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**Conference of the Parties to the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal**
Eighth meeting
Nairobi, 27 November–1 December 2006
Agenda item 12

Report of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal on its eighth meeting

I. Opening of the meeting

1. The eighth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal was held at the United Nations Office at Nairobi from 27 November to 1 December 2006. The meeting was called to order at 10.20 a.m. on Monday, 27 November, by Mr. Mariano Arana (Uruguay), President of the seventh meeting of the Conference of the Parties. Ms. Anna Tibaijuka, Director-General of the United Nations Office at Nairobi and Executive Director of the United Nations Human Settlements Programme (UN-Habitat), gave a welcoming address, following which the participants viewed a brief video clip on the theme of the meeting, “creating innovative solutions through the Basel Convention for the environmentally sound management of electronic wastes”, and enjoyed an exhibition of traditional Kenyan dance and a poem entitled “one world,” which, among other things, called for a halt to the transboundary movement of hazardous wastes.

2. Opening remarks were then made by Mr. Achim Steiner, Executive Director of the United Nations Environment Programme (UNEP), Ms. Sachiko Kuwabara-Yamamoto, Executive Secretary of the Secretariat of the Basel Convention, Mr. Arana and Mr. Mutahi Kagwe, Minister for Information and Communications of Kenya. Ms. Wangari Maathai, noted Kenyan environmentalist and 2004 Nobel Peace Prize laureate, gave the keynote address for the meeting.

3. Ms. Tibaijuka welcomed the participants to the meeting. She said that although scandals such as the recent dumping of hazardous waste in Abidjan often caught the media’s attention, increasing urbanization and industrialization presented a more insidious threat, as the hazardous waste produced by urban populations and small-scale industries would continue to increase unchecked if policy makers did not find sustainable ways to manage it soundly. Thirty percent of all urban dwellers worldwide lived in slums in 2005 and their numbers would exceed one billion by 2007. It was vital therefore for UN-Habitat to support the Convention’s implementation, which it could do by contributing to the enhancement of governance structures and the enforcement of relevant regulations to combat illegal trade on hazardous wastes, by exploring ways to improve the livelihoods of the urban poor through the sound recycling of hazardous wastes and other waste-related activities and by embracing a holistic approach to the management of all types of waste.

4. Mr. Steiner too welcomed the participants, in particular those representing civil society, including industry, which he said had been working constructively to find solutions to the hazardous waste challenge. He recalled the recent dumping of hazardous waste in Côte d'Ivoire, which had affected many innocent people and had left behind many tons of waste and contaminated soil. In the light of that tragedy, he urged the Parties to give renewed momentum to the Convention. He noted that the focus of the meeting would be on electronic waste, which had emerged as a significant problem that could only be solved through international cooperation. He noted by way of illustration that according to industry records vast numbers of mobile phones were being produced each year, many of which would soon become waste, while a recent study by the Basel Action Network suggested that on average one hundred thousand used computers were entering the port of Lagos each month. Conversely, he expressed the view that some wastes could be recycled and would constitute the resources of the future, which was why the Basel Convention allowed for a distinction to be made between different types of wastes.

5. The electronic-waste challenge and the inability of some Governments to protect their citizens from the risks posed by hazardous wastes, he commented, underlined the importance of the global environmental governance system. He urged the Parties to bear that in mind as they considered their mandate, which he said was to protect their citizens from the risks posed by hazardous wastes through the establishment of rules and accountability systems to prevent accidents and to deal with issues such as electronic-waste. Lastly, he called on participants to consider how the different instruments and institutions adopted by the United Nations could work in a coherent and synergistic fashion so that they would reinforce rather than undermine each other.

6. In his remarks, Mr. Arana noted that Uruguay had hosted the first meeting of the Conference of the Parties over a decade ago. He paid tribute to the group of African countries, which had been a driving force for the Convention, and thanked the Kenyan Government for hosting the current meeting. He noted the many important achievements that had taken place since the seventh meeting of the Conference, including the adoption of the Strategic Approach to International Chemicals Management, which would promote the coordination of chemicals management efforts management at the national, regional and international levels. The current meeting, he said, was an opportunity for all stakeholders to strengthen the Strategic Plan for the Implementation of the Basel Convention and to respond to emerging issues, such as electronic waste, that affected both developed and developing countries, as well as crises like the dumping of toxic wastes in Côte d'Ivoire. In closing, he stressed the need for all stakeholders, including industry, to act together and for the Basel Convention to ensure that funding was provided for the Basel Convention regional and coordinating centres to allow for the effective implementation of the decisions of the Conference of the Parties.

7. Ms. Kuwabara-Yamamoto welcomed the participants, saying that it was most appropriate for the current meeting to take place in Africa, a continent that was particularly vulnerable to the environmental and health risks of hazardous wastes, as illustrated by the tragedy in Abidjan. She joined the other speakers in expressing her sympathy with Côte d'Ivoire for the loss of life and serious environmental and health damage resulting from that incident and said that it highlighted the continuing challenge of enforcing the Convention and the need for better coordination to produce a global system for regulating all wastes linked to shipping and a better tracking system to identify the origins and destinations of global waste. There was also a need for better information and shared methodologies and standards for identifying appropriate technologies and facilities for sound waste management.

8. She noted that the Parties at the current meeting would need to take concrete action on the environmentally sound management of electronic waste, observing that such waste was rapidly increasing, was largely disposed of in municipal waste systems that were poorly designed to handle it and contained toxic substances that affected air quality, drinking water, agricultural land and marine resources and could damage ecosystems and human health far from their source. The movement of electronic and other wastes had become complex as a result of globalization, which posed a challenge to the control system of the Basel Convention. To respond to that challenge, the Convention needed to raise its international profile and industry and civil society needed to assist Governments in that regard. Highlighting the important role of non-governmental organizations, she welcomed the largest contingent of them ever to attend a Basel Convention meeting. In closing, she noted that waste disposal was not glamorous and was largely hidden from public view and that it was therefore necessary to convince people to care more about the issue and to engage stakeholders and the general public.

9. Speaking on behalf of the host country, Mr. Kagwe welcomed the meeting participants to Kenya. He noted that the decision to meet in Africa was timely as waste accumulation and management had become a priority issue for African countries, including Kenya, and a repetition of the Côte d'Ivoire

disaster had to be avoided at all costs. He described the dumping of waste by developed countries in developing countries as morally repugnant. Africa had become the latest destination for electronic waste, he said, and Governments needed to set strict standards for so-called donations of obsolete electronic equipment.

10. Waste disposal, however, was only part of the problem and action had to be taken to deal with wastes at their source. Waste creation had accelerated in Kenya due to urbanization, industrialization and consumerism. The growth in the use of mobile phones and personal computers in Kenya posed a problem that had not existed 20 years ago and their disposal with other benign waste was harmful to the environment. Suggesting that it was the responsibility of everyone to plan for what would be generated in the future, he appealed for a rule requiring polluters to pay for the disposal of waste. The theme of the eighth meeting of the Conference was opportune and appropriate for developing countries; Kenya therefore looked forward to the issuance of a declaration on electronic wastes at the conclusion of the current meeting, which would receive the full attention of the Government of Kenya.

11. In her keynote address, Ms. Maathai expressed her satisfaction that the Conference at the present meeting would address the issue of e-waste, which was a fast-growing challenge in developing countries and poor neighbourhoods. She expressed the opinion that, of the three main enemies identified by the founding fathers of post-colonial Africa, namely, poverty, ignorance and disease, ignorance, including a lack of skills, remained the greatest challenge. People in Africa were hungry for information technology but lacked the capacity to manufacture it; that, teamed with slow development, meant that the continent had become the largest importer of recycled and obsolete equipment. In addition, unscrupulous businesses took advantage of countries' lack of capacity to dump hazardous wastes. While African people were becoming large consumers of electronic equipment, they lacked awareness of its threats to human health and the environment. African Governments had therefore not accorded priority to the issue of hazardous wastes and, in particular, the Basel Convention.

12. The recent dumping of toxic waste in Abidjan, she said, had emphasized the difficulty of dealing with the illegal traffic of hazardous wastes, had highlighted the particular vulnerability of developing countries and had made clear that the disposal of electronic and other hazardous wastes needed to be a priority issue worldwide. Solutions had to be found to reduce the threat of hazardous wastes and although they might slow economic growth or cause job losses, delayed decisions would cost countries much more in environmental degradation and negative impacts on the health of their populations.

13. The strengthening of the Convention, she said, was crucial to achieving its overall goal of protecting the world's citizens from the threat of hazardous wastes. International solidarity and cooperation, legal responsibility and accountability, the polluter pays principle and the 3 Rs – reduce, reuse and recycle – were all important in achieving that goal, and it was possible to create employment and wealth through the proper management of wastes. She expressed her gratitude to a number of non-governmental organizations for their pioneering work on raising awareness on hazardous wastes and their disposal. In closing, she noted that although the peoples of the world often lived at great distances from one another, they were connected in myriad ways and needed to tackle the issue of hazardous wastes and their disposal as a collective concern for the benefit of present and future generations.

II. Election of the President and other officers

14. The following officers were elected to the Bureau of the eighth meeting of the Conference of the Parties:

President:	Mr. Kivutha Kibwana (Kenya)
Vice-Presidents:	Mr. Cristian Maquieira (Chile)
	Mr. Ruisheng Yue (China)
	Mr. Roy Watkinson (United Kingdom of Great Britain and Northern Ireland)
Rapporteur:	Mr. Sokol Klincarov (the Former Yugoslav Republic of Macedonia)

III. Adoption of the agenda

15. At the opening plenary session, the Conference agreed to add new items 6 and 7 to the provisional agenda contained in document UNEP/CHW.8/1, “dumping of toxic wastes in Abidjan, Côte d’Ivoire” and “creating innovative solutions through the Basel Convention for the environmentally sound management of electronic wastes”, respectively, and to renumber the remaining items accordingly. The Conference therefore adopted the following agenda:

1. Opening of the meeting.
2. Election of the President and other officers.
3. Adoption of the agenda.
4. Organization of the meeting.
5. Credentials of representatives.
6. Dumping of toxic wastes in Abidjan, Côte d’Ivoire.
7. Creating innovative solutions through the Basel Convention for the environmentally sound management of electrical and electronic wastes.
8. Implementation of the decisions adopted by the Conference of the Parties at its seventh meeting:
 - (a) Strategic Plan for the Implementation of the Basel Convention to 2010:
 - (i) Report on project activities;
 - (ii) Programme framework until 2010;
 - (iii) Work and operation of the Basel Convention regional and coordinating centres;
 - (iv) Partnership Programme;
 - (b) Cooperation and synergies;
 - (c) Reporting;
 - (d) Technical matters;
 - (e) Legal matters;
 - (f) Ship dismantling;
 - (g) Financial matters;
 - (h) Resource mobilization and sustainable financing.
9. Work programme of the Open-ended Working Group.
10. Compliance Committee.
11. Other matters.
12. Adoption of the decisions and the report.
13. Closure of the meeting.

IV. Organization of the meeting

A. Attendance

16. The following Parties to the Basel Convention were represented: Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belgium, Benin, Bhutan, Botswana, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Costa Rica, Côte d’Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, European Community, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Hungary, India, Indonesia, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lesotho, Libyan Arab Jamahiriya,

Leichtenstein, Madagascar, Malawi, Malaysia, Maldives, Malta, Mali, Mauritius, Mexico, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, the Former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia.

17. The following States not party to the Convention participated as observers: Somalia, United States of America, Zimbabwe.

18. Observers from the following United Nations bodies and specialized agencies, intergovernmental organizations and secretariats of conventions were also present: European Maritime Safety Agency, Food and Agriculture Organization of the United Nations, International Maritime Organization, Organisation for Economic Co-operation and Development, South Asia Cooperative Environment Programme, Stockholm Convention on Persistent Organic Pollutants, United Nations Environment Programme, United Nations University, World Health Organization.

19. The meeting was also attended by representatives from the Basel Convention regional and coordinating centres located in China, Egypt, Indonesia, Nigeria, Senegal, Slovakia, South Africa and Uruguay, as well the centre based at the South Pacific Regional Environment Programme.

