish a unit for disposal of transformer oils contaminated by PCBs in collaboration with the private sector.

To date, the first part “soft” of the project has largely been fulfilled, including the following activities:
I. Drafting a regulation on PCBs: draft decree sent to departments for comments and opinions;
II. Finalized national inventory on PCB (list of owners, location of PCB equipments, quantities of PCBs, oil analysis etc.);
III. Identification of companies that work well and evaluation of co-financing of the operation of disposal of pure PCB;
IV. Drafting of FSP: This document has been prepared for the first phase (disposal of the most risky elements; pure PCB equipments).

The GEF has provided funding to Morocco for the implementation of Pillar I on the disposal of pure PCB through exportation and strengthening national capacity for environmentally sound management of PCB.

5. Project on the development of recycling of electronic and electrical wastes in Africa

The Fund Global Digital Solidarity (FSN), the Swiss Institute for Materials Research and Technology (EMPA) and the leader in the production of hardware Hewlett Packard (HP) launched a project on the development of the recycling sector of electrical and electronic wastes in African countries, including Morocco, Tunisia, Senegal, Kenya and South Africa.

Morocco has received funding, which budget is 36 000 US$.
In this context, a convention was signed by the Department of Environment, The Moroccan Centre for Cleaner Production (CMPP) and the FSN, to ensure the implementation of the project. This project aims at achieving the following actions:
- to improve the recycling of these wastes;
- To minimize the impact on the environment;
- To assess the potential for creating employment in the less advantages sections of society.

Activities implemented:
- State of e-waste management at the national level;
- Elaboration of an action plan to improve e-waste management
- Workshop presentation of study results

The next phase of this project will identify sources of funding for the implementation of the action plan.

**Mozambique**

For more than five years till 2004, the DANIDA fund was used to develop a facility for hazard waste, the only facility in Mozambique, a Regulation for Waste Management, training was taken for institutional capacity building and leaflets were produced for awareness raising including an inventory was taken. However, since then up to date no activities were taken for implementation of the Basel Convention for lacking of fund and the only activity is resumed in giving authorisation for exportation of hazard waste.

For this reason we think that before moving to the activities provided for the year 2004-2010, there is a need to consider some activities not yet implemented under the year 2003-2004.
DIRECCIÓN GENERAL DE CALIDAD AMBIENTAL

Comentarios Generales de Nicaragua sobre la Evolución y Obstáculos en la Implementación del Plan Estratégico del Convenio de Basilea

Avances / Logros

Nicaragua oficializó su adhesión al Convenio de Basilea, mediante Decreto Legislativo de la Asamblea Nacional el 15 de abril de 1997. Sin embargo, previamente se realizaron otros decretos legislativos de Adhesión y aprobación de la Adhesión al Convenio.

El Ministerio del Ambiente y los Recursos Naturales (MARENA) fue nombrada como la Autoridad Nacional Designada para el Convenio de Basilea.
A raíz de la firma del Acuerdo Regional sobre Movimientos Transfronterizos de Desechos Peligrosos, suscritos por los Presidentes del Area Centroamérica, en diciembre de 1992, la Asamblea Nacional de Nicaragua aprobó la Ley Nº168, Ley Que Prohibe el Trafico de Desechos Peligrosos y Sustancias Tóxicas”, Gaceta 102 del 02 de junio de 1994, en vista de la recepción de solicitudes para la importación de desechos tóxicos peligrosos como destino final en Nicaragua.

En 1996 la Asamblea Nacional de la República aprobó la Ley General de Medio Ambiente y de los Recursos Naturales, en la cual incluyó el capítulo IV para Residuos Peligrosos, con articulados que prohíben la importación de desechos peligrosos y que podrá autorizar la exportación cuando no existan procedimientos adecuados en Nicaragua para la desactivación o eliminación de los mismos, requiriendo de previo el Consentimiento expreso del país receptor.

En el 2007, el Ministerio del Ambiente y los Recursos Naturales emitió la Resolución Ministerial 037-2007 para el manejo y almacenamiento de Bifenilos Policlorados (PCB) en el territorio nacional y aplicándose por la Dirección General de Aduanas, en el marco de sus competencias.

Nicaragua ha realizado varias exportaciones de desechos peligrosos de plaguicidas, entre COP, organofosforados, veterinarios y otros, con el consentimiento previo de los países de transito y de destino final. Para realizar la primera exportación, se tuvo que esperar la ratificación de la Adhesión de Nicaragua al Convenio. Se han exportado más de 500 toneladas de plaguicidas vencidos y más de 1,500 toneladas de suelos contaminados con plaguicidas COP, los que fueron sometidos al tratamiento de incineración en empresas Europeas.

Las eliminaciones se han realizado en EKOKEM-FINLANDIA, AVR-HOLANDA, VEOLIA-INGLATERRA y VEOLIA-HOLANDA. Así también, se han exportado baterías usadas con plomo a China, a Guatemala, y anteriormente, a El Salvador, cuando la empresa RECORD contaba con autorización de las Autoridades. Por otro lado, hemos recibido solicitudes de Movimientos Transfronterizos para El Salvador, Guatemala y México, aunque las de México no se completaron por falta de documentación anexa.

En julio de 1999 Nicaragua realizó un taller de capacitación y divulgación sobre el Convenio de Basilea, en donde participaron representantes de las Instituciones del Gobierno y de otros sectores. Posteriormente, en octubre de ese mismo año, se realizó otro taller de capacitación sobre los Movimientos Transfronterizos de Desechos Peligrosos y el Convenio en donde participó mayor número de involucrados en la temática.

