

# The Basel Convention

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The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal is the most comprehensive global environmental agreement on hazardous and other wastes. It has over 160 Parties and aims to protect human health and the environment against the adverse effects resulting from the generation, management, transboundary movements and disposal of hazardous and other wastes.

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Introduction to the Basel Convention: The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal is the most comprehensive global environmental agreement on hazardous and other wastes. It has over 160 Parties and aims to protect human health and the environment against the adverse effects resulting from the generation, management, transboundary movements and disposal of hazardous and other wastes.

The Basel Convention regulates the transboundary movements of hazardous and other wastes and obliges its Parties to ensure that such wastes are managed and disposed of in an environmentally sound manner. The Convention covers toxic, poisonous, explosive, corrosive, flammable, ecotoxic and infectious wastes. Parties are also expected to minimize the quantities that are moved across borders, to treat and dispose of wastes as close as possible to their place of generation and to prevent or minimize the generation of wastes at source.

The Basel Convention has 14 Basel Convention Regional and Coordinating Centres in the following locations: Argentina, China, Egypt, El Salvador, Indonesia, Islamic Republic of Iran, Nigeria, Russian Federation, Senegal, Slovak Republic, South Pacific Regional Environment Programme (Samoa), South Africa, Trinidad and Tobago and Uruguay. The Centres develop and undertake regional projects, and deliver training and technology transfer for the implementation of the Convention under the direction of the Conference of the Parties and of the Secretariat of the Convention.

## Origins of the Convention

In the late 1980s, a tightening of environmental regulations in industrialized countries led to a dramatic rise in the cost of hazardous waste disposal. Searching for cheaper ways to get rid of the wastes, "toxic traders" began shipping hazardous waste to developing countries and to Eastern Europe. When this activity was revealed, international outrage led to the drafting and adoption of the Basel Convention.

During its first Decade (1989-1999), the Convention was principally devoted to setting up a framework for controlling the "transboundary" movements of hazardous wastes, that is, the movement of hazardous wastes across international frontiers. It also developed the criteria for "environmentally sound management". A Control System, based on prior written notification, was also put into place.

## About the Present Decade

During The Present Decade (2000-2010), the Convention will build on this framework by emphasizing full implementation and enforcement of treaty commitments. The other area of focus will be the minimization of hazardous waste generation. Recognizing that the long-term solution to the stockpiling of hazardous wastes is a reduction in the generation of those wastes - both in terms of quantity and hazardousness - Ministers meeting in December of 1999 set out guidelines for the Convention's activities during the Next Decade, including:

- active promotion and use of cleaner technologies and production methods;
- further reduction of the movement of hazardous and other wastes;
- the prevention and monitoring of illegal traffic;
- improvement of institutional and technical capabilities -through technology when appropriate - especially for developing countries and countries with economies in transition;
- further development of regional and subregional centres for training and technology transfer.
- The Goal of Minimizing Hazardous Wastes

A central goal of the Basel Convention is "environmentally sound management" (ESM), the aim of which is to protect human health and the environment by minimizing hazardous waste production whenever possible. ESM means addressing the issue through an "integrated life-cycle approach", which involves strong controls from the generation of a hazardous waste to its storage, transport, treatment, reuse, recycling, recovery and final disposal.

Many companies have already demonstrated that "cleaner production" methods which eliminate or reduce hazardous outputs can be both economically and environmentally efficient. The United Nations Environment Programme's (UNEP) Division on Technology, Industry and Economics works to identify and disseminate "best practices" (<http://www.unepie.org/>)

In the coming decade, more emphasis will be placed on creating partnerships with industry and research institutions to create innovative approaches to ESM. One of the most critical aspects of ESM is lowering demand for products and services that result in hazardous by-products. Consumers need to educate themselves as to the methods used in production processes and think about what they buy every day.