20. The following governmental, non-governmental, private sector and business organizations also participated as observers: ACOBES, African Conservancy, Agenda, Agrochemicals Association of Kenya, Alliance Femmes et Environnement, Angaza Youth Works, Arnika Association, Ban Asbestos International, Basel Action Network, Beveridge and Diamond, P.C., Bimco, Bondo Youth Group, Bureau of International Recycling, Centre for Human Development, Children's Homes of Africa Network, Climate and Development Initiatives, Climate Network Africa, Cohort for Research on Environment, Urban Management and Human Settlements, Community Training Research and Development, Computers for Schools Kenya, Day Hospital Institute, Disabled People's International, Dow Eco-Systems Company Limited, Dow Holdings Company Limited, Eco Club, Embakasi Youth Group, Environment Youth Group, Energy Star, Escarpment Environment Conservation Network, Eurasia - Global Plastic Recycling Limited, European Federation of Waste Management and Environmental Services, Green World, Greenbelt Movement, Greenpeace International, Groundwork-Friends of the Earth South Africa, Gusii Youth Initiative, GSM Association, Guantai Marangu and Company, Hewlett Packard, ICESPS, Iidg-Practical Action, Ikolondo Women's Group, Industrial Environmental Research and Advisory, Institute for Sustainable Development, Institute of Environment and Resources, Institute of Scrap Recycling Industries, International Council of Chemical Association/World Chlorine Council, International Institute for Sustainable Development, International Pops Elimination Network, International Precious Metals Institute, Isiolo Community Waste Management, Ihukha Heritage Organisation, Isiolo Waste and Management Youth Group, Jomo Kenyatta University, Joski Waste Handlers, Kakamega Waste Movers, Kamaju, Kangundo Youth Group, Karen Youth Group, Kariobangi Youth Association, Kayole Youth Group, Kenya Association of Manufacturers, Kenya Initiatives for Development, Kenyatta University, Kenyatta University Environmental Club, Kiambu Waste Management, Kimutkia Waste Recyclers, Kimutwa Environment Network, Kimutwa Plastic Collectors and Recyclers, Kinanju Self Help Group, Kitengela Waste Recyclers, Kitui Horticultural Farming, Kitui Horticultural Farming Self Help Group Korea Environment and Resources Corporation, Lacote Kenya Limited, Maendeleo Poverty Eradication Society, Makindu Youth Organisation, Makindu Youth Pressure Group, Malava Development, Malava Development Organization, Maseno University, Mata-Arba, Matiliku Youth Group, Matunda Environmental Youth Initiative, Mbitini Waste Handlers, Mbitini Youth Group, Meca Group, Mikima Farmers, Mikindani Mazingira Vijana Group, Milirubshi, Miliru-Bushi Organisation Kenya, Millennium Youth Development and Cultural Organization, Mount Sinai School of Medicine, Muramati Agricultural Farmers Co-Op Society Limited, Mwangaza Self Help Group, Narasha Cultural Group, National Council of Women, Network of Youth in Combating Desertification, Ngo Platform on Shipbreaking, Nguu Waste Managers Makueni, Nigeria Environmental Study Action Team, Nokia Finland, Norddeutsche Affinerie Af, Nyahururu Environmental Initiatives, Nyandarua Youth Group, Ostree Farming, Pesticide Action Network, Pioneer Players Group, Practical Action, R.H. Devani Limited, Riruta Environmental Group, Road Construction and Maintenance, Samaritan Environmental Programme, Secco Finland Limited, Simul International Inc., Sochoi Cheboror Ngeny Forest and Water Associations, Society for Human Rights, Environmental Law and Good Governance Activities, Society for Protection of Environment In Kenya, South C Community Group, Stahlinstitut Vdeh (on behalf of Eurofer), Suneka Green Town Environmental Institute, Swiss Perimpex GmbH, Tanzania Plantation and

Agricultural Workers Union, Taveta Waste Processor, Tirrim Project Tosoh Corporation, Toxic Action Network Central Asia, Toxic Link, Transmara Development Network, University of Lagos, University of Nairobi, Vihiga Environmental and Waste Research Network, Wangige Youth Group, World Chlorine Council, Wote Youth Group, WWF, Young Power in Social Action, Youth Environment Network, Youth Environmental and Cultural Organisation, Youth For Change, Youth Group, Youth Group Initiative.

B. Organization of work

21. The President recalled that the meeting would last for five days and that the final two days would be conducted as a high-level segment. The theme of the high-level segment would be “creating innovative solutions through the Basel Convention for the environmentally sound management of electrical and electronic wastes”. The theme would be addressed through an interactive panel discussion on Thursday, 30 November, chaired by the Executive Director of UNEP. The discussion session would be known as the “World Forum on E-waste” and the Conference would consider whether to issue a declaration on the subject of electrical and electronic wastes (“e-waste”) as a principal outcome of the current meeting.

22. The Conference of the Parties agreed to form a Committee of the Whole, to be chaired by Mr. Maquieira, which was mandated to address all substantive items on the agenda of the meeting with the exception of item 6, regarding the recent dumping of toxic waste in Côte d’Ivoire, which the Conference would take up in plenary session. The Committee would present draft decisions and recommendations for consideration and possible adoption by the Conference at its final plenary meeting. The Conference further agreed that the Committee would convene such contact groups as it deemed necessary to consider specific issues.

V. Credentials of representatives

23. At the 4th session of the high-level segment, on 1 December, the Conference was informed that the Bureau had examined the credentials of the representatives attending the meeting and had found the credentials of 85 Parties to be in order. A further 15 credentials had been received but had been found not to be in order; 13 Parties were present without credentials. Following the advice of the Bureau, it was decided that those Parties whose credentials were not in order would have seven days following the end of the meeting to present the originals of their credentials to the Secretariat. Those failing to do so would be listed as present at but not accredited to the meeting. The following Parties presented credentials and were duly accredited to the meeting: Argentina, Australia, Austria, Bahrain, Bangladesh, Belgium, Benin, Brazil, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Costa Rica, Côte d’Ivoire, Croatia, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, European Community, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, India, Indonesia, Iran (Islamic Republic of), Israel, Jamaica, Japan, Jordan, Kenya, Kuwait, Latvia, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Madagascar, Malawi, Malaysia, Maldives, Malta, Mauritius, Mexico, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Serbia, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, the Former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam and Zambia.

VI. Dumping of toxic wastes in Abidjan, Côte d’Ivoire

24. The Conference took up the item at its second session, on the morning of Wednesday, 29 November. The representative of the Secretariat drew attention to a number of documents prepared under item 8 on legal matters and illegal traffic that were relevant to the item. The President invited Ms. Safiatou Ba-N’daw, Deputy Director of the Office of the Prime Minister of Côte d’Ivoire and coordinator of the national plan to combat toxic waste, to speak on behalf of her country.

25. Ms. Ba-N’daw recounted the events of the crisis that had struck Abidjan, the capital of Côte d’Ivoire, on 19 August 2006. The first indication of trouble had come when large numbers of citizens began flocking to health centres with symptoms including nausea, severe headaches, vomiting, skin reactions and nose bleeds. The national civil defence and protection authorities had visited affected areas and had identified various sites in Abidjan where toxic waste originating from a ship chartered by

the Trafigura company had been stored and dumped. Special health centres had been set up and 30 psychologists had been hired to cope with the trauma. People had been displaced, schools in affected areas had had to be closed and there had been outbreaks of anger and protest among the population. Environmental consequences included air pollution, contamination of water sources, closure of the city's household waste treatment centre for two months and contamination of the food chain. Industries had been closed and hundreds of workers laid off; fishing activities, vegetable and small livestock farming had halted; and a number of businesses such as bakeries had been closed down due to contaminated products. The human cost of the disaster was at least 10 deaths, 69 people hospitalized and more than 100,000 medical consultations to date.

26. The Government of Côte d'Ivoire had responded by setting up an inter-ministerial committee, presided over by the Prime Minister, on 28 August. Clean-up operations had begun as quickly as possible, starting with the identification of 16 affected areas and the technical requirements for the operation, an information campaign, the securing of perimeters and the removal of liquid and solid waste for treatment. National and international commissions of inquiry had been set up and were due to report their findings in two months time. Currently, the level of medical intervention needed was falling but epidemiological investigations were still being carried out. Two sites were still awaiting decontamination, while there was a need to return to certain sites where further levels of pollution had been discovered. Decontamination of Abidjan's industrial area was currently taking place and people were being returned to safe areas.

27. Initial estimates had put the quantity of waste at 2,500 tons but it was currently thought to be closer to 10,000 tons. The Government had already spent 22 million euros on clean-up operations and the total cost of the soil pollution alone was estimated at 30 million euros. Further assistance was needed for health, agriculture, animal resources, rehabilitation of the water table, help for industries, including the informal sector, the information network and for bereaved families. Côte d'Ivoire was looking to the international community for technical and financial assistance as well as help in capacity-building and information exchange. Requests for bilateral and multilateral assistance had been made but the results had been less than hoped, except in the case of Japan, which she praised for its quick donation of \$2 million for the technical clean-up operation.

28. Ms. Ba-N'daw concluded by saying that the incident had been unexpected and unprecedented and had had unforeseen consequences. The Government was not apportioning blame but was concentrating on seeking help from the international community through the Basel Convention to enable it to carry out the clean-up operation against the background of financial turmoil in the country.

29. In the discussion that ensued, all of the representatives who spoke expressed their deepest sympathy to the people and the Government of Côte d'Ivoire. There was universal condemnation of the intentional dumping of waste, which was described by one representative as an act of environmental terrorism. Representatives called it unacceptable, repulsive and unjust and suggested that it was prompted by greed and the placing of financial gain over human life. A number of the representatives who spoke regarded the incident as a criminal act and said that those responsible should be prosecuted. One representative urged that it be a catalyst for improvement.

30. Many representatives called for countries, in particular developed countries, United Nations organizations, donors and others to provide financial, technical and logistical assistance to Côte d'Ivoire, both to cope with the incident and for the long term. A number of representatives urged Parties to make contributions to the Basel Convention Technical Cooperation Trust Fund for use in similar emergencies.

31. Many representatives pointed to the need for greater cooperation and coordination, including between multilateral environmental agreements, the United Nations system, Governments, customs organizations, non-governmental organizations, international humanitarian organizations and other stakeholders, in particular to increase the effectiveness of the Convention.

32. Most representatives called for an assessment of the Basel Convention to be carried out, in particular to identify loopholes and grey areas exploited by unscrupulous business operators. Other international and national legal instruments related to waste and shipping should also, they said, be examined. A large number of representatives called for the strengthening of the Basel Convention, and several also called for the strengthening of the International Maritime Organization. Most underlined the importance of diligent implementation of the Basel Convention to prevent such tragic events. One representative suggested that there was an urgent need to examine how such a terrible event had taken place decades after international instruments such as the Basel Convention, the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on the Prior Informed Consent Procedure

for Certain Hazardous Chemicals and Pesticides in International Trade and the United Nations Convention on the Law of the Sea had entered into force. The tragedy in Côte d'Ivoire, she said, was a key test case for the effectiveness of the Basel Convention and the commitment of the international community to its objectives.

33. There was general agreement that once the findings of the current investigations were final, those found to be responsible for the incident should be made to pay full compensation to the Government and the people of Côte d'Ivoire. Many representatives said that the polluter pays principle should be fully implemented and one representative suggested that there was a need to engage in a global discussion on that principle and the Basel Convention's Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal. Most representatives called for investigations into the incident to be comprehensive and transparent and to include analysis of the legal regime applicable to it. Preventive measures suggested included strengthened training and awareness-raising on hazardous wastes, including through the Basel Convention regional and coordinating centres; capacity-building in ports to ensure adequate monitoring and control of shipments; information exchange between maritime, environmental and port authorities; capacity-building to strengthen regional cooperation in the management and disposal of hazardous wastes, including enhanced information sharing, rapid assessment centres at regional centres or selected hotspot areas; and increased political will to deal with hazardous waste issues.

34. Some representatives pointed to the need to ensure the urgent entry into force of decision III/1 of the Conference of the Parties, by which the Conference had adopted the "Ban Amendment", and urged Parties that had not done so to ratify it. The Ban Amendment was currently being applied in States members of the European Union and, one representative stated, had already proved to be successful in preventing the dumping of hazardous wastes in developing countries. The Amendment would, in all likelihood, one representative said, aid in the vigorous prosecution of those responsible for the recent tragedy in Côte d'Ivoire. One representative of a non-governmental organization urged Parties to adopt immediately a decision stating that under Article 17 of the Convention the Ban Amendment should enter into force immediately, as it had been ratified to date by 63 Parties. Many representatives urged Parties to ratify the Basel Protocol on Liability and Compensation and some called for the instrument to be developed further. A number of representatives urged African States that had not yet done so to ratify the regional Bamako Convention on the Ban of the Import Into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes Within Africa.

35. The particular vulnerability of developing countries was underscored by many representatives. Several suggested that the dumping of hazardous wastes in developing countries was routine. There were a number of calls for developing countries to be more aware and alert to the dangers presented by transboundary movements of hazardous wastes and several representatives called for increased capacity-building for developing countries on issues related to transboundary movements of hazardous wastes. A number of representatives asked that the Secretariat mobilize resources in that regard.

36. Several representatives called for the Dumpwatch system to be revived and other early warning systems to be established, including at the regional and subregional levels. Other suggestions made by individual representatives were that Parties should agree on tracking and early warning systems; that there was a need for rapid response to handle pollution from transboundary movements of hazardous wastes; and that the Basel Convention Secretariat should be informed immediately of illegal transboundary movements of hazardous wastes and urgent steps should be taken to send illicit cargo back to its point of origin. One representative suggested the establishment of an open-ended working group on the incident to report to the Conference of the Parties at its ninth meeting.