Entre 2004 y 2005 MARENA coordinó la ejecución del Proyecto Habilitante para los Contaminantes Orgánicos Persistentes (COPs), financiado por el GEF y aprovechando esa plataforma y unificando recursos se elaboró un compendio con los tres Convenios, Estocolmo, Basilea y Rótterdam, del cual se imprimieron 1000 ejemplares y todos fueron distribuidos en las distintas actividades del proyecto. Así mismo, durante las distintas actividades realizadas por el proyecto, se incluyó la divulgación e información del Convenio de Basilea y las Sinergias entrelazadas de los tres Convenios. Considerando la plataforma y financiamiento del proyecto Habilitante COP, con los otros Convenios, y con el fin de contar con un instrumento marco para regular las sustancias y desechos peligrosos, se elaboró la Política Nacional para la Gestión Integral de Sustancias y Residuos Peligrosos, la cual fue aprobada por Decreto Presidencial Nº91-2005, del 21 de noviembre de 2005.

En 2006 se realizó un inventario nacional de PCB y se ejecutaron actividades de capacitación y divulgación a distintos sectores, especialmente se tuvieron encuentros con personal de Puesto Fronterizos y Tomadores de Decisiones de Aduanas de Nicaragua, en donde uno de los temas principales fue sobre el Convenio de Basilea, por la importación / exportación de desechos peligrosos.
Así mismo, la empresa nacional transmisión eléctrica y de distribución de energía han continuado realizando los inventarios de PCB, apoyados por MARENA.

Este año Nicaragua realizará un proyecto piloto de inventario de emisiones de mercurio en distintos medios, ambientales y sanitarios, con lo cual se pretende conocer las capacidades nacionales e institucionalizar el inventario de dichas sustancias, el cual será financiado por UNITAR. Igualmente, este año implementaremos el proyecto de Inicio Rápido del SAICM, lo que incluye la actualización del Perfil de Seguridad Química del país.

El MARENA ha incrementado en número de autorizaciones para el manejo y reutilización de aceites usados dieléctricos de transformadores que no contienen ni están contaminados con PCB.

Hemos participado, a nivel de la Subregión, en varias reuniones organizadas por la ONGs (RAPAL) para intercambiar y dar a conocer los avances que hemos tenido en materia de los tres Convenios (Estocolmo, Basilea y Rótterdam).

En cuanto a desechos electrónicos, hemos iniciado conversaciones con la ONG HABITAR, para desarrollar actividades o instrumentos para la regulación y el manejo de los desechos electrónicos en el país.

Estamos en total acuerdo que se debe cumplir con lo establecido en el artículo 4 del Convenio, referido al Plan Estratégico y al Nuevo Marco Estratégico, igualmente para el resto de artículos y las enmiendas realizadas.

El MARENA ha tratado de dar cumplimiento a todo lo establecido por el Convenio de Basilea, en cuanto a desechos peligrosos que requieren regulaciones nacionales y que involucran a otros países.

En la actualidad, tenemos inventariadas aproximadamente 6.7 toneladas de plaguicidas COP esperando sean eliminadas de forma ambientalmente seguras, para las cuales ya se hicieron algunas gestiones para el movimiento transfronterizo. Por otro lado, existen más de 30 toneladas de otros plaguicidas que son remanentes y que fueron abandonados en bodegas que caducaron por haber utilizados los que entraron de último al almacén. En cuanto a los COP, los remanentes se produjeron debido a las prohibiciones que se hicieron en 1993 y ratificadas en 2001.

Conjuntamente, el Ministerio del Ambiente y Recursos Naturales, el Centro de Trámites y Exportaciones (CETREX) y la Dirección General de Aduanas de Nicaragua estamos controlando las exportaciones de Baterías Usadas destinadas a reciclaje para cumplir con lo establecido por el Convenio.

En febrero de 2008 en Panamá, se acordó que los Las Secretarias de los Convenios harían un esfuerzo para fusionar recursos con el fin de atender las actividades de los Convenios e incluir en las reuniones a tres sectores involucrados directamente, como son ambiente, salud y agricultura, para que haya una mejor conocimiento, sensibilización y responsabilidades nacionales e internacionales, que cada uno de los países debe cumplir de cara a cada Convenio.

Se revisaran los artículos referidos a las prohibiciones nacionales y exportaciones de desechos peligrosos.

Por otro lado, la legislación nacional define los desechos, residuos y sustancias peligrosos y en qué casos podrán exportarse.

En cuanto a desguace de buques, Nicaragua no realiza dichas actividades. Sin embargo, se ha autorizado a una empresa nacional para la recepción de aguas residuales oleosas, provenientes de esos
medios, para su tratamiento y disposición final, lo cual está íntimamente coordinado con la Empresa Portuaria Nacional y el Ministerio de Transporte e Infraestructura y aplicando las Directrices del Convenio MARPOL.

**Desventajas**

La falta de financiamiento externo ha sido el motivo principal para enfrentar y mejorar las situaciones de regulación, capacitación, divulgación del Convenio, así como la falta de personal dedicado directamente al seguimiento y cumplimiento de lo establecido por el Convenio, aunque el país y la institución tenga la intención de hacerlo, como lo ha demostrado.

Persiste la idea de las empresas en enviar desechos peligrosos a nuestros países, disfrazados de materias primas o para ser reutilizados en ciertas actividades sin ningún mecanismo de manejo, como son las llantas usadas, equipos computacionales de segunda, manejo de los envases de plaguicidas y la creciente industria de envases plásticos para alimentos, los cuales son un serio problema en nuestro país. Las pocas empresas dedicadas al reciclaje de algún desecho, las baterías con plomo, generalmente lo hacen de forma artesanal y constantemente están ocasionando problemas ambientales y de salud. Todavía están pendientes los proyectos regionales de baterías BAPU, acordados realizar a través del Centro Regional, en El Salvador.

Es necesario mejorar las coordinaciones con los países desarrollados, ya que el año pasado (2008) tuvimos una notificación de Hong Kong - China sobre la devolución de un cargamento de baterías usadas con desechos de plomo que no contaban con las Autorizaciones de ese país a la importación e igualmente el Ministerio del Ambiente desconocía sobre dichos Movimientos Transfronterizos, los que se estaban realizando sin las respectivas comunicaciones del caso. Las exportaciones las estaban disfrazando entre chatarra metálica. A raíz del caso, se han mejorado los controles aduaneros y los trámites de exportaciones.