#### An Overview of Compliance and Enforcement

The Basel Convention contains specific provisions for the monitoring of implementation and compliance. A number of articles in the Convention oblige Parties (national governments which have acceded to the Convention) to take appropriate measures to implement and enforce its provisions, including measures to prevent and punish conduct in contravention of the Convention.

#### The System that Controls the Movement of Hazardous Waste

Because hazardous wastes pose such a potential threat to human health and the environment, one of the guiding principles of the Basel Convention is that, in order to minimize the threat, hazardous wastes should be dealt with as close to where they are produced as possible. Therefore, under the Convention, transboundary movements of hazardous wastes or other wastes can take place only upon prior written notification by the State of export to the competent authorities of the States of import and transit (if appropriate). Each shipment of hazardous waste or other waste must be accompanied by a movement document from the point at which a transboundary movement begins to the point of disposal. Hazardous waste shipments made without such documents are illegal. In addition, there are outright bans on the export of these wastes to certain countries. Transboundary movements can take place, however, if the state of export does not have the capability of managing or disposing of the hazardous waste in an environmentally sound manner.

#### National Reporting of Hazardous Wastes

Each country that is a Party to the Convention is required to report information on the generation and movement of hazardous wastes. Every year, a questionnaire is sent out to member countries, requesting information on the generation, export and import of hazardous wastes covered by the Convention. This information is reviewed and compiled by the Secretariat and is presented in an annual report, which includes statistical tables and graphic representations of the data. These documents are available at [www.basel.int/](http://www.basel.int/)

#### Technical Assistance Offered by the Convention

In order to assist countries (as well as interested organizations, private companies, industry associations and other stakeholders) to manage or dispose of their wastes in an environmentally sound way, the Secretariat cooperates with national authorities in developing national legislation, setting up inventories of hazardous wastes, strengthening national institutions, assessing the hazardous waste management situation, and preparing hazardous waste management plans and policy tools. It also provides legal and technical advice to countries in order to solve specific problems related to the control and management of hazardous wastes. In the case of an emergency, such as a hazardous waste spill, the Secretariat cooperates with Parties and relevant international organizations to provide rapid assistance in the form of expertise and equipment.

#### Training in the Management and Minimization of Hazardous Wastes

An integral part of implementing the Basel Convention is building the capability to manage and dispose of hazardous waste. Through training and technology transfer, developing countries and countries with economies in transition gain the skills and tools necessary to properly manage their hazardous wastes. To this end, the Basel Convention has established Regional Centres for Training and Technology Transfer in the following countries: Argentina, China, Egypt, El Salvador, India, Indonesia, Nigeria, Senegal, Slovak Republic, South Africa, Russian Federation, Trinidad & Tobago and Uruguay.

The role of the centres is to help countries implement the Basel Convention. Important activities include providing guidance on technical and technological issues as well as advice on enforcement aspects of the Convention. The Centres also encourage the introduction of cleaner production technologies and the use of environmentally sound waste management practices.

#### Milestones in the Convention's History

2004 Ministerial Statement on Partnerships for Meeting the Global Waste Challenge - Adopted at COP7 in 2004, the Statement recognises the environmentally sound management of hazardous wastes as part of the wider issues of water protection, improved sanitation, solid waste management and economic and social development. It calls for the reduction of the impacts of hazardous wastes on human health and the environment and promotes a fundamental shift in emphasis from remedial measures to preventive measures such as reduction at source, reuse, recycling and recovery. It recognises the importance of mobilising new and additional financial resources to build partnerships to meet the global waste challenge worldwide.