37. One representative noted that the Basel Convention could not attain its aims unless developed countries reduced the amount of hazardous waste they generated. Countries had an obligation that was clearly a common but differentiated obligation and had to find ways to de-couple hazardous waste generation from economic growth, including through the use of viable alternative technologies that were currently available. Another representative of a non-governmental organization called on those countries responsible for the generation of waste to implement the polluter pays principle by providing remediation to Côte d'Ivoire in the form of generous contributions.

38. Noting that the Probo Koala vessel had entered the port of Amsterdam during its journey, a representative of the Netherlands outlined the apparent chain of events that had led to the dumping of toxic waste in Abidjan. He emphasized the importance of ruling out any future ambiguity on the applicability of international instruments and highlighted concern about future waste streams which might end up in the marine environment if processing at sea became a normal practice.

39. The representative of the World Health Organization presented an outline of the Organization's response to the dumping of toxic waste in Abidjan. He announced that the Organization would convene a workshop in Abidjan in the first quarter of 2007 to examine, among other things, the lessons learned as a result of the incident, next steps and conclusions. He suggested that the workshop might provide an opportunity for cooperation with the Basel Convention Secretariat and suggested that there be closer cooperation between WHO and the Basel Convention Secretariat in the future as there were clearly significant synergies in their mandates, in particular with regard to the protection of human health.

40. Following its debate on the item, the Conference entrusted consideration of it to the Committee of the Whole and asked it to prepare one or more draft decisions for the consideration of the Conference. A description of the Committee's treatment of the item is described in its report, which is contained in annex II to the present report.

41. At the 4th session of the high-level segment, on the evening of Friday, 1 December, the Conference adopted a draft decision on the dumping of toxic waste in Côte d'Ivoire that had been forwarded to it by the Committee of the Whole. The decision as adopted is set out as decision VIII/1 in annex I to the present report.

42. At the same session, the Conference adopted a draft decision on cooperation between the Basel Convention and the International Maritime Organization that had been forwarded to it by the Committee of the Whole. The decision as adopted is set out as decision VIII/8 in annex I to the present report.

43. Following adoption of the decisions, several representatives made statements welcoming the Conference's recognition of the gravity of the events in Côte d'Ivoire and the need for urgent action in response. A statement was read on behalf of the environment minister of Mali, which outlined the shortcomings of the Convention and its implementation to date and the ways in which African States had sought to respond to those failings through measures such as the Bamako Convention. The statement concluded by calling for more commitment from African states to collaboration in managing hazardous waste and for the first meeting of the Conference of the Parties to the Bamako Convention to be held in early 2007.

44. The representative of Côte d'Ivoire also made a statement in which she affirmed the need to ensure that events such as the dumping of waste in her country never recurred. She called for international support to help Côte d'Ivoire and requested in particular that the Basel Convention mechanism for providing compensation to victims of such acts be activated to provide technical and financial assistance and that other mechanisms be set in motion to help in the decontamination and rehabilitation of the affected sites and the establishment of environmental monitoring. She said that Côte d'Ivoire had managed its response to the incident efficiently but lamented that the events had nevertheless destabilized the fragile peace process in her country. She concluded by expressing gratitude on behalf of her country for the international community's response to the tragedy, which, she said, was embodied in the decisions just adopted.

45. The President also made a statement on Côte d'Ivoire, which was wholeheartedly welcomed by the Conference. The statement is set out in annex III to the present report.

46. Following the President's statement, one representative informed the Conference of the work that his country had undertaken to handle dangerous waste that remained on the ship involved in the Côte d'Ivoire incident. He called for more international cooperation to prevent the illegal shipment of waste and initiatives to identify gaps in the coverage of international conventions aimed at preventing pollution from ships.

VII. Creating innovative solutions through the Basel Convention for the environmentally sound management of electrical and electronic wastes

47. As agreed under agenda item 4 on organization of work, the Conference took up the present item in plenary, on the first day of the high-level segment, which took the form of a day-long interactive panel discussion on the theme of the meeting, "creating innovative solutions through the Basel Convention for the environmentally sound management of electronic wastes".

A. Opening

48. The high-level segment of the eighth meeting of the Conference of the Parties commenced at 10.20 a.m. on Thursday, 30 November, with opening remarks by Mr. Kibwana and Mr. Steiner.

49. Mr. Kibwana emphasized the timeliness of the theme of the high-level segment, saying that e-waste was clearly a daunting emerging challenge that required the urgent attention of the international community. He noted that at the opening session of the current meeting several speakers, including Ms. Maathai, had highlighted the serious problem of the ever-increasing production of electrical and electronic products. Although such products provided obvious benefits to people in their everyday lives, it was now widely recognized that unless the disposal of end-of-life equipment was managed appropriately, there would be serious negative consequences for the environment and for human health. Globalization of trade meant that the transboundary movements of hazardous wastes had become complex and that developing countries were often the targets of movements of hazardous waste in the guise of donations. The Basel Convention, among other international instruments, had a responsibility as one of the key players in ensuring the proper management and disposal of hazardous wastes. He expressed the hope that the current meeting would lead to the full and effective implementation of the Basel Convention and the achievement of the environmentally sound management of e-waste, in particular in developing countries. He informed the ministers and other heads of delegation that the Conference had earlier in the week discussed the toxic waste dumping incident in Côte d'Ivoire and that the discussions had focused on constructive issues rather than recrimination, including how to avoid similar tragedies in the future. He took the opportunity to send, once again, a message of solidarity from the Conference to the Government and the people of Côte d'Ivoire.

50. Mr. Steiner, recalling that the high-level segment bore the ambitious title of World Forum on E-waste, emphasized that attendance at the forum was a measure of the importance of the current importance of e-waste. He lauded the fact that the meeting participants included representatives of Governments and civil society, including the private sector, and underlined the crucial importance of interaction between those groups in finding solutions to the mounting problem of e-waste. The participants, he said, needed to examine the whole chain of production of electrical and electronic goods, noting that by the ninth meeting of the Conference, the world would have produced nearly 2 billion more cellular phones. Basic understanding of what the mountain of e-waste comprised was still lacking and the Basel Convention provided an important orientation point in the international debate on such waste. The success of the World Forum on E-waste would be measured by the extent to which it provided direction to all stakeholders and established milestones on the management and disposal of e-waste.

51. He urged the Conference to take advantage of the strong regulatory mandate of the Convention to assist consumers, Governments, civil society and the private sector. There was a need, he said, to look at e-waste in the context of the Basel Convention but also as a means to empower stakeholders to move forward in a common framework. Without a regulatory framework, there would be serious market failures, as illustrated by the dumping of toxic waste in Côte d'Ivoire. Noting that regulation was about enabling as well as preventing, he described e-waste as a multi-stakeholder challenge and expressed the hope that the World Forum on E-waste would capture global attention and that the Conference at its eighth meeting would be able to articulate a clear sense of direction for the Convention.

B. Panel discussion

52. Following those opening remarks, the ministers and other heads of delegation assembled for the high-level segment commenced a day-long panel discussion on the theme of the meeting, "creating innovative solutions through the Basel Convention for the environmentally sound management of electrical and electronic wastes", which was moderated by Mr. Steiner. The stage for the discussion was set by statements from ministers from five countries, Finland, Georgia, Malaysia, Uganda and Uruguay, one from each of the five United Nations regions, on the challenges and possible solutions to the problem of e-wastes. Following those statements, the six members of the panel gave brief statements on the same theme. The floor was then opened for discussion, including questions and comments from the ministers and other heads of delegations and responses from the members of the panel, in which the participants were asked to give consideration to both challenges and solutions.

53. The five keynote statements, the opening statements of the panel members and the ensuing discussion are summarized in the following paragraphs.

1. Keynote statements

54. The five keynote speakers (in the order in which they spoke) were Ms. Jessica Eriyo, Minister of State for the Environment of Uganda; Mr. Mariano Arana, Minister of Planning and the Environment of Uruguay and former mayor of that country's capital, Montevideo; Mr. Azmi Khalid, Minister of Natural Resources and Environment of Malaysia; Mr. David Tkeshelashvili, Minister of Environmental Protection and Natural Resources of Georgia; and Mr. Stefan Wallin, Secretary of State, Ministry of the Environment of Finland, speaking on behalf of the European Community and its member States and Bulgaria and Romania.

55. Ms. Eriyo, speaking on behalf of the African group of countries, said that the tragedy in Côte d'Ivoire was a reminder of the extreme vulnerability of African States owing to their lack of resources and ability to track the movement of hazardous wastes. The increase in the use of electronic equipment worldwide and the increasing export of it to developing countries was a cause of great concern. Although the growth of information technology was an important facet of development, the risks of the uncontrolled importation of electronic products into countries without the facilities to dispose of them might offset their benefits. No trade, she said, was acceptable if it was not beneficial to all parties.

56. She said that international and regional cooperation was necessary to enable developing countries to build capacity for the environmentally sound management of e-waste and called for concrete and innovative solutions to bridge the current gaps in transfer mechanisms and legislative frameworks, including a liberal interpretation of the Ban Amendment and support for its implementation; a ban on the export of e-waste in the guise of donations; effective and transparent tracking systems to ensure the correct identification of exported electronic products; take-back mechanisms where there was no other disposal mechanism; the development of practical technical guidelines for the management of e-waste; and commitment on the part of developed countries to the Basel Convention with regard to phasing out the use of hazardous products in electronic goods. African countries, she said, supported regional schemes for the environmentally sound management of e-waste and the appropriate transfer of technology and called for an international conference on environmentally sound waste management. She appealed for countries to cooperate on that immediately rather than waiting to face increasingly difficult decisions later.

57. Mr. Arana spoke in the light of his experience in municipal waste management, which was similar to that of other countries in the region. Electronics had played a dominant role in the search for more comfortable life styles, improving communications and increasing work efficiency and productivity. The market in software and mobile phones was constantly changing and the useful life of such equipment was shrinking, resulting in an exponential growth in e-waste in the preceding 10 years. Society was not aware of the problems created by the situation and had to assume responsibility for patterns of consumption. It was crucial for manufacturers, national and municipal Governments and any entities directly or indirectly linked with electronic products to bear responsibility. Municipalities had to deal with waste on a daily basis and in Latin America significant quantities of waste posed a threat to the environment because of inadequate structures for its management. Uruguay was already working on its own waste management plan, concentrating on the municipal level, based for the first time on cooperation between the national Government and municipalities and focusing on producer responsibility for waste.

58. The role of the participants at the current meeting, he said, was to create awareness of the scale of the problem, to identify those involved and to regulate the flow of products. Coordination at the regional and global levels was essential. It was also important to establish who would pay for waste management and in that context not to ignore the commercial interests involved. Internationally, decisions had to be more flexible and instruments sought for successful preventive action. Working on the issue of e-waste under the Basel Convention would make it possible to create instruments applicable on a global basis, but dissemination of information through regional centres was also important. He stressed that the measures achieved for dealing with e-waste under the Basel Convention could serve as an example for dealing with other waste. It was also important to involve other stakeholders not linked to the Convention such as the whole chain of private concerns involved in the manufacture, assembly and distribution of equipment. That would enable Governments to work with them to ensure that environmental considerations were incorporated into the design and fabrication of products; to establish a market for used equipment; to set clear standards on permitted exports or donations of end-of-life equipment; to support developing countries in e-waste disposal and to develop public-private strategies to deal with it; to ensure that producers contributed to waste management; and to train human resources and use applied research to pilot safe products.

59. Mr. Azmi Khalid described the growth of the electrical and electronics industry in his own country as an example of how rapid technological advances were creating new streams of waste that were potentially hazardous to human health and the environment. The experiences of Malaysia had shown the need for reliable information and data as the basis for a sound policy on e-waste disposal. He said that Malaysia had been working on a database to include a complete inventory of e-waste generated, treated and disposed of; it was therefore mandatory for all generators of such waste to notify the Department of Environment of the categories and quantities of waste they generated. Licensing of facilities and mandatory jail sentences for licensing violations were important tools. The prevention of illegal trade in e-waste required close cooperation between importing and exporting countries to stop it in the countries of origin. Noting that many developing countries did not have the capacity or resources to manage e-waste sustainably, he welcomed the capacity-building efforts of the Basel Convention and other Parties at the regional level. Malaysia believed that one solution to e-waste was cleaner production and environmentally sound treatment and disposal methods and that developing countries needed more access to such technologies.