Es necesario que la Secretaría del Convenio apoye financieramente la ejecución de los planes estratégicos para poder cumplir con lo que se espera para el próximo bienio.

Creemos que la Secretaria del Convenio debe continuar en su esfuerzo con los países desarrollados e industrializados para obtener y proporcionar suficiente ayuda a los países que carecen de fondos para desarrollar actividades y medidas en cumplimiento de lo establecido por el Convenio. Por ello, vemos bien que se aumente la cooperación, se fusionen recursos para mejorar la coordinación entre los tres Convenios, dada la situación económica en nuestros países. Sin embargo, la participación en las reuniones de los convenios es donde se ha detectado alguna problemática, ya que no se incluyen en la planificación a todas las partes involucradas, de Róterdam, de Basilea y de Estocolmo, solamente a una de las Autoridades Designadas, el problema es que a veces las demás partes no se enteran hasta después de las actividades.

Creemos necesario que se deben realizar más reuniones técnicas regionales para planificar, conocer y desarrollar las actividades comprometidas para el siguiente periodo, incluyendo actividades para el 2009 y 2010, las que podrían ser financiadas por el Convenio y coordinadas por los Centro Regionales y Subregionales, ya que éstos Centros deben tener más proyección, representatividad y constantes en las tareas que tenemos que desarrollar como región y países, con el fin de tener mejores condiciones de vida.

Proponemos que se organicen tormentas para los Centros Subregionales y que éstos mejoren los enlaces entre la Secretaría y los países para realizar actividades, como la recepción de comentarios de forma artesanal, sobre los compromisos anuales, bianuales o para cada periodo evaluativo, como es el caso del Plan Estratégico. En éstas actividades podrían participar algún representante de la Secretaría del Convenio para recopilar y ahondar en los temas a tratar o reunir por separado a los
Representantes de los Centros Subregionales y Regionales de Basilea para recopilar la información y la programación de nuevas actividades, aunque también podrían reunir a los países para obtener los comentarios al Plan Estratégico actual y a futuro. Lo anterior, con el fin de ahorrar recursos económicos o establecer un mejor mecanismo de interacción.

Creemos muy necesario que las partes receptoras de algún desecho deben contar, de previo, con las fichas de seguridad en español, identificando claramente los peligros a la salud, al medio ambiente y a la agricultura, el que también debe ser dirigido a las Autoridades de Aduanas, ya que la importación de un desechos peligroso y su internación al país conlleva a la búsquedas de alternativas de eliminación y una es la exportación porque se carece de infraestructura para hacerlo en el territorio nacional.

Es necesario que proporciones los documentos en los idiomas oficiales de los países (español) lo más pronto posible, ya que es uno de los idiomas establecidos para las traducciones de los documentos.

**Elaborado por:** Ingeniera María Amparo Vallejos Vallejos, Especialista en Gestión Ambiental
Dirección de Seguridad Química,
Dirección General de Calidad Ambiental,
Ministerio del Ambiente y los Recursos Naturales (MARENA)

**Revisado por:** Licenciado Helio C. Zamora, Director de Seguridad Química
Dirección General de Calidad Ambiental,
Ministerio del Ambiente y los Recursos Naturales (MARENA)

**Visto bueno:** Licenciada Hilda Espinoza U.
Directora General
Dirección General de Calidad Ambiental,
Ministerio del Ambiente y los Recursos Naturales (MARENA)

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**Republic of Korea**

Related to your letter on 17 December 2008, I inform you that we, Republic of Korea, have no comments on the developments and obstacles in the implementation of the current Strategic Plan.
Republic of Serbia

Br. 19-00-off./2009-St Plan/PN
Ref.1.4.Strategic Plan COP9/Dec IX/3/NS
28.01.2009.

Mr. Nelson Sabogal, Senior Programme Officer
Secretariat of the Basel Convention
On the control of transboundary movements of hazardous wastes and their disposals
13-15, Chemin des Anémones, CH-1219 Chatelaine, Geneva, Switzerland
tel. +41 22 917 8218, fax +41 22 797 3454
e-mail: nhc@unep.ch, Nelson.Sabogal@unep.ch

RE: Republic of Serbia – Comments on the developments and obstacles related to the Strategic Plan for the implementation of the Basel Convention

Dear Mr. Sabogal,

This is regarding decision IX/3 of the ninth meeting of the Conference of the Parties and comments on the developments and obstacles related to the current Strategic Plan for the implementation of the Basel Convention and new strategic framework.

Ministry of Environment and Spatial Planning of Republic Serbia, as a Competent Authority of Basel Convention,

1. Do not have any additional comments and objection to the current Strategic Plan and should continue to implement until a new strategic framework is adopted on COP10.
2. Nominate person in our Ministry to facilitation liaison with the Secretariat in the review of the Strategic Plan is Focal Point in facilitation contact available on e-mail: penka.nikolovski@ekoserb sr.gov.yu or penka.nikolovski@ekoplansr.gov.rs

Recognizing also the importance of gathering and analyzing data and information required to provide an evaluation of the effectiveness of the implementation of the Convention, we hope that decision from the report consider the enhanced cooperation and coordination among Basel’s Secretariat, RCRCs and host country.

Sincerely,

Copy sent to:
- Director of the Basel Convention Regional Centre for Central Europe in Slovakia, Ms. Dana Lapesová
- Executive Secretary of SBC, Ms. Katarina Kummer Peiry
- Serbian Permanent Mission to the United Nations in Geneva
Based on the Decision IX/3 of the COP9 regarding current Strategic Plan (to 2010) and a new Strategic Framework of the Basel Convention Slovakia would like to present following opinions to both issues:

Current Strategic Plan:

- An elaboration of the requested report should analyse individual activities from the view of initiatives and outcomes mentioned in the current Strategic Plan (to 2010) and identify successes and failures; it should also assess existing data and information regarding hazardous waste generation and transboundary movements and outline the development in this field; this all should mirror the status of Convention effectiveness;
- Separately realized projects should be evaluated in term of their comprehensiveness and also utilization by Parties; feedback of concerned countries should be helpful for evaluation of the projects;
- The financial coverage of BCRCs and existing Partnership Initiatives acting within the BC is unsolved in regard of the fact that the role of BCRCs and existing Partnership Initiatives acting within the BC is stressed many times. A development of stable financial mechanisms/tool should be a „hot task“ over the next period.