2002 Strategic Plan for the Implementation of the Basel Convention - At its sixth meeting in 2002, the Conference of the Parties agreed that the "Strategic Plan for the Implementation of the Basel Convention" constitutes the major instrument to give effect to the environmentally sound management of hazardous and other wastes until 2010. The following fields were recognized as the focus for the decade (2000-2010):

- Prevention, minimization, recycling, recovery and disposal of hazardous and other wastes, taking into account social, technological and economic concerns;
- active promotion and use of cleaner technologies and production methods;
- further reduction of movement of hazardous and other wastes;
- the prevention and monitoring of illegal traffic;
- improvement of institutional and technical capabilities -through technology when appropriate - especially for developing countries and countries with economies in transition;
- further development of regional centres for training and technology transfer;
- enhancement of information exchange, education and awareness-raising in all sectors of society;
- cooperation and partnership with the public authorities, international organizations, the industry sector, non-governmental organizations and academic institutions;
- development of mechanisms for compliance with and for the monitoring and effective implementation of the Convention and its amendments.

2002 Compliance Mechanism - The Compliance Mechanism, adopted at COP6 in December 2002, promotes the identification, as early as possible, of implementation and compliance difficulties encountered by Parties. Such difficulties may relate to, for example, dealing with illegal traffic, or meeting reporting obligations. The mechanism is non-confrontational and preventive in nature, and seeks to assist Parties to implement appropriate and effective solutions to difficulties. A Compliance Committee consisting of 15 members drawn in equal numbers from the five regional groups of the UN was established to administer the mechanism. Submissions can be made to the Committee by a Party about its own compliance or implementation difficulties, or about another Party's difficulties, or by the Secretariat when it becomes aware, through national reporting, that a Party may be experiencing difficulties.

1999 Protocol on Liability and Compensation - The Protocol on Liability and Compensation, adopted in December 1999, established rules on liability and compensation for damages caused by accidental spills of hazardous waste during export, import or during disposal.

1999 Ministerial Declaration - The Basel Declaration, also adopted at COP-5 meeting, set out the agenda for the next decade, with a special emphasis on minimizing hazardous waste.

1998 Classification and Characterizations of Wastes - The Technical Working Group of the Basel Convention agreed on lists of specific wastes characterized as hazardous or nonhazardous. These lists were later adopted by the Parties to the Convention, thereby clarifying the scope of the Convention.

1995 Ban Amendment - The Amendment calls for prohibiting exports of hazardous wastes (for any purpose) from countries listed in a proposed new annex to the Convention (Annex VII - Parties that are members of the EU, OECD, Liechtenstein) to all other Parties to the Convention. In order to enter into force, the Ban amendment has to be ratified by three fourths of the Parties who accepted it.

1992 Basel Convention enters into force.

1989 Adoption - After a public outcry against the indiscriminate dumping of hazardous wastes in developing countries by developed-world industries, a diplomatic conference held in Basel, Switzerland, adopted the Convention.

#### Frequently Asked Questions

What global problem was the Basel Convention originally designed to address?

The uncontrolled movement and dumping of hazardous wastes, including incidents of illegal dumping in developing nations by companies from developed countries.

Why is hazardous waste a problem?

When it is dumped indiscriminately, spilled accidentally or managed improperly, it can cause severe health problems, even death, and poison water and land for decades.

What is the Basel Convention?

A global agreement, ratified by several member countries and the European Union (see Status of Ratification), for addressing the problems and challenges posed by hazardous waste. The Secretariat, in Geneva, Switzerland, facilitates

the implementation of the Convention and related agreements. It also provides assistance and guidelines on legal and technical issues, gathers statistical data, and conducts training on the proper management of hazardous waste. The Secretariat is administered by UNEP.

What are the key objectives of the Basel Convention?

- to minimize the generation of hazardous wastes in terms of quantity and hazardousness;
- to dispose of them as close to the source of generation as possible;
- to reduce the movement of hazardous wastes.

What categories of hazardous waste are covered by the Convention?

toxic, poisonous, explosive, corrosive, flammable, ecotoxic and infectious

What is "environmentally sound management" or ESM?

ESM means taking all practical steps to minimize the generation of hazardous wastes and strictly controlling its storage, transport, treatment, reuse, recycling, recovery and final disposal, the purpose of which is to protect human health and the environment.