60. Mr. Tkeshelashvili said that e-wastes were hazardous wastes and should be subject to the controls of the Basel Convention. The main challenge was thus to ensure that the Convention was enforced and to agree on clear criteria to distinguish e-wastes from secondary or recyclable materials. Another challenge was to enact and enforce national regulations concerning controls on the import of e-wastes, the strengthening of controls on illegal transport and recycling practices, which were posing a threat to thousands of people working in the informal economy, the development of extended producer-responsibility schemes and the enforcement of environmentally sound recycling systems. Other mechanisms that could be used to tackle the problem of e-waste included the application of the principle of producer responsibility to the design of greener electronic products, the promotion of take-back and recycling mechanisms for electric and electronic equipment and the collection and sound recycling of electronic products. In closing, he noted that the complexity of the problem would most certainly require trial and error and extensive research and consultation with all stakeholders.

61. Mr. Wallin said that the Convention was an apt forum for all relevant actors to discuss how to achieve the sustainable management, recycling and final disposal of e-wastes. He outlined two directives of the European Community, one on restriction of hazardous substances and another on waste electrical and electronic equipment, which aimed to regulate electric and electronic products throughout their life cycles, limited the use of certain hazardous substances and made it compulsory to organize the collection, treatment, recycling and disposal of e-waste. The implementation of the directives had achieved some positive results and they could be used as models by other Parties.

62. Besides a proper legal framework, the sound management of e-wastes required general public awareness, in particular on collection and treatment of e-wastes, a system of collection points, proper recycling and final disposal facilities and a competent administration guiding and supervising waste-related activities. The need for waste-management infrastructure had been demonstrated by a multi-donor project carried out in Egypt. Criteria to distinguish e-wastes from useful products and mechanisms to prevent the export of low-quality products and to improve the control and monitoring of exports of e-wastes were also needed. Welcoming the proposed ministerial declaration on electronic wastes, he emphasized integrated waste management as the basis for the proper collection and segregation of e-wastes and expressed support for, among other things, regulations to control e-waste exports, including import bans on used and end-of-life equipment, the initiation of a partnership programme on computing equipment and the development of guidelines on the environmentally sound management of e-waste built on existing international and regional guidelines.

2. Panel members' statements

63. The members of the panel (in the order in which they spoke) were Mr. Helge Wendenburg of the German Federal Ministry of Environment; Mr. Timo Mäkela, Director of the Environment Directorate General of the European Commission; Mr. Horokazu Yoshikawa, Chairman and Chief Executive Officer of DOWA Holdings of Japan; Ms. Kirsi Sormunen, Vice-President of Nokia; Mr. Klaus Hieronymi, Director for Europe, the Middle East and Africa for Hewlett Packard; and Mr. Adil Najam of the International Institute of Sustainable Development.

64. Mr. Wendenburg echoed the keynote speakers in emphasizing the exponentially increasing amount of e-waste worldwide. He highlighted the need to focus not only on electronic goods but also on electrical devices, especially household goods, which posed a growing problem. Demand was great for electrical and electronic equipment around the world and most such goods exported to developing countries and countries with economies in transition were obsolete and included hazardous wastes such

as PCBs, asbestos and mercury. There was thus an urgent need to elaborate strategies for the disposal and recycling of e-wastes in an environmentally sound manner between Parties of the Basel Convention. He highlighted three specific aspects of e-wastes. First, e-wastes were resources and their economic value should be clarified; their components included, for instance, rare metals, which would soon be exhausted and should not, therefore, be discarded. Second, collection, logistical arrangements, separation and reclamation for recycling required intelligent solutions and needed implementation on a national level; awareness-raising for the general population and politicians was therefore crucial and cooperation between stakeholders was vital. Third, there was a need for action through awareness-raising, capacity-building and partnerships to promote recycling, including through regional centres, taking into account various sources of development assistance. He urged the Conference to take advantage of the opportunity to drive the solution to the problem of e-waste.

65. Mr. Mäkela started his presentation by underscoring the enormous amount of e-waste, the fastest growing waste stream in the European Union totalling between 6 and 7 million tons every year. To deal with it, new e-waste legislation had been introduced and was being implemented. Strong political will, good governance and legislation had proved to be important in establishing the rules for the management of e-waste. Legislation, he said, needed to be clear, simple and harmonized across regions in order to provide a level playing field for operators. It was important to aim high regarding disposal and management of e-waste and targets for collection were more effective than prescriptive means. It was also important to understand the concept of producer responsibility, which was sometimes misunderstood as relating strictly to who should finance e-waste management and disposal; in fact, when producers drove e-waste management and disposal schemes, it also allowed for better design, although there was a need to ensure healthy competition among operators. There were clear examples demonstrating that e-waste management could be a successful income-generating activity. He pointed to the importance of phasing out hazardous materials from production and establishing global benchmarks for the management and disposal of e-waste. In conclusion, he announced a pledge by the European Union to the Basel Convention of one million euros and expressed the hope that it would be spent on reinforcing governance, particularly in Africa.

66. Mr. Yoshikawa made three points: first, the collection of used or end-of-life e-waste was extremely challenging; second, once e-waste collection had been undertaken, countries could either conduct their own activities for the environmentally sound management and recycling of such waste or they could send it to facilities or countries where its management and recycling could be handled appropriately; and third, there was a need to minimize the current high cost of recycling in order to allow for recycling to be undertaken as a successful and profitable business. He then described the successful recycling operations carried out by his company, which resulted in electrical components and materials that were used by manufacturers of various electronic products. Since the year 2001 the recycling of a number of used electric and electronic products, including refrigerators and mobile phones, had become mandatory in Japan, and his company was contributing to those recycling processes. In closing, he noted that a project had been conducted in conjunction with the regional centre for South East Asia and the Ministry of Environment of Japan to collect mobile phones in Thailand, Malaysia and Singapore for recycling in Japan, which was expected to be a success and to be expanded to other Asian countries.

67. In her presentation, Ms. Sormunen said that mobile phones contained useful materials whose recycling made environmental and economic sense. She noted, however, that one of the challenges in the collection of used mobile devices was that they were often not discarded but rather were passed on within families or to friends or kept as a spare device and forgotten about. The efforts of producers and stakeholders to increase collection volumes of old devices were yielding results only slowly. Globally, it was expected that there would be three billion mobile phone subscribers by 2007. While producers should provide collection points, it was very important to raise the awareness of users so that they returned old devices to collection points. Awareness-raising and collection infrastructure were key in national schemes and implementation and capacity-building was vital to ensure proper recycling. It was desirable to manage e-wastes locally, she said, but regional recycling facilities were needed in the interim while recycling capacity was being built. During that transition period, transboundary movement was thus needed to ensure the proper recycling and environmentally sound management of e-wastes in developed countries, which had the capacity for proper treatment. Other key points she mentioned included the importance of adapting the Mobile Phone Partnership Initiative guidelines to local needs; the need to facilitate locations with the capacity to handle and recycle e-waste, in particular for developing countries; the need for all players in the e-products industry to honour their responsibilities, including through the application of minimum standards and guidelines; the need to distinguish clearly between the sale of used devices and the sale of refurbished devices by, for example,

clear labelling; and the need to ensure that transparent and robust procedures were in place for the shipment and sale of used products.

68. Mr. Hieronymi said that the economic, social and environmental benefits of access to technology had to be recognized; his company had therefore long been committed to increasing access to information technology around the world, especially in traditionally excluded communities. It also recognized, however, the need to address the challenges of managing e-waste by designing products for more efficient recycling, reducing the amount of materials and energy used in manufacture and offering several take-back options for end-of-life electronic equipment. He wished to point out that most end-of-life equipment posed few risks in normal use, collection, storage and transportation and that the danger came from incorrect recycling. Proper recycling facilities were not available in every country and action was required by Governments and other stakeholders to adopt new approaches to the traceability, transparency and predictability of e-waste and to establish global guidelines on recycling facilities to make them easy to identify. Regional approaches and investments were necessary to expand regional and local waste management capacity. Most importantly, Hewlett Packard considered that government involvement was needed to ensure effective implementation of and adherence to established guidelines.

69. Mr. Najam expressed the view that the challenge that lay ahead was one of imagination. He said there was a need to look beyond inadequate strategies undertaken in the framework of other multilateral environmental agreements and to find innovative ways to forge meaningful partnerships between Governments, the private sector and civil society. The three sectors, he said, had adopted interchangeable roles in aiming for sustainable development, playing the parts of solution, facilitator and problem during the previous decades. The three sectors had to find a means of partnership that allowed each to do what it did best, namely, Government to regulate, businesses to use market opportunities and entrepreneurship, and civil society to be the eyes and ears of the population at large. He suggested that a real opportunity existed for the Basel Convention to change the way international environmental policy was undertaken by putting real meaning behind the idea of partnerships to find solutions to the problems of e-waste.

3. Discussion

70. There followed a wide-ranging discussion on the ways that countries should respond to the threat posed by e-waste. Many representatives expressed their deepest sympathy to the Government and people of Côte d'Ivoire following the dumping of toxic waste in Abidjan that had led to numerous fatalities, casualties and widespread toxic pollution and several stressed that it was a test for the Basel Convention to ensure that such a thing did not happen again.

71. Many representatives said that developed countries needed to take responsibility for the electronic waste that they produced; while acknowledging that access to electronic and electric equipment was a useful factor of development, they observed that problems arose in the environmentally sound management of hazardous wastes in countries that lacked the capacity and infrastructure to handle electronic waste. One representative said that Africa, in particular, had become the "dustbin of the world" in terms of hazardous waste disposal.

72. The representative of a small island developing State emphasized the particular vulnerability to transboundary movements of hazardous wastes of developing countries, including small island developing States. He underlined their need for the enactment and enforcement of legislation to manage electronic waste and for support from the scientific and political communities. Several other representatives called for increased capacity-building, technology transfer, financial and technical resources to developing countries. Capacity-building of Basel Convention regional and training centres was described as especially important for developing countries.

73. Many representatives said that developed countries should take action to reduce the amount of electronic waste that they produced and should control both the quantity and type of waste that they exported. One representative went further and said that even in instances when developing countries had the capacity to handle electronic waste, they should not be compelled to do so merely because they were relatively poor. Another called on developed countries to re-import electronic waste that had been exported to developing countries in order to remove that burden from poor States.

74. On the issue of developed countries becoming self-sufficient in managing their electronic waste, one representative underlined the importance of adopting and enforcing robust national rules. Another described the recycling mechanisms that his country had put in place and said that his Government would be willing to share its experiences with others seeking to integrate waste management into their development planning.

75. There were widespread calls for measures to address the electronic waste problem at its source. A substantial number of those who spoke affirmed that manufacturers should bear a responsibility for the hazardous goods that they produced throughout their life cycles. Several said that manufacturers had an important role to play at the stage of product design by researching and adopting new non-toxic technologies and components and ensuring that their goods were recyclable and designed for long life spans rather than swift obsolescence. In that context, one representative cited examples of eco-design in his region. Another representative suggested that it would be technologically possible to phase out the use of toxic substances in computers by 2015 but said that the failure to prevent developed countries from exporting their waste elsewhere was removing the incentive to introduce cleaner technologies as quickly as possible.

76. Other representatives averred that manufacturers should be held responsible for dealing with their products at the end of their useful lives through mechanisms such as “take back” schemes. On the one hand, it was argued that manufacturers were in a position of power and were obliged to transfer some of that power in the form of financial resources to benefit the vulnerable. On the other hand, one representative pointed out that producers were well placed to offer solutions on disposal as they understood the manufacturing process and had knowledge that could assist in recycling. In that context, one representative outlined a recycling system that had been set up in his country jointly with producers.

77. Several representatives underlined that there were important differences between situations in which electronic products were exported to developing countries for reuse or recycling and situations where electronic waste was dumped, which often involved illegal trafficking. With respect to the former, in particular, many representatives called for awareness raising efforts on the basis that ignorance contributed to the mismanagement of hazardous electronic waste. Several representatives highlighted the need in both developing and developed country environments for education on the dangers posed by electronic waste and the possibilities for recycling or disposing of waste in safe ways. In the context of developed countries, one representative noted a need to educate people about the consequences of shipping end-of-life equipment to developing countries; he added that the failure to inform people adequately on electronic waste was the result of a lack of political will and a failure of Governments, industry and civil society to prioritize the issue.

78. Some representatives said that there was a need to enhance understanding of the cleaner production concept in a world where manufacturers were driven solely by profit. It was critical to have clear definitions and classifications of used and end-of-life electronic equipment under the World Customs Organization’s Harmonized Commodity Description and Coding System; regional and national dissemination of information on how much waste was being generated, moved around and how it could be dealt with was essential. One representative noted that guidelines on electronic equipment, including their expected life span and the materials they contained, could help deal with end-of-life equipment. Two representatives also highlighted the importance of aiming awareness-raising measures at young people, who were often those adopting new technologies, and there was some support for a proposal to launch an international awareness raising campaign that included a focus on children and youth.