New Strategic Framework:

- A report regarding evaluation of the Strategic Plan (to 2010) prepared by the Secretariat and comments of the Parties to this report should form a starting basis for preparation of the new Strategic Framework by Slovak opinion.
- Also recommendations of the AHJW should be encompassed into the prepared Strategic Framework.

Slovakia also supports EU comments resulted from the teleconference focused on Basel Convention Strategic Plan (20 January 2009).

Prepared by: Katarina Lenkova – Focal Point for the Basel Convention - contact person

Bratislava, 06 February 2009
Ms Katharina Kummer Peiry  
Executive Secretary of the Basel Convention  
15 chemin des Anemones  
1219 Chatelaine  
Switzerland

Attention: Nelson Subogal  Fax: 00 41 22 797 3454

COMMENTS ON THE REVIEW OF THE CURRENT STRATEGIC PLAN

Your letter dated 17 December 2008 refers.

We thank you for the invitation to comment on the review of the Strategic Plan.  
Please find below our comments:

The following need to be taken into account in the review of the current Strategic Plan:

General comment

The scope of the review of the strategic plan will have to be agreed upfront. It must be clear whether the review will focus on the implementation of the Convention (which would require decisions or resolutions) or that the review will also consider the adequacy of the Convention (which would require amendments to the Convention).

Specific Comments

1. The Basel Convention Regional Centres (BCRC's) are key to the implementation of the Convention. Thus, the review of the Strategic plan should provide for creative ways of
ensuring *predictable* financial & technical support for the BCRC's. This should include *inter alia* further clarification and unpacking of the role of the Secretariat in assisting the BCRC's.

2. In light of the comment in (1) above, provision must be made in the Convention budget to enable the Secretariat to:
   a. Explore BCRC fund raising strategies and opportunities
   b. Provide overall guidance to all BCRC's at a technical & strategic level.

3. The review must examine whether the capacity of parties with respect to environmentally sound management of waste has improved. In this regard, better ways of making sure that the capacity is increased must be explored.

4. The extent to which the current Strategic Plan is ensuring or securing participation of developing countries in the COPs as well as Working Groups must be borne in mind in the review. This matter relates to both the financial support as well as the technical capability of parties (including BCRC's) to be able to engage meaningfully in the negotiations.

5. It will be crucial to consider the strategic importance of supporting and making links with regional initiatives e.g (NEPAD's Environmental Initiative) and come up with practical ways of securing this support.

6. The balance between reducing transboundary movement of waste and practically giving effect to the waste hierarchy must also be examined.

7. When considering the cooperation and co-ordination between the Basel, Rotterdam & Stockholm conventions, the review of the Basel Strategic Plan needs to examine how this cooperation can be streamlined and guidance provided in order for this to find expression in national polices where appropriate. Furthermore, the review must explore means for BCRC's to service the objectives of the other Conventions, particularly the Stockholm Convention.

8. Agreement on the indicators which will apply in respect of any review of the strategic Plan and its activities will be important.

As per decision IX/3, please be advised that the contact person for liaison with the Secretariat with respect to the review of the Strategic Plan is:

Nolwazi Cobbinah  
Chief Director: Pollution & Waste Management  
Department of Environmental Affairs & Tourism  
Private Bag x 447, Pretoria 0001  
Tel: (+27 12) 310 3356  
Fax: (+27 12) 322 2309  
Mobile: (+27 82) 304 2772
Email: neobinah@deat.gov.za
Website: www.deat.gov.za

We look forward to the planned interactions relating to the review of the Strategic Plan.

Yours faithfully

Joanne Yawitch
Date: 9/02/09
Deputy Director General: Environmental Quality
Departmental of Environmental Affairs & Tourism
United Arab Emirates

United Arab Emirates
Federal Environmental Agency

Our Ref: FEA/1-60/
Date: 8/2/2009

Subject: U A E comments on the Developments and Obstacles in the implementation of the current strategic plan

Referring to your letter regarding the above subject, we would like to send our comments to the decision IX/3 of the ninth meeting of the Conference of the parties to the Basel Convention held in Bali, from 23-27 June 2008

Comments

1. Certain waste listings should be clarified, especially with regard to materials going for reuse, remanufacturing and recycling during the coming period.
2. Encouraging the recycling and reuse of hazardous wastes (particularly waste electrical and electronic equipment) while still ensuring the safe management and disposal of waste as best managed globally as disposal may require large economies for effective ways for disposal.
3. Support the integration cooperation with the Rotterdam and Stockholm conventions.
4. Exchange knowledge and cooperation on reduction of the hazardous waste risks and its disasters especially between national centers of cleaner production aiming to for reduction their pollution of such waste.
5. Taking the action to increase the financial resources necessary for the BCRCs for Technical Cooperation.

Our contact person to facilitate liaison with secretariat is Eng. Hussein Ali Alkatheiry

Regards,
Dr. Salem Al Dhaheri
Director General
Federal Environmental Agency
United States of America

U.S. Comments on the Developments and Obstacles in the Implementation of the Basel Convention Strategic Plan

The Basel Convention Strategic Plan (2000-2010) includes a number of interrelated and mutually supportive strategies to implement activities on environmentally sound management (ESM). Grouped in clusters, the first includes: 1) the prevention, minimization, recycling, recovery and disposal of hazardous and other wastes subject to the Convention, taking into account social, technological and economic concerns; 2) the active promotion and use of cleaner technologies and production, with the aim of the prevention and minimization and other wastes subject to the Convention; and 3) the 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. This paper presents initial comments from the United States on the developments and obstacles in the implementation of the Strategic Plan. We are directing our comments to the first cluster.

I. Background

The Basel Convention was negotiated in the late 1980s in response to outrage over environmental incidents from the transport of hazardous wastes from developed to developing countries. Since then, the economic and environmental landscape has changed. Many countries that did not have the capacity to manage wastes when the Convention entered into force became more industrialized, developed this capacity, and recognized that the industry can generate jobs and elevate standards of living. Further, as economies grow and markets globalize, waste minimization policies that address end-of-life products and materials only are not effective in reducing the increasing amounts of waste associated with economic activity and material consumption. There is a need for integrated and long-term solutions, based on a life-cycle approach.

There is also greater emphasis within national governments and international institutions on fostering sustainable materials management – maximizing the safe and productive use and conservation of the earth’s resources and facilitating legitimate, environmentally sound trade in recyclables. There is recognition of the many positive environmental benefits associated with these approaches – energy savings, reduction of GHG emissions, reduced life-cycle impacts on natural resources, etc. This is evidenced by the work undertaken in the OECD on resource productivity and sustainable materials management, and in the G-8 on 3Rs (reduce, reuse, and recycle) that emphasizes the waste management hierarchy in terms of facilitating the transboundary movement of valuable products/materials not as waste, but as reused, remanufactured or recycled goods.

The Convention has not kept pace with the times. Rather than encourage reuse and recycling over disposal, the Convention, as implemented, provides disincentives to recycling and impedes the legitimate, environmentally sound trade in recyclables. For example, by defining recycling as a disposal operation in Annex 4, the Convention hinders environmental progress toward a better outcome. The Convention needs to adapt.
to trends in waste management, such as the increasing use of EMS and certification programs (ISO, EMAS, etc.)

II. The U.S. Experience

The U.S. signed the Basel Convention in 1989 and the Senate gave its advice and consent to ratification in 1992. We hope to pass implementing legislation to enable us to ratify the Convention. Although the U.S. has reservations over some of the ways in which the Convention has evolved, we consider Basel to be a responsibility for all countries, and we generally operate in accordance with the Convention’s provisions. Our Basel Article 11 bilateral agreements incorporate prior informed consent and are premised on the concept of ESM in that we export for disposal only to countries that have the technical capacity to manage hazardous waste in an ESM manner (Canada) and import hazardous waste for disposal from countries that do not (Mexico, Costa Rica, Malaysia and the Philippines).

In the U.S., the Resource Conservation and Recovery Act (RCRA) controls the generation, management, storage and transport of hazardous and non-hazardous wastes. RCRA has evolved significantly in terms of accommodating best management practices and addressing undue administrative burden. Our definition of solid waste attempts to tailor our regulations to the risks posed by particular waste streams. There is also a recognition that waste classification in terms of hazardous and non-hazardous is not clear cut. The emergence of non-traditional waste streams, such as electronics, fall into a gray area and require a more flexible, tailored approach that ensures ESM, while geared appropriately to the level of risk posed by a waste stream. Our universal waste and CRT rules are crafted with a more tailored control system to these “gray” wastes. We are adapting RCRA to a new paradigm that views end-of-life materials not as wastes destined for disposal, but as resources to be used as inputs in new products, and as a way to conserve energy and reduce GHG emissions. One national effort that we have launched is the Resource Conservation Challenge, which is aimed at finding flexible yet protective ways to conserve natural resources and energy, and reduce GHG emissions.

We have also enjoyed success in leveraging non-regulatory programs, such as our Plug-In and Waste-Wise programs. We have also found that certification programs are an effective tool for enhancing the regulatory command and control approach. Combining flexible regulatory and non-regulatory programs can be more effective than governmental controls only. It is our hope that the Basel Partnership Program will be successful in convincing industry and others to achieve legitimate and environmentally sound trade of end-of-life materials.

Finally, the U.S. is conducting important work regarding life-cycle analysis, a proven methodology for quantifying the environmental benefits and impacts of using one material in place of another. It allows us to consider the energy and resources going into a product and releases to the environment from the product summed across all aspects of the product life-cycle (e.g., material extraction, acquisition and processing, product production, transportation, installation, use, etc.) The USEPA is working to quantify the environmental benefits of using industrial materials through life-cycle analysis.
III. Specific Comments

Recognition of the Waste Hierarchy: Encouragement of Reuse and Recycling

Although the first cluster of strategies includes the promotion and use of cleaner technologies and production, with the aim of preventing and minimizing hazardous and other wastes subject to the Convention, as currently implemented, the Convention does not do enough to promote the legitimate and environmentally sound transboundary movement of end-of-life materials for recycling and reuse. The U.S. experience has illustrated the need for the flexibility to tailor the control system to the risks posed by particular waste streams and that the "one size fits all" approach is no longer an effective option. We are also concerned that classifying recycling as a disposal operation in Annex 4 hampers efforts to promote the utilization of wastes as resources.

The OECD has been successful in adopting innovative approaches, such as pre-approved facilities and encouragement of the use of EMS, ISO, EMAS and various certification programs, to facilitate the legitimate and environmentally sound transboundary movement of end-of-life materials. Basel needs to take note of industry progress and trends towards non-regulatory approaches.

Article 4.9(a), (b) and (c) of the Convention affords some flexibility:

Article 4.9: Parties shall take the appropriate measures to ensure that the transboundary movement of hazardous wastes and other wastes only be allowed if:

(a) The State of export does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose of the wastes in question in an environmentally sound and efficient manner; or (b) The wastes in question are required as a raw material for recycling or recovery industries in the State of import; or (c) The transboundary movement in question is in accordance with other criteria to be decided by the Parties, provided those criteria do not differ from the objectives of this Convention.