79. Some representatives stressed the importance of enacting and enforcing strong international rules as a means of controlling transboundary movements of electronic waste, with the Basel Convention serving as the basis for such action, although one suggested that implementing the rules successfully would require greater clarity on the distinction between electronic products and electronic waste. One stressed the need for developed countries to provide more resources to strengthen implementation of the Convention and help developing countries in developing their own controls and another called on the international community to support the implementation of an appropriate financial mechanism to allow the Basel Convention to achieve its objectives. Underlining the need for a rigorous regulatory approach to controlling transboundary movements, one representative of a non-governmental organization said that unless the Conference acted to ensure that the Ban Amendment came into force as soon as possible incidents like the recent one in Côte d’Ivoire would recur. He added that while some of the failure to enforce the Convention had arisen from a lack of guidance on movements of waste and non-waste, a substantial proportion of global flows of electronic waste, including exports to countries

that had banned its importation, was the result of the refusal of one country to adhere to the Convention's rules.

80. Other representatives said, however, that the implementation of the Basel Convention would be insufficient to address the issue. Many stressed the need to focus on partnerships among all stakeholders to reach solutions, although one queried by what means Governments, the private sector and civil society could be encouraged to work together in view of their very different interests. Agreeing that there were limits to a regulatory response, another representative noted that electronic waste could be a resource for countries and questioned what effect a ban on transboundary movement would have on their ability to benefit from it.

81. There were also calls for increased regional cooperation. One representative of a developing country advocated more regional policies to control electronic waste and promote the "3R's" (reduce, reuse, recycle) methodology, adding that it was necessary for countries to network and publish information on the quantities of electronic waste they held. Another representative called for regional information centres on transboundary movements and human health impact methodologies. Reflecting on the events in Côte d'Ivoire, one representative suggested that the African Dumpwatch system should be reactivated. One representative drew attention to the Bamako Convention, through which African countries had attempted to approach the problems of hazardous waste at the regional level. Work was needed to make the Bamako Convention a more powerful instrument and further collaboration with the Basel Convention would be beneficial in that respect. In response, the representative of the Basel Secretariat said that cooperation with the Bamako Convention could take a number of forms, mentioning by way of example the possibility of back-to-back conferences of the Parties; common reporting; common use of services by regional centres; common development and use of technical guidelines; and cooperation in capacity-building activities.

82. Following the discussion, the members of the panel responded to a number of the issues raised.

83. Mr. Mäkela drew attention to the role of good governance as a component of partnership, not just to establish appropriate legislation, set targets and enforce standards, but also to find solutions that offered encouragement, including labelling schemes, favourable tax systems and exemplary procurement procedures. Civil society organizations and non-governmental organizations could also play a more effective role, acting as watchdogs and raising awareness. He also stressed the importance of designing products that were cost-effective to recycle, for example by facilitating the removal of hazardous materials before recycling.

84. Mr. Yoshikawa proposed that a system be developed by which the Secretariat of the Basel Convention could certify environmentally sound recycling facilities in the private sector and their networks. That would involve certification of facilities by their roles, for example as facilities for separation and selection; for metal recycling, for plastics recycling and for incineration or landfill. Procedures for transboundary movement would thus be simplified and it would be easier to trace materials and products through their life cycles. Such a system operated in Japan and could act as a model for a similar global system. Efficient collection was vital for the proper functioning of the system; developing countries might benefit from initial concentration on collection, then learn how to reduce its volume through simple treatment and as a next stage find ways to transfer it to countries where it could be recycled or disposed of in an environmentally sound manner.

85. Mr. Najam stressed that finding new solutions did not mean abandoning existing solutions that had been shown to work such as the polluter pays and life-cycle responsibility principles; past endeavours that had failed should, however, not be followed again. Many existing tools were well crafted but required stronger enforcement and implementation. He also said that technical innovation was required to reduce the amount of waste to be dealt with. The pace of innovation in production was rapid, but the pace of innovation to reduce wastefulness was much slower and producers needed incentives to rectify that situation. He also said that more attention needed to be paid not just to large companies but to small businesses operating at the local level, which constituted a very large proportion of the market, particularly in developing countries, and also needed incentives to, for example, take back the mobile phones they had sold to customers.

86. On the matter of buy-backs, Mr. Najam noted that e-products often moved across continents in their life cycles, which made buy-back problematic. He suggested that a possible model might be a fund to which companies and countries could contribute that enabled the buy-back of particularly hazardous commodities from the end user. He noted that the system might be successful if the benefit to the end user of returning a product was greater than that of throwing it away.

87. Mr. Hieronymi agreed with the comment of one representative that global companies should be more forthcoming on buy-back policies and said his own organization would welcome feedback on that issue. On a different issue, he said that it was necessary to respect differences in culture and to recognize that technologies applicable on a large scale were often not relevant on a smaller scale. He mentioned the example of cutting copper wire in developing countries, which offered an opportunity to recycle the copper but left the problem of dealing with the plastic waste – how, he asked, could people cooperate to offer solutions in such cases? He also drew attention to the economies of scale that encouraged development of large-scale facilities processing wastes from a geographically wide area; such facilities would inevitably prompt transboundary movement of potentially hazardous material and control was therefore essential.

88. Mr. Wendenburg, expressing agreement with the remarks of Mr. Hieronymi, said that more pilot projects were needed along the lines of the Mobile Phone Partnership Initiative to develop partnership solutions that would assist small businesses and other elements of society; developed countries therefore needed to increase their support in this area.

89. Ms. Sormunen, while welcoming the concept of green design, cautioned that the technical challenges of finding safe alternative materials were often not easily overcome; the phasing out of lead, for example, had proved difficult in certain applications. In addition, several potentially hazardous substances were not hazardous if handled properly within the life cycle. She added that her organization supported the targets of the Mobile Phone Partnership Initiative and would continue to participate in public-private partnerships.

90. Following the panel members' final remarks, Mr. Steiner summarized the debate, noting five key themes. First, how could waste be reduced in the first place? That implied finding more effective ways of influencing the market, taking into the account such concepts as producer responsibility and the product life cycle. Second, electronic waste was both a collective problem and an individual responsibility, implying reciprocal solutions such as take-back schemes and other innovations with incentives for businesses that were prepared to act proactively. Third, partnerships were vital in enabling mechanisms to deal with the problem of electronic and other waste, with civil society, consumers and producers all playing key roles. Fourth, partnerships could not grow in a vacuum and needed the support of, for example, a sympathetic legislative environment encouraging norm and standard setting and establishing effective sanctions. Fifth, the Basel Convention had emerged as a key instrument for dealing with waste issues in a global context through technical support, capacity-building through its regional centres and other measures. The Convention was not the sole key, however, but only one component of the search for an effective regime to deal with the growing mountain of e-waste. Increased complementarity with other international and regional instruments was necessary, as was an enhanced understanding of how each instrument could affect the global capacity to respond. In conclusion, he thanked the ministers for their insightful presentations and the panel members for proving that interactive exchange between planners and innovators could work.

91. As agreed under agenda item 4 on organization of the meeting, the Conference had on the first day of the meeting entrusted consideration of the item to the Committee of the Whole and asked it to prepare draft decisions for the consideration of the Conference. The Committee's treatment of the item is described in its report, which is contained in annex II to the present report.

92. At the third session of the high-level segment of the meeting, on the afternoon of Friday, 1 December, Ms. Mary Harwood (Australia), chair of the contact group that had been established by the Committee of the Whole, introduced a draft decision on the environmentally sound management of e-waste.

93. Following discussion, the Conference adopted the draft decision, as orally amended. The decision as adopted is set out as decision VIII/2 in annex I to the present report.

94. At the same session, the Conference adopted, with minor editorial corrections, the Nairobi Declaration on the Environmentally Sound Management of electrical and electronic Waste. The Declaration is set out in annex IV to the present report.

95. Following adoption of the decision and the Nairobi Declaration, one representative of a non-Party made a statement in which he praised the tone of the declaration but expressed regret that, in his view, it put insufficient stress on the need for better cooperation between Governments, industry and civil society, in particular in order to identify innovative solutions to the e-waste problem. While acknowledging the importance of green design, he said that the complete phase-out of hazardous substances was unrealistic, adding that the Basel Convention was not the appropriate forum for addressing product design.

96. Another representative, speaking on behalf of the group of Latin American and Caribbean countries, said that while the group supported the declaration, it felt that the manner in which it had been edited to conform to United Nations editorial standards had robbed certain of its preambular paragraphs of some of their force.

VIII. Report on the implementation of the decisions adopted by the Conference of the Parties at its seventh meeting

97. As noted in chapter IV above, the Conference entrusted consideration of the present item to the Committee of the Whole and asked it to prepare draft decisions for the consideration of the Conference. The Committee's treatment of the present item is described in its report, which is set out in annex II to the present report.

98. At the fourth and final session of the high-level segment, the Conference adopted the decisions and recommendations that had been approved by the Committee of the Whole for its consideration under the present item. Except as noted below, the Conference adopted those decisions and recommendations without comment or amendment. The decisions as adopted are set out in annex I to the present report and are as follows:

Decision	Title	Agenda item
VIII/3	Establishment of the Basel Convention Regional Centre for South Asia at the SACEP secretariat in Colombo, Sri Lanka	8 (a) (iii)
VIII/4	Basel Convention regional and coordinating centres	8 (a) (iii)
VIII/5	Basel Convention Partnership Programme	8 (a) (iv)
VIII/6	Mobile Phone Partnership Initiative	8 (a) (iv)
VIII/7	International cooperation and coordination	8 (b)
VIII/8	Cooperation and coordination between the Basel, Rotterdam and Stockholm Conventions	8 (b)
VIII/11	Environmentally sound management of ship dismantling (as orally amended)	8 (f)
VIII/12	Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention on Ship Scrapping	8 (f)
VIII/13	Abandonment of ships on land or in ports	8 (f)
VIII/14	Reporting	8 (c)
VIII/15	Revisions to the procedure for the review or adjustment of the lists of wastes contained in Annexes VIII and IX and the status of decision VII/21	8 (d)
VIII/16	Technical guidelines on persistent organic pollutants	8 (d)
VIII/17	Technical guidelines on environmentally sound management	8 (d)
VIII/18	Harmonization of forms for notification and movement documents and related instructions	8 (d)
VIII/19	Working relationship with the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals	8 (d)
VIII/20	Separate identification in the World Customs Organization Harmonized Commodity Description and Coding System of certain wastes in Annexes VIII and IX to the Basel Convention	8 (d)
VIII/21	Classification and hazard characterization of wastes	8 (d)
VIII/22	National classification and control procedures for the import of wastes contained in Annex IX	8 (d)
VIII/23	Implementation of decision VII/2 on hazardous waste minimization	8 (d)
VIII/24	Illegal traffic: outline of an instruction manual for the legal profession	8 (e)

Decision	Title	Agenda item
VIII/25	Protocol on Liability and Compensation	8 (e)
VIII/26	National legislation and other measures adopted by Parties to implement the Basel Convention	8 (e)
VIII/27	National definitions of hazardous wastes	8 (e)
VIII/28	Article 11 agreements and arrangements	8 (e)
VIII/29	Designation of competent authorities and focal points	8 (e)
VIII/30	Interpretation of paragraph 5 of Article 17 of the Basel Convention	8 (e)
VIII/33	Proposed programme and budget for the biennium 2007–2008	8 (a) (ii) 8 (g)
VIII/34	Resource mobilization and sustainable financing programme	8 (h)

99. Prior to adoption of the decision on ship dismantling, the representative of India reiterated the objection he had made before the Committee of the Whole to the effect that the draft decision approved by the Committee did not reflect a proposal that he had made and that had been agreed to during the contact group discussions on that draft decision. Following discussions, the Conference agreed to adopt the decision as orally amended to reflect that proposal.

100. Following adoption of the decision on cooperation and coordination between the Basel, Stockholm and Rotterdam Conventions that had been approved by the Committee of the Whole (decision VIII/8) the representative of the United States of America, asking that his remarks be reflected in the present report, expressed his country's profound disappointment that the Parties had decided to exclude observers from the deliberations of the ad hoc joint working group that would examine possible synergies between the Basel, Rotterdam and Stockholm Conventions, as his country had expressed its willingness to participate in those discussions. He stressed that the issue of synergies had broad implications and would be discussed in the context of the reform of the United Nations system and that his country might be less likely to endorse the recommendations that would ensue from the ad hoc joint working group or to ratify the three conventions given that it had been excluded from the group's proceedings. The exclusion of observers, he said, also contradicted the principles of participation and transparency that had been advocated by many representatives present at the current meeting.

101. Following adoption of the decision on the interpretation of paragraph 5 of Article 17 of the Convention (decision VIII/30), the representative of the European Community, speaking on behalf of the European Community, its member States and Bulgaria and Romania and asking that his remarks be reflected in the present report, said that the great majority of Parties supported the early entry into force of the Ban Amendment and had strived to achieve that through the adoption of a draft decision at the current meeting. He expressed confidence that although the decision adopted did not achieve that result, it would lead to an agreed interpretation of paragraph 5 at the next meeting of the Conference.

102. The representative of the European Community also welcomed the decisions regarding the environmentally sound dismantling of ships, which he said would enable the Basel Convention to continue working on the issue of ship dismantling and recognized the importance of continued cooperation between the Convention, the International Labour Organization and the International Maritime Organization (IMO) in considering the matter. The European Community was also supportive of the steps taken by IMO in drafting a ship recycling convention, which should generate conditions for ship dismantling that protected workers and the environment from the adverse impacts of hazardous wastes and unsafe working practices.

IX. Work programme of the Open-ended Working Group

103. As noted in chapter IV above, the Conference entrusted consideration of the present item to the Committee of the Whole and asked it to prepare draft decisions for the consideration of the Conference. The Committee's treatment of the present item is described in its report, which is set out in annex II to the present report.

104. During its work on the item, the Committee of the Whole established a contact group which prepared a draft decision containing a programme of work based on the drafts contained in the note by the Secretariat on the item (UNEP/CHW.8/11). Due to a lack of time, however, the Committee was not able to consider the draft decision prepared by the contact group, and they were accordingly taken up by the Conference in plenary session.

105. Following the deliberations on the item by the Committee of the Whole, the Conference took up the item at the 4th session of the high-level segment, on the afternoon of Friday, 1 December, at which time it adopted the draft decisions containing the draft work programme of the Open-ended Working Group prepared by the contact group set up by the Committee of the Whole, which had been circulated in a conference room paper. The decision as adopted is set out as decision VIII/10 in annex I to the present report.

X. Compliance Committee

106. As noted in chapter IV above, the Conference entrusted consideration of the present item to the Committee of the Whole and asked it to prepare draft decisions for the consideration of the Conference. The Committee's treatment of the present item is described in its report, which is set out in annex II to the present report.

107. At the fourth session of the high-level segment, on the evening of Friday, 1 December, the Conference adopted a decision, on the basis of the draft decision set out in document UNEP/CHW.8/12, by which it elected ten new members of the committee. The decision as adopted is set out as decision VIII/31 in annex I to the present report. At the same session the Conference adopted a decision, on the basis of the draft decision set out in document UNEP/CHW.8/12, by which it adopted the programme of work of the committee for the biennium 2007–2008. The decision as adopted is set out as decision VIII/32 in annex I to the present report.

XI. Other matters

108. The Conference took up the other matters discussed below at the 4th session of the high-level segment, on the evening of Friday, 1 December.

A. Date and venue of the ninth meeting of the Conference of the Parties

109. The representative of Indonesia announced an offer by her country to host the ninth meeting of the Conference of the Parties. The Conference accordingly adopted a decision on the basis of the draft decision contained in document UNEP/CHW.8/13, by which it agreed that the ninth meeting of the Conference of the Parties would be held in Indonesia in September or October 2008, the final date to be decided after due consultation. The decision as adopted is set out as decision VIII/35 in annex I to the present report.

B. Expression of gratitude to the host Government

110. The Conference adopted a resolution thanking the Government of Kenya for hosting the current meeting. The resolution as adopted is set out following the decisions in annex I to the present report.

C. Youth statement

111. A representative of the world's youth delivered a statement to the Conference, saying that as professionals and concerned stakeholders the youth of the world would continue to engage actively in activities promoting environmental protection. He accordingly urged policy makers to develop frameworks to accommodate youth involvement in such activities. He drew attention to Solid Waste Action by the Youth, a collaborative effort by youth organizations to coordinate their environmental management activities in Kenya. He noted that young people were the prime targets and consumers of many electrical goods and said that it was therefore important that they involve themselves in issues relating to the Basel Convention. In conclusion, he urged the Parties to consider the needs of future generations in their decisions.

XII. Adoption of the decisions and the report

112. The Conference of the Parties adopted decisions on a number of issues relevant to the items on the agenda of the meeting. The adoption of each such decision is described in the section of the present report in which the issue to which the decision relates is discussed. The decisions as adopted are set out in annex I to the present report.

113. At the fourth session of the high-level segment, on the evening of 1 December, the Conference adopted the present report on the basis of the draft report contained in documents UNEP/CHW.8/L.1, Add.1 and Add.2, as orally amended, on the understanding that the finalization of the report would be entrusted to the Secretariat, working in consultation with the President and the Rapporteur.

XIII. Closure of the meeting

114. Upon the completion of the business of the meeting, many representatives made statements in which they expressed their profound appreciation to Ms. Kuwabara-Yamamoto and Mr. Pierre Portas, Deputy Executive Secretary of the Convention Secretariat, for their many years of dedication to the Convention. Following those statements and the customary exchange of courtesies, the President declared the meeting closed at 11.35 p.m. on Friday, 1 December 2006.

Annex I

Decisions adopted by the Conference of the Parties at its eighth meeting

Decision	Title	Agenda item
VIII/1	Côte d'Ivoire	6
VIII/2	Creating innovative solutions through the Basel Convention for the environmentally sound management of electrical and electronic wastes	7
VIII/3	Establishment of the Basel Convention Regional Centre for South Asia at the SACEP secretariat in Colombo, Sri Lanka	8 (a) (iii)
VIII/4	Basel Convention regional and coordinating centres	8 (a) (iii)
VIII/5	Basel Convention Partnership Programme	8 (a) (iv)
VIII/6	Mobile Phone Partnership Initiative	8 (a) (iv)
VIII/7	International cooperation and coordination	8 (b)
VIII/8	Cooperation and coordination between the Basel, Rotterdam and Stockholm Conventions	8 (b)
VIII/9	Cooperation between the Basel Convention and the International Maritime Organization	8 (b)
VIII/10	Work programme of the Open-ended Working Group for 2007–2008	9
VIII/11	Environmentally sound management of ship dismantling	8 (f)
VIII/12	Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention on Ship Scrapping	8 (f)
VIII/13	Abandonment of ships on land or in ports	8 (f)
VIII/14	Reporting	8 (c)
VIII/15	Revisions to the procedure for the review or adjustment of the lists of wastes contained in Annexes VIII and IX and the status of decision VII/21	8 (d)
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VIII/18	Harmonization of forms for notification and movement documents and related instructions	8 (d)
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VIII/24	Illegal traffic: outline of an instruction manual for the legal profession	8 (e)
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VIII/28	Article 11 agreements and arrangements	8 (e)
VIII/29	Designation of competent authorities and focal points	8 (e)
VIII/30	Interpretation of paragraph 5 of Article 17 of the Basel Convention	8 (e)
VIII/31	Mechanism for promoting implementation and compliance: election of members	10
VIII/32	Mechanism for promoting implementation and compliance: work programme for 2007–2008	10
VIII/33	Proposed programme and budget for the biennium 2007–2008	11
VIII/34	Resource mobilization and sustainable financing programme	8 (h)
VIII/35	Dates and venue of the ninth meeting of the Conference of the Parties	11

VIII/1: Côte d'Ivoire

The Conference of the Parties,

Strongly condemning the dumping of hazardous wastes in Abidjan, Côte d'Ivoire, in August 2006,

Deeply saddened by the tragic events in Abidjan, Côte d'Ivoire,

Noting the limited international response to date to the call for urgent assistance and support made by the Government of Côte d'Ivoire and the enormous financial burden placed on Côte d'Ivoire,

Calling for robust support from the international community to provide appropriate funding for remediation activities,

Grateful for the contributions made to date by some Parties to the Basel Convention and encouraging others to contribute as well,

Emphasizing the importance of fully investigating and identifying the causes of the incident and ensuring that those found responsible through such investigations are held accountable for their actions and that appropriate compensation is made to the innocent victims and for the damage to the environment in the spirit of the polluter pays principle,

Conscious of the need for urgent action to put into place effective measures to deal with the tragic events in Côte d'Ivoire,

1. *Calls upon* Parties, countries and other stakeholders to the Basel Convention who are in a position to do so to offer technical and financial assistance to Côte d'Ivoire to support the implementation of the emergency plan that the Government of Côte d'Ivoire has developed, including carrying out the following actions:

- (a) Immediate action on clean-up of the toxic wastes and contaminated soils and materials;
- (b) Comprehensive assessment of the levels of contamination in various ecosystems and humans and the related impacts of such contamination;
- (c) Full investigation to establish responsibilities;
- (d) Follow-up activities, especially monitoring of long-term effects of the toxic wastes;

2. *Invites* the Executive Director of the United Nations Environment Programme to assist in the mobilization of the resources required to support Côte d'Ivoire in the actions referred to in paragraph 1 above;

3. *Also invites* the Executive Director of the United Nations Environment Programme to keep Parties informed of progress in the mobilization of resources.

VIII/2: Creating innovative solutions through the Basel Convention for the environmentally sound management of electrical and electronic wastes

The Conference of the Parties,

Having considered the issue of electrical and electronic waste at the World Forum on E-waste that took place on 30 November 2006 on the occasion of the high-level segment of the eighth meeting of the Conference of the Parties,

Considering the Basel Declaration on Environmentally Sound Management and the Ministerial Statement on Partnerships for Meeting the Global Waste Challenge,

Taking into account the importance of waste minimization, product stewardship, extended producer responsibility, reduction of transboundary movements and the environmentally sound management of electrical and electronic waste (e-waste),

Welcoming the Nairobi Declaration on the Environmentally Sound Management of Electrical and Electronic Waste adopted on the occasion of the eighth meeting of the Conference of the Parties,

1. *Decides* to strengthen the Basel Convention regional and coordinating centres to allow them to fulfil their intended role as instruments for international cooperation;

2. *Urges* Parties and other stakeholders to increase financial support for work on e-waste issues;
3. *Mandates* the Open-ended Working Group, beginning at its sixth meeting, to develop a work plan for consideration by the Conference of the Parties at its ninth meeting on the environmentally sound management of e-waste focusing on the needs of developing countries and countries with economies in transition, which should include:
 - (a) The preparation of technical guidelines for the environmentally sound management of e-waste through the involvement of all stakeholders;
 - (b) Monitoring of developments in the environmentally sound management of e-waste;
4. *Strongly encourages* Parties to develop further strategic partnerships targeting e-waste;
5. *Strongly encourages* the development of pilot projects on take-back systems, including the environmentally sound collection, reuse, refurbishment and recycling of e-waste, in particular in developing countries and countries with economies in transition;
6. *Urges* Parties to collaborate in the prevention and combating of illegal traffic of e-waste through information exchange; tracking and early warning systems; capacity-building, particularly the strengthening of institutional mechanisms; legal frameworks; and control activities;
7. *Recommends* that Parties phase out technologies which are not environmentally sound and that they promote the development and introduction of innovative, safe and sound technologies for the treatment, recycling or recovery of e-waste and that they establish national policies and legislation and provide for their diligent enforcement;
8. *Encourages* Parties to take a life-cycle approach and promote clean technology and green design for electrical and electronic products, including the phase-out of hazardous substances used in production and included in components;
9. *Requests* Parties to ensure that donated electrical and electronic equipment that is the subject of transboundary movement is not end-of-life equipment;
10. *Agrees* to review progress at the next meeting of the Conference of the Parties to guide future work for the environmentally sound management of e-waste;
11. *Requests* the Secretariat to initiate work on relevant activities above for consideration by the Open-ended Working Group at its sixth session;
12. *Also requests* the Secretariat to report on progress at the ninth meeting of the Conference of the Parties.

VIII/3: Establishment of the Basel Convention Regional Centre for South Asia at the SACEP secretariat in Colombo, Sri Lanka

The Conference of the Parties,

Recalling paragraph 3 of its decision III/19,

Recalling also its decision VII/10,

Taking into account the proposal for the establishment of a centre that will provide benefits to the countries of the South Asia region and serve the objectives of the Basel Convention in the best possible way and that the countries of that region have agreed to the proposal to establish a regional centre in the intergovernmental institution the South Asia Cooperative Environment Programme in Colombo, Sri Lanka,

1. *Mandates* the Open-ended Working Group at its next meeting to consider in detail the proposal for the establishment of the regional centre for South Asia in the South Asia Cooperative Environment Programme based on the feasibility study for the establishment of the centre, consulting with relevant Parties;
2. *Requests* the Secretariat to submit the recommendations of the Open-ended Working Group to the Conference of the Parties at its ninth meeting for its consideration and appropriate action.