Distinguishing Reuse, Refurbishment, Remanufacturing and Recycling

It is unclear how and when the Convention applies to the transboundary movement of used materials destined for reuse after repair, refurbishment or upgrading in the importing country (used mobile phones and used tires, for example). The U.S. believes that follow-up work, as outlined in the MPPI Chairman’s Paper, should be undertaken with regard to clarifying how the Convention applies in these situations.

The Ban Amendment

While we accept and support the objectives of the Convention, as drafted, the Ban Amendment fails to recognize that a number of countries now have technical capacity, and that recycling operations and waste management bring jobs. Other approaches might
be as effective in ensuring the goals of the Convention without prejudicing the legitimate transboundary movement and management of hazardous wastes. For example, facilities might be certified as environmentally sound for a certain period of time.

IV. Conclusions and Recommendations

1) Opportunities exist under Articles 4.9(a), (b), and (c) to improve implementation and streamline some of the controls under the Convention (e.g. notification procedures, shipments from non-Annex VII countries to Annex VII countries).

2) Certain waste listings should be clarified, especially with regard to materials going for reuse, refurbishment, remanufacturing and recycling. Specifically, we believe that follow-up work, as outlined in the MPPI Chairman’s Paper, should be undertaken on clarifying how the Convention applies in these situations.

3) Some thought should be given to populating Annex II (Categories of Wastes Requiring Special Consideration) with non-traditional “gray” waste streams and developing a tailored approach for this category, or create a third category of wastes.

4) The Convention needs to provide incentives for reuse, refurbishment, remanufacturing and recycling:

- Encourage the legitimate ESM transboundary movement of shipments of materials for refurbishment and remanufacturing by not categorizing them as hazardous waste. Address the risks associated with these materials through binding, voluntary or market-based approaches.
- Encourage the legitimate ESM transboundary movement of shipments of materials for recycling at major facilities by not categorizing them as hazardous waste. Address the risks associated with these materials through voluntary auditing programs (such as within the insurance industry), EMS and certification programs.
- Restructure Annex 4, such that it clearly differentiates between disposal and recycling operations. Rename the Annex to cover the array of materials management options.

5) Alternatives to the Ban Amendment should be considered that would ensure ESM, but also facilitate the legitimate transboundary movement of hazardous wastes.

6) If the principles of ESM are to be applied to waste generated at sea, the Parties must fully consider the work done by, and being done by, other international bodies such as the International Maritime Organization.

The U.S. is working with our stakeholders to obtain information to support our initial conclusions and recommendations. We will provide more detail by June 2009.
The Basel Convention Regional Centre for South America was formally established in July 2005, by signing the Framework Agreement, nevertheless the Centre started its operations in May 2002.

The Centre carried out the following tasks on the implementation of the Strategic Plan 2002-2010:

Project: Implementation of Illegal Traffic on Hazardous Wastes and others. Out of this project resulted in the publication and translation of the Basel Convention Implementation Manual. Within the scope of this project a workshop on the implementation of measures against illegal traffic of hazardous wastes and other wastes was held on 22 and 23 March 2003 jointly with custom authorities of the region.

The ratification and implementation of the Protocol on Liability and Compensation was promoted in the region through the carrying out of a workshop on the promotion of the Protocol in July 2004.

Other activities were carried out on the cooperation and coordination of synergies with other International Environmental Agreements, as is the case of the Regional Workshop in the South American region on the Environmentally Sound Destruction of POPs in the context of the Basel and Stockholm Conventions.

Technical assistance was provided to countries in the region regarding the formulation of a regulation to prevent generation of wastes and the promotion of the environmentally sound management of wastes generated. An example of this is the project on the inventory of e-waste in South America, the objective of which was the elaboration, drafting and updating of a national inventory and the technical guidelines with relation to the subject of electric and electronic waste, with a view to comply with international regulation aimed at achieving an environmentally sound management of these wastes. Assistance was given to Colombia to carry out a pilot project on the collection of e-waste.

In 2009 implementation of a PCB project on mining activities in Chile and Peru will be carried out.

Links with other stakeholders in the international system on hazardous wastes within the region were strengthened.

The government of Argentina (through its Ministry of Environment and Sustainable Development) made a financial contribution of $100.000 with the objective of applying it to projects related to priority activities of the Basel Convention: mercury wastes, electronic equipment wastes and used tyres.

The Centre participated in the following seminars and conferences on management of electric and electronic wastes:

- International Congress REWAS 08 – from 12 to 15 October 2008 – held in Cancún, México. Statement on the legal framework and the role of governments regarding the management of electric and electronic equipment wastes (RAEES).


Likewise, member of Platform RELAC/SUR/IDRC dedicated to projects on recycling of electronic wastes in Latin America.

Among obstacles encountered we can refer to:

- difficulties in financing for the region. In order to carry out productive work it is necessary to implement a sustainable financial mechanism in time.
- new Strategic Plan should foresee a real and effective strengthening of the Regional Centres, within the network of Centres of the Convention, as well as their synergy articulation in a network of centres servicing Multilateral Environmental Agreements (Stockholm Convention, Rotterdam Convention, Basel Convention, and SAICM).
- Difficulties in training BCRCs’staff.
- Speeding up of dissemination of information mechanisms on the work of the Centres to different regional and international organizations.
Mr. Nelson Sabogal
Senior Programme Officer
Secretariat of the Basel Convention

Subject: Comments on the Development and Obstacles during the Implementation of the Strategic Plan (2000-2010) from Basel Convention Coordinating Center for Asia and the Pacific (BCRC China)

Dear Mr. Nelson Sabogal

I am writing to express our thanks for your effort to strategic plan and to comment on the development and obstacles in the implementation of the Strategic Plan (2000-2010). Please see the following comments made by Basel Convention Coordinating Center for Asia and the Pacific (BCRC China):

1) BCRC China considers the current strategic plan is a key tool for the Basel Convention. It is proven that the current strategic plan is a major instrument to promote the Basel Convention implementation and capacity building and is also a compass to the development of the Basel Convention. It is suggested that the short term and long term targets should be stated separately in the new strategic plan in order to implement the plan effectively step by step.

2) Partnership programme has been proven to be an important mechanism in the implementation of the strategic plan (2000-2010). It is suggested that the partnership programme should be continued and strengthened in the new strategic framework as a key instrument to support the implementation and capacity building of the Basel Convention.

3) BCRCs have become important organizations to implement the strategic plan. However, in the implementation of current strategic plan, BCRCs are not fully used because of the limit of financial resource. In order to make sure the effective implementation of new strategic plan, it is suggested that the sustainable financial mechanism should be developed in the new framework especially for the high priority activities at regional and international level.
4) The control of transboundary movement of hazardous and other wastes is one of the fundamental objectives of the Basel Convention. New type waste flows, such as e-wastes, have brought a lot of environmental and health problems and need to decide whether they are under the control of the Basel Convention or not and how to control them. It is suggested that the identification and the management of transboundary movement of e-wastes should be emphasized strongly in the new strategic plan.

5) Only a few activities listed in the action table of current strategic plan (2000-2010) were carried out because of the lack of financial resource. It is suggested that the activities/projects without implementation be reviewed and included selectively in the new strategic framework.

Sincerely,

Jinhui Li
Executive Secretary
Basel Convention Coordinating Center for Asia and the Pacific (BCRC China)
Tsinghua University
Beijing 100084 China
Tel: 86-10-62794143
Fax: 86-10-62772048
BCRC for the Arab States (Egypt)

The 2002-2010 strategic plan of the Basel Convention assigned to the BCRCs an important role in assisting the SBC to efficiently implement the provisions of the Basel Convention and the sound management of hazardous wastes in developing countries; yet without assisting these centres builds their capacities and credibility to take their role. The Strategic Plan did not also provide explicit tool/mechanism to financially support these centers sustain their functions and activities. Developing countries and countries with economic in transition benefiting from these centers are always reluctant to pledge contributions to the centres due to their financial status. Therefore, many of the BCRCs remain almost dormant, unless there is a donor funded project through which they can provide the capacity building services. In the absence of donor funded projects; sometimes the minimum operation cost can not be secured and the risk of loosing trained staff and suffer noticeable set back in its capacities.

The framework agreements for the establishment of the BCRCs did not include sections signed by the served countries to commit minimum participation in the activities and bottom line contributions to the operation cost of their centres. Renewing the framework agreement should include, after negotiations with the countries served by the center, article state obligations from served countries, and should be co-signed by all served countries; may be in one of the COP meetings. The whole mechanism and its logic should be reflected in the new strategic plan.

Another alternative to secure minimum operation cost for the centres can be by establishing a trust fund sub-account that receives voluntary contributions (which should be encouraged by the SBC) from the donors and region’s member countries specifically for the support of their BCRCs and for the capacity building connected with their regional role.

In addition, there are several issues connected with improving the role of BCRCs and stabilize their performance at a standard level, and a capacity building activity section should be inserted and budgeted in the new strategic plan:

1- Develop a permanent structure for all BCRCs, clarify the main umbrella the centres are working under and reflect this explicitly in the framework agreements, and assume basic operation cost.

2- Carefully develop terms of reference of permanent staff of the centers and insist to match nominations from host countries with these nominations.

3- Develop and oblige personnel of the BCRCs to take capacity building training both technical and administration guided by the SBC. It is also recommended that SBC should arrange with the donors study tours aim at exposing BCRCs to relevant technologies before these BCRCs can be fully utilized in training and technology transfer in their regions.

4- Equip and empower BCRCs to act as accreditation offices and collect fees on behalf of the SBC from companies, NGOs, and institutes seeking accreditation to practice Sound Management of Hazardous Waste.
Dear Mr. Sabogal,


The Decision IX/3 of the ninth meeting of the Conference of the Parties (COP 9) held in Bali, Indonesia in June 2008, requesting comments on the Basel Convention Strategic Plan (2000-2010) for the implementation of the Basel Convention refers. The Strategic Plan contains strategies to implement various activities on the environmentally sound management of hazardous wastes. It gives mandate to the Basel Convention Regional Centres (BCRCs) and the Basel Convention Regional Coordinating Centres (BCCs) through the Secretariat of the Basel Convention (SBC), to assist developing countries and countries with economies in transition implement the Basel Convention.

The comments of our centre, the Basel Convention Regional Coordinating Centre for Africa, Ibadan, Nigeria is provided below.

(i) The extent of the implementation of the Strategic Plan varies from region to region and also between the Basel Centres mainly due to infrastructural, human and financial resources constraints. Nonetheless the dividends of the Strategic Plan have been made available to some of the parties where the Basel Centres have been able to undertake projects, developed appropriate technical guidelines that address some specific wastes as well as the organization of awareness raising workshops.

(ii) BCRCs provide important mechanism and tool for the implementation of the strategic plan during the period under review. Their effectiveness was limited by a number of factors which include (a) lack of availability of donors to fund most of the project proposals submitted for funding through the Secretariat of the Basel Convention; (ii) inadequacy of funds in the trust Fund of the Basel Convention which severely limits the number of projects and programmes to be funded from this source; (iii) inadequate and/or lack of financial support from parties served by the various BCRCs and BCCCs and (iv) Need for capacity building for the BCRCs and BCCCs in the areas of Project Proposal Formulation and Preparation, Project Implementation and Management.
(iii) Arising from (ii) the involvement of the BCRCs and BCCCs has been limited largely due to predictable and sustainable funding. The need for the development of a Financial Mechanism for sustainable funding of the BCRCs and BCCCs becomes critically important for the attainment of the goals of the Strategic Plan. It is critical that this mechanism be available and incorporated into the next phase of the Strategic plan from 2010 and beyond.