VIII/4: Basel Convention Regional and Coordinating Centres

The Conference of the Parties,

Recalling Article 14 of the Convention, by which Parties agreed that, according to the specific needs of different regions and subregions, regional or subregional centres for training and technology transfers regarding the management of hazardous wastes and other wastes and the minimization of their generation should be established and, further, that the Parties shall decide on the establishment of appropriate funding mechanisms of a voluntary nature,

Also recalling its decision VI/3 on the establishment and functioning of the Basel Convention regional centres on training and technology transfer,

Recognizing the importance and usefulness of coordinating and enhancing the effectiveness of the work of Basel Convention regional and coordinating centres among themselves and with the Secretariat in assisting Parties in the implementation of the Basel Convention, including developing and executing projects in the context of the Strategic Plan for the Implementation of the Basel Convention to 2010, particularly with respect to regional facilitation and capacity-building programmes,

Concerned by the difficulties experienced by Basel Convention regional and coordinating centres owing to a lack of sustainable funding,

Committed to improving cooperation and coordination between the Basel Convention, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutants and other relevant instruments and programmes through the work of the Basel Convention regional and coordinating centres and recognizing the need for coordination between the Secretariat and the Basel Convention regional and coordinating centres in that regard,

1. *Invites* Parties, especially donor countries, to support and utilize the Basel Convention regional and coordinating centres in contributing to the implementation of the Strategic Plan, including for projects in support of training and technology transfer on the environmentally sound management of hazardous and other wastes, taking into account a life-cycle approach to such wastes;

2. *Requests* the Secretariat to continue, as appropriate, to guide and assist the Basel Convention regional and coordinating centres in the development of projects to assist Parties in the implementation of the Strategic Plan focus areas, building on the existing work on resource mobilization under the Basel Convention;

3. *Requests* the Secretariat and Basel Convention regional and coordinating centres, subject to the availability of voluntary contributions and in consultation with relevant international organizations such as the Global Environment Facility, to conduct training activities in the regional centres and with countries within the regions to enhance their capacity to gain access to the Global Environment Facility and other financing mechanisms;

4. *Encourages* Parties and others to provide support, financial or in-kind, including through the Trust Fund to Assist Developing and Other Countries in Need of Assistance in the Implementation of the Basel Convention, to enable the Basel Convention regional and coordinating centres to support the implementation of the Strategic Plan;

5. *Encourages* Parties and other entities in a position to do so to consider collaborating with the host Governments with a view to increasing contributions to the Basel Convention regional and coordinating centres;

6. *Requests* the Basel Convention regional and coordinating centres to use the guidance materials prepared by the Secretariat for improving the administration, governance and operational effectiveness of the centres and to report thereon, through the Secretariat, to the Open-ended Working Group at its next session;

7. *Requests* the Open Ended Working Group to initiate at its sixth session a review of the operation of the Basel Convention regional and coordinating centres, including their relationship with Convention bodies, including the Secretariat, and other stakeholders, in order to enhance the combined effectiveness and capacity of the centres and the Secretariat;

8. *Invites* Parties to submit views on the objectives and scope of the review for consideration and action at the sixth session of the Open-ended Working Group;

9. *Requests* the Secretariat to prepare a report for the sixth session of the Open-ended Working Group on the review and, in the light of the discussion at that meeting, to prepare a similar report for the Conference of the Parties at its ninth meeting;

10. *Urges* Parties, relevant global and regional agreements and programmes to make full use of the Basel Convention regional and coordinating centres to enhance international and regional cooperation and coordination on relevant issues and to explore mutually cost-effective approaches to promoting their respective goals and objectives.

VIII/5: Basel Convention Partnership Programme

The Conference of the Parties,

Recalling its decision VII/3, the Ministerial Statement on Partnerships for Meeting the Global Waste Challenge adopted by the Conference of the Parties at its seventh meeting and decision OEWG-V/2 of the Open-ended Working Group,

Welcoming the progress made under the Partnership Programme and its support for environmentally sound management, including through the building on a step-by-step basis of sustainable partnerships between Parties and other stakeholders at the global, regional and local levels,

Welcoming the funding provided by Australia, Japan, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America to support the Basel Convention Partnership Programme,

1. *Adopts* the workplan of the Basel Convention Partnership Programme for 2007–2008 as contained in the annex to the present decision;

2. *Requests* the Secretariat, in cooperation with all relevant and interested partners, to continue to implement the Partnership Programme actively as an important mechanism for supporting the implementation of the Strategic Plan for the Implementation of the Basel Convention to 2010;

3. *Also requests* the Secretariat to keep the Open-ended Working Group and the Conference of the Parties informed on progress on the implementation of the workplan for 2007–2008 and to submit a draft workplan for the next budget cycle to the Conference of the Parties at its ninth meeting for its consideration;

4. *Encourages* Parties and signatories to the Convention to provide funding to the Basel Convention Partnership Programme and to become actively involved in partnerships established under the Programme;

5. *Calls on* Parties to facilitate the broader participation of civil society, including environmental non-governmental organizations, the private sector and, in particular, industry, in the provision of technical and financial support for the Basel Convention Partnership Programme and to become involved in specific activities at the regional, national and international levels.

VIII/6: Mobile Phone Partnership Initiative

The Conference of the Parties,

Welcoming the work of the Mobile Phone Working Group and its project groups,

Acknowledging that the outputs of partnerships with environmental and other non-governmental organizations and with the industry and business sectors contribute to the environmentally sound management of used and end-of-life mobile phones,

1. *Provisionally adopts*, without prejudice to national legislation, the guidance document on environmentally sound management of used and end-of-life mobile phones¹ as a voluntary document and takes note of the recommendations contained therein;

2. *Invites* Parties and Signatories to use and test the guidance document and the five guidelines produced by the project groups under the Mobile Phone Partnership Initiative;

1 UNEP/CHW.8/2/Add.3*, annex.

3. *Requests* the Open-ended Working Group at its next session to review the guidance document further, based on Parties' experience and needs, and to present it to the Conference of the Parties at its ninth meeting for consideration and final adoption;
4. *Decides* that the Mobile Phone Working Group shall continue to work under the guidance of the Open-ended Working Group and ensure participation by developing countries and countries with economies in transition;
5. *Encourages* the Mobile Phone Working Group and other interested groups to initiate pilot projects, in cooperation with Parties to the Basel Convention, the Basel Convention regional and coordinating centres and other stakeholders, to test the guidelines and guidance document and refine them further based on any additional information provided;
6. *Requests* the Basel Convention regional and coordinating centres to disseminate the guidance document and guidelines approved by the Mobile Phone Working Group and to initiate training and outreach workshops using funds provided by donors;
7. *Invites* developing countries and countries with economies in transition to participate in the activities of the Mobile Phone Partnership;
8. *Encourages* Parties, Signatories, members of industry and international governmental and non-governmental organizations to make financial or in-kind contributions or both:
 - (a) To facilitate the participation of developing countries and countries with economies in transition;
 - (b) To facilitate the implementation of pilot projects on collection and treatment schemes;
9. *Requests* that progress and activities undertaken by the Mobile Phone Partnership Initiative be reported to the Conference of the Parties for consideration at its ninth meeting.

VIII/7: International cooperation and coordination

The Conference of the Parties

1. *Requests* the Secretariat to strengthen further cooperation and coordination with other international and regional organizations and multilateral environmental agreements in areas of relevance to the Basel Convention, including in the areas and with the organizations listed in annex I of document UNEP/CHW.8/3/Rev.1, to the extent possible with the available resources;
2. *Also requests* the Secretariat to seek observer status in the Committee on Trade and Environment of the World Trade Organization and to advise the Parties to the Basel Convention when a request to obtain such status has been submitted to and granted by the World Trade Organization;
3. *Further requests* the Secretariat to report on the implementation of the present decision to the Conference of the Parties at its ninth meeting;
4. *Requests* Parties to coordinate at the national and regional levels with a view to supporting the efforts of the Secretariat to enhance cooperation and coordination.

VIII/8: Cooperation and coordination between the Basel, Rotterdam and Stockholm Conventions

The Conference of the Parties,

Recalling decision SC-2/15 of the second meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants and noting that the President of the Conference at that meeting was requested, in consultation and cooperation with the Presidents and the secretariats of the Basel Convention and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, to ensure the preparation of a supplementary report on cooperation and coordination among the Basel, Rotterdam and Stockholm Conventions, and recalling further that such a report was subsequently prepared,²

2 UNEP/CHW.8/INF/31.

Recalling also decision RC-3/8 adopted by the Conference of the Parties to the Rotterdam Convention at its third meeting on cooperation and coordination between the Rotterdam, Basel and Stockholm Conventions,³

Agreeing with the call for improved cooperation and coordination between the Basel, Stockholm and Rotterdam Conventions,

Mindful of the recent adoption of the Strategic Approach to International Chemicals Management and the ongoing reform process in the United Nations,

Believing that the issue of improved cooperation and coordination should be subject to a process that is efficient, transparent and inclusive and recognizes the autonomy of the conferences of the Parties to the three conventions,

Having considered the terms of decision SC-2/15,

1. *Agrees* to participate in the process specified in decision SC-2/15, including the establishment of an ad hoc joint working group, acknowledging that it is highly desirable that all three conventions be fully involved in the process in order to ensure further improved cooperation and coordination;
2. *Notes* that the ad hoc joint working group will make joint recommendations to the conferences of the Parties of all three conventions, including the Conference of the Parties to the Basel Convention at its ninth meeting;
3. *Requests* the secretariat to invite Parties and observers to the Convention to submit their views on the supplementary report through the secretariat to the ad hoc joint working group by 31 January 2007;
4. *Decides* to nominate, through the Bureau, three representatives of Parties from each of the five United Nations regions by 31 January 2007 to participate in the ad hoc joint working group of the three Conventions;
5. *Invites* Parties and others to make contributions to the Trust Fund to Assist Developing and Other Countries in Need of Assistance in the Implementation of the Basel Convention in order to ensure the participation of representatives of the Basel Convention from developing countries and countries with economies in transition in the meetings of the ad hoc joint working group.

VIII/9: Cooperation between the Basel Convention and the International Maritime Organization

The Conference of the Parties,

Bearing in mind recent events that resulted in harm to human health and the environment,

Mindful of the need to reinforce the cooperation between the Basel Convention and the International Maritime Organization with regard to the latter's regulations on prevention of pollution from ships,

1. *Requests* Parties and invites the secretariat of the International Maritime Organization to provide information and views to the Secretariat of the Basel Convention on:
 - (a) The respective competencies of the Basel Convention and the International Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978 related thereto (MARPOL 73/78) in respect of hazardous wastes and other wastes;
 - (b) Any gaps between those instruments;
 - (c) Any option for addressing those gaps;
2. *Requests* the Secretariat to compile information received and add any relevant supplementary elements for submission to and consideration by the Open-ended Working Group at its next session.

3 UNEP/CHW.8/INF/11.

VIII/10: Work programme of the Open-ended Working Group for 2007–2008

The Conference of the Parties

Adopts the work programme of the Open-ended Working Group for 2007–2008 contained in the annex to the present decision.

Annex to decision VIII/10

Work programme of the Open-ended Working Group for 2007–2008

I. Strategic Plan for the Implementation of the Basel Convention (to 2010)			
Topics	Activities	Decisions of the Conference of the Parties at its eighth meeting	Priority
A. Strategic Plan	Consider developments and obstacles in the implementation of the Strategic Plan.	Report of the Committee of the Whole (UNEP/CHW.8/16, annex II), para. 15	High
B. Basel Convention regional centres	1. Provide guidance to the Secretariat and to the centres on the improvement of the centres' administration, governance and operational effectiveness. 2. Review the operation of the centres. 3. Consider the proposal on the establishment of a regional centre for South Asia.	VIII/3 VIII/4	High
C. Basel Convention Partnership Programme	1. Review the work undertaken by the Secretariat and by the Basel Convention regional centres to implement the relevant parts of the work plan of the Basel Convention Partnership Programme for 2007–2008. 2. Consider the guidance document on ESM of used and end of life mobile phones. 3. Provide guidance to MPPI.	VIII/5 VIII/6	High

II. Scientific and technical matters			
Topics	Activities	Decisions of the Conference of the Parties at its eighth meeting	Priority
A. Harmonization and coordination	Review the outcome of the work of the Joint Correspondence Group between the Open-ended Working Group and the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals.	VIII/19	Medium

II. Scientific and technical matters			
Topics	Activities	Decisions of the Conference of the Parties at its eighth meeting	Priority
B. Classification and hazard characterization of wastes	1. Consider and review any applications for the adjustment (removal or addition) of wastes in Annexes VIII and IX and report on the matter, through the Secretariat, to the Conference of the Parties.	VIII/15 VIII/16	High
	2. Consider the amendment of entries relating to POPs.		
	3. Carry out a technical review of the wording of entries in the different language versions of Annexes VIII and IX.		
	4. Review work on the preparation of a guidance paper on hazard characteristic H10 and the revision of H11.	VIII/21	Medium
	5. Review issues relating to national classification and control procedures for wastes.	VIII/22	Medium
	6. Review issues concerning the identification of certain categories of wastes in the Globally Harmonized System of Classification and Labelling of Chemicals of the World Customs Organization and related matters.	VIII/20	Medium
C. Technical guidelines on environmentally sound management	1. Review selected technical guidelines and initiate updating as necessary (e.g., D10, D5, Y46, used tires).	VIII/17	High
	2. Review and update the technical guidelines on persistent organic pollutant (POP) wastes, if appropriate, and review disposal methods when the POP content in wastes is beneath low POP content.	VIII/16	High