(iv) The development of Partnership Programmes under the plan by the Convention especially the Mobile Phone Partnership Initiative (MPPI) and the Partnership for Action on Computing on Computing Equipment (PACE) provide landmark of successful cooperation among multi-stakeholders including industry, governments and the civil society. This laudable concept needs to be expanded to tackle the environmentally Sound Management (ESM) of other priority hazardous waste streams in addition to e-waste issue which is presently being addressed.

(v) The problem of illegal traffic of hazardous waste persists which is a manifestation of the lack of or ineffectiveness of the control measures on the control of the transboundary movement of hazardous and other wastes that are in place now. The Probo Koala incident in Cote D’Ivoire in August 2006 involving the illegal dumping of hazardous wastes from Estonia and Holland in Cote D’Ivoire in 2006 demonstrates the weakness in the present measures in place. is a testimony of the fact that the implementation of the capacity of the parties to implement the convention needs further strengthening.

(vi) It is important to canvass political support for the strategic plan to encourage parties to the convention especially those in developing countries and countries with economies in transition to complement donor support as these countries would benefit from the implementation of the plan.

(vii) Priority projects in the present Plan should be rolled over into the new plan, while also incorporating new emerging issues; and actively carrying out intense stakeholders awareness raising and education.

Prof O. Osibanjo

Director/Chief Executive
BCRC for South-East Asia (Indonesia)

It is noted in the Strategic Plan for the Implementation of the Basel Convention (to 2010) that the operational BCRCs will be one of the key delivery mechanisms to implement the Strategic Plan at the regional level.

One of the strategies is also to disseminate and make information easily accessible through the Internet and other electronic and printed materials on the transfer of know-how, in particular through the BCRCs;

Furthermore, The full work programme (10-year period) is expected to take place in a series of phases, including regionally based activities, in particular through BCRCs.

Therefore, in the current Strategic Plan, the BCRCs have an important role in carrying out the activities at the regional level.

However, in implementing the Strategic Plan, the BCRCs's major obstacles is lack of funding to carry out these activities. Many of the planned activities in the Business Plan have to be re-scheduled or cancelled due to financial matters. In most cases, the BCRCs carried out other activities / projects not initially planned in the Business Plan, depending on the donor's request to carry out a certain activity, although still very much related to the functions of the BCRCs. The BCRCs' daily operations relied solely on their host countries' support, and is not sufficient to conduct regional base projects without contribution from donors or other member countries served by BCRC, which also contribute to the issue on the BCRCs' sustainability.

In this regard, a mechanism to increase capacity and ensure the sustainability of the BCRCs should be inserted in the section on the development of the BCRCs in the new Strategic Plan. The mechanism could be in the form of financial mechanism or capacity building of the BCRCs, especially developing BCRCs and BCRCs with economies in transition, on resources mobilization to obtain the resources required in order to facilitate their important role in conducting the activities in the Strategic Plan. It is also important to point out that more positive and active cooperation of the parties served by a BCRC in business plan development and implementation will help reduce the BCRC's load in fund raising. In addition, good communication and close cooperation between BCRCs and their host countries are key success factors in sustaining the BCRCs. Another important factor that may strengthen the host country support to a BCRC is also good communication and cooperation between the national focal point and the other relevant government agencies, including the ministry of foreign affairs or diplomatic missions.
BCRC-SEA in Indonesia pointed out that in implementing the Strategic Plan, the BCRCs’s major obstacles is lack of funding to carry out these activities. Many of the planned activities in the Business Plan have to be re-scheduled or cancelled due to financial matters. In most cases, the BCRCs carried out other activities / projects not initially planned in the Business Plan, depending on the donor’s request to carry out a certain activity, although still very much related to the functions of the BCRCs. In this regard, BCRC-SEA stressed the importance of capacity building of the BCRCs on resources mobilization to obtain the resources required in order to facilitate their important role in conducting the activities in the Strategic Plan. It is also noted that in addition to lack of funding, BCRCs have not been given sufficient structural strength under the reporting and consultative mechanism. Parties have no obligation nor need for optimally utilising BCRCs if the role of BCRCs is not strong enough, e.g. there is no obligation for parties to share their national reports with BCRCs. So, while BCRCs are responsible for facilitating the parties in their regions, it is not easy for BCRCs to access and analyse information needed to synthesise actual regional figures and actual regional needs to effectively implement the Convention. Another example, even without the role of BCRCs, parties and donors can cooperate bilaterally anyway as long as the cooperation exclusively benefiting both donors and receptors. As a result, there is insufficient demonstrated proactive/active participation of some member countries in the region to help each other nor seriously cooperate in solving problems at the regional level. Lack of funding, indeed, is the common, but, not the only main problem. Should the parties and their BCRCs, including the host countries, in their regions have equally strong will and commitment to cooperate in all aspects of the Convention implementation, there should be some useful programs that can be planned and implemented together successfully without too much being dependent on external funding. The steering committee mechanism should facilitate such a cooperation if it is also optimally functioning.
Strategic Plan and the new Strategic Framework

With reference to the COP 9 Decision IX/3 on Strategic Plan and new Strategic Framework, the BCRC Slovakia would like to provide following proposals.

We consider the Strategic Plan adopted at COP 6 in 2002 as a very important and helpful document serving as a roadmap for BCRCs. In 2009, we fully understand the necessity to prepare an updated document. We feel it is necessary to make an analysis of the current Strategic Plan before going ahead with a new document. We propose to make a SWOT analysis which will exactly reveal its strengths, weaknesses and show us further opportunities and potential threats. It has to be clearly specified what has been already realised and what is still actual and has to be realised in a near future.

The proposal for the next steps:
- SWOT analysis
- Table with realised activities
- Table with activities necessary to be realised
- To prepare a clear financial strategy
- To prepare a new strategic document where the fields a), b), e), and f) will be as an umbrella of the document and the activities will be divided into two clusters:
  - Transboundary movement of the hazardous waste including problems with illegal traffic
  - Environmentally sound management of priority waste streams
- To include relevant recommendations from the AHJWG

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