III. Dismantling of ships			
Topics	Activities	Decisions of the Conference of the Parties at its eighth meeting	Priority
Environmentally sound dismantling and abandonment of ships	1. Keep under review developments in this field in other international forums. 2. Address issues such as roles and responsibilities in the draft ship recycling convention and those relevant to the Basel Convention. 3. Consider the information submitted on the guidance on how best to deal with ships that are abandoned.	VIII/11 VIII/12 VIII/13	High

IV. Legal and compliance			
Topics	Activities	Decisions of the Conference of the Parties at its eighth meeting	Priority
A. Illegal traffic	Consider the draft instruction manual for the legal profession on the prosecution of illegal traffic.	VIII/24	High
B. Implementation of decision V/32 on enlargement of the scope of the Trust Fund to Assist Developing and Other Countries in Need of Assistance in the Implementation of the Basel Convention	Review the implementation of decision V/32 and provide guidance to the Secretariat on steps to be taken, which may include the development of a strategic plan to strengthen the capacity of countries to respond to emergencies and the transmittal of a questionnaire regarding incidents as defined under paragraph 2 (h) of article 2 of the Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal.	Report of the Committee of the Whole (UNEP/CHW.8/16, annex II), para. 63	High
C. Protocol on Liability and Compensation	Provide guidance to the Secretariat on steps to address the obstacles and difficulties faced by the Parties in the process of ratification of or accession to the Protocol, including on issues relating to insurance and other financial guarantees.	VIII/25	High
D. Interpretation of paragraph 5 of Article 17 of the Convention	Address the interpretation of paragraph 5 of Article 17 and develop a draft decision for the Conference of the Parties.	VIII/30	High

V. Resource mobilization and sustainable financing			
Topics	Activities	Decisions of the Conference of the Parties at its eighth meeting	Priority
Resource mobilization and sustainable financing	Monitor implementation of the decision of the Conference of the Parties on resource mobilization and sustainable financing.	VIII/34	High

VI. Cooperation and coordination			
Topics	Activities	Decisions of the Conference of the Parties at its eighth meeting	Priority
A. Cooperation and coordination between the Basel Convention and chemicals-related multilateral environmental agreements and programmes, with the United Nations Environment	Monitor, review and provide guidance to the Secretariat and Basel Convention regional centres on the development of cooperation with the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Montreal Protocol on Substances that Deplete the Ozone Layer and the Strategic Approach to International	VIII/8	High

VI. Cooperation and coordination			
Topics	Activities	Decisions of the Conference of the Parties at its eighth meeting	Priority
Programme (UNEP) and with intergovernmental and non-governmental organizations	Chemicals Management and on cooperation with UNEP and intergovernmental and non-governmental organizations.		
B. Cooperation between the Basel Convention and the IMO	Consider information on the respective competencies of the Basel Convention and MARPOL 73/78 in respect of hazardous wastes and other wastes, any gaps between those instruments and any options for addressing those gaps.	VIII/9	High

VII. Financial matters			
Topics	Activities	Decisions of the Conference of the Parties at its eighth meeting	Priority
Budget and other financial matters	1. Provide guidance on and review the preparation of the budget and other related financial matters. 2. Monitor the status of payments of arrears.	VIII/33	High

VIII. Decisions of the Conference of the Parties			
Topics	Activities	Decisions of the Conference of the Parties at its eighth meeting	Priority
Draft decisions of the Conference of the Parties	Review and submit draft decisions for consideration and possible adoption by the Conference of the Parties at its ninth meeting, including on the development of a workplan on the environmentally sound management of electrical and electronic waste.	e.g., VIII/2	High

VIII/11: Environmentally sound management of ship dismantling

The Conference of the Parties,

Recalling Decision VII/26,

Noting that forecasts of tonnage to be dismantled in the near future call for appropriate action from the international community, that the International Maritime Organization is developing a new legally binding instrument for the safe and environmentally sound recycling of ships (hereinafter referred to as the “draft ship recycling convention”) to be adopted at the global level, ensuring an efficient and effective solution to the problem of ship dismantling and recognizing the need for interagency cooperation between the International Labour Organization, the International Maritime Organization and the Basel Convention and that duplication of regulatory instruments that have the same objective should be avoided,

1. *Welcomes* the steps taken by the International Maritime Organization in the development of the draft ship recycling convention, intended to be adopted in the 2008–2009 biennium;
2. *Invites* the International Maritime Organization to ensure that the draft ship recycling convention to be adopted by it establishes an equivalent level of control as that established under the Basel Convention, noting that the duplication of regulatory instruments that have the same objective should be avoided;
3. *Encourages* the International Maritime Organization to promote the substitution of harmful materials in the construction and maintenance of ships by less harmful or, preferably, harmless materials, without compromising the ships’ safety and operational efficiency;
4. *Invites* the International Maritime Organization to continue to have due regard to the role, competence and expertise of the Basel Convention in matters related to ship dismantling and in particular with respect to the environmentally sound management and disposal of hazardous wastes and other wastes;
5. *Invites* the International Maritime Organization to further consider incorporating clear responsibilities of all stakeholders in ship recycling, including ship owners, ship recycling facilities, flag States and ship recycling States, also taking into account their current capacity and the common but differentiated responsibilities and sovereign rights of the Parties;
6. *Encourages* Parties to coordinate at the national level between their International Maritime Organization and Basel Convention representatives and to participate actively in the consideration of the draft ship recycling convention;
7. *Believes* that the future draft ship recycling convention should generate conditions under which end-of-life ships are dismantled that protect workers and the environment from the adverse impacts of hazardous wastes and unsafe working practices;
8. *Stresses* that appropriate standards for the safe and environmentally sound management of ship dismantling should be applied at the earliest possible opportunity;
9. *Emphasizes* that the safe and environmentally sound management of ship dismantling remains a priority for the Parties;
10. *Underlines* the importance of continued cooperation between the International Labour Organization, the International Maritime Organization and the Basel Convention in considering matters related to ship dismantling, as appropriate, and, in particular, on the development of the new draft ship recycling convention;
11. *Calls upon* ship owners and other stakeholders to take all practical steps to ensure that end-of-life ships are dismantled in an environmentally sound manner;
12. *Invites* Parties to provide comments to the Secretariat on issues such as roles and responsibilities in the draft ship recycling convention and those relevant to the Basel Convention, including:
 - (a) An assessment of the level of control and enforcement established by the Basel Convention in its entirety,

(b) An assessment of the expected level of control and enforcement to be provided by the draft ship recycling convention in its entirety and its comparison with (a),

(c) Exploring and discussing the possibilities for effective short- and medium-term measures, and requests the Open-ended Working Group to address those issues;

14. *Requests* the Secretariat to forward the report of the Open-ended Working Group to the International Maritime Organization;

15. *Requests* the Secretariat to follow the development of the draft ship recycling convention and report thereon to the Open-ended Working Group and to the Conference of the Parties at its ninth meeting;

16. *Requests* the Secretariat, subject to the availability of the necessary resources, to continue to implement activities to promote the application of the Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships, having regard to the need for short- and medium-term measures to promote the environmentally sound management of ship dismantling and with a view to complementing ongoing work by the International Labour Organization and the International Maritime Organization on the issue;

17. *Requests* the Secretariat to report on activities undertaken to promote the application of the Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships to the Open-ended Working Group and to the Conference of the Parties at its ninth meeting;

18. *Calls upon* all Parties and other stakeholders in a position to do so to make financial or in-kind contributions to the implementation of activities to promote the application of the Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships;

19. *Requests* Parties and other stakeholders to transmit to the Secretariat relevant information that may be of assistance to stakeholders in developing measures to address, in the short and medium term, the potentially harmful consequences of ship dismantling on human health and the environment, including relevant practical information and documents on the environmentally sound management of ship recycling, pre-cleaning and decontamination, and requests the Secretariat to make information received available on the Basel Convention website.

VIII/12: Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention on Ship Scrapping

The Conference of the Parties,

Believing that a third meeting of the Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention on Ship Scrapping should be held;

Requests the Secretariat to report to the Open-ended Working Group and the Conference of the Parties on the outcome of the third session of the Joint Working Group.

VIII/13: Abandonment of ships on land or in ports

The Conference of the Parties

1. *Requests* the Secretariat to forward the submissions received in response to its decision VII/27 and decision OEWG-IV/6 of the Open-ended Working Group to the relevant bodies of the International Maritime Organization and the International Labour Organization for their consideration

2. *Invites* the International Maritime Organization and the International Labour Organization to consider what action may be appropriate for them to take;

3. *Invites* Parties with cases of abandoned ships on land or in ports to consider applying, as appropriate, the provisions of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (the London Convention and its 1996 Protocol);

4. *Recognizes* the need for guidance on how best to deal with ships that are abandoned on land or in ports to be developed on the basis of the relevant information submitted by the Parties to the Secretariat;
5. *Invites* the Parties to contribute appropriately to such guidance, in particular by submitting information on best practice examples from their national experience to the Secretariat;
6. *Requests* the Secretariat to compile such information for presentation to the Open-ended Working Group;
7. *Requests* the Open-ended Working Group to consider the information submitted with a view to taking action, as deemed appropriate;
8. *Requests* the Secretariat to make the information available to the International Maritime Organization and the International Labour Organization and on the Basel Convention website.

VIII/14: Reporting

The Conference of the Parties,

Recalling its decision VII/35,

1. *Urges* Parties that have not yet done so to transmit to the Secretariat the completed questionnaire on transmission of information for the year 2004 and for previous years, as soon as possible and if possible in electronic form, using the revised questionnaire adopted by the Conference of the Parties at its sixth meeting, bearing in mind that, in accordance with the provisions of paragraph 3 of article 13 of the Convention, Parties shall transmit, before the end of each calendar year, a report on the previous calendar year;
2. *Requests* that such information be provided by Parties to the Secretariat for the calendar year 2005 before the end of calendar year 2006, if possible in electronic form;
3. *Invites* Parties to fill in any data gaps which may exist in their previously reported datasets on generation and transboundary movement of hazardous wastes and other wastes for the years 1999 and later;
4. *Encourages* Parties to continue to report on their implementation of decision II/12 in their reports submitted pursuant to article 13 of the Convention;
5. *Requests* the Secretariat to assist Parties to improve the comparability of their data on the transboundary movements of hazardous wastes and other wastes;
6. *Also requests* the Secretariat to prepare and publish:
 - (a) For each of the years 2004 and 2005, an annual compilation document based on the information contained in part I of the completed questionnaires on transmission of information submitted by Parties;
 - (b) For the triennium 2004–2006 and for each triennium thereafter, a summary, including graphic representations, of the data on transboundary movements of hazardous wastes and other wastes contained in part II of the completed questionnaires on transmission of information submitted by Parties;
 - (c) For the triennium 2004–2006 and for each triennium thereafter, a country fact sheet for each Party submitting completed questionnaires on transmission of information, based on the information contained in such questionnaires;
7. *Further requests* the Secretariat to incorporate the contents of part I of the questionnaire, on transmission of information, in English, into the reporting database, within available resources, if the questionnaires are completed by Parties in any official language of the United Nations other than English;
8. *Requests* the Secretariat to prepare a further consolidated report on the implementation of decision II/12 and to report thereon to the Conference of the Parties at its ninth meeting;
9. *Also requests* the Secretariat to continue to provide training to developing countries and other countries that are in need of assistance to meet their reporting obligations by organizing workshops through the Basel Convention regional centres or by other appropriate means.

VIII/15: Revisions to the procedure for the review or adjustment of the lists of wastes contained in Annexes VIII and IX and the status of decision VII/21

The Conference of the Parties

1. *Decides* to clarify the procedure for the review or adjustment of the lists of wastes contained in Annexes VIII and IX of the Basel Convention set forth in the appendix to its decision VI/35 and adopts the amended procedure set forth in the annex to the present decision;
2. *Invites* Parties and others to provide comments with regard to a technical review of the wording of the entries in each of the language versions of Annexes VIII and IX of the Basel Convention, and particularly of entry B1030, by 31 March 2007, to be compiled by the Secretariat for further consideration by the Open-ended Working Group at its sixth session.

Annex to decision VIII/15

Procedure for the review or adjustment of lists of wastes contained in Annexes VIII and IX

1. The review or adjustment of the lists of wastes contained in Annexes VIII and IX of the Basel Convention can entail either amendments or corrections of those annexes. There is a legal distinction between amendments, on the one hand, and corrections, on the other.
2. An amendment refers to formal changes made to the provisions of a treaty by the Parties. The procedure for amending annexes of the Convention is governed by articles 17 and 18 of the Convention. More particularly, any proposed amendment must be made by a Party and communicated by the Secretariat to all Parties at least six months before the meeting at which it is proposed for adoption. In addition, any such amendment must be adopted at a meeting of the Conference of the Parties and may become effective six months from the date of issuance of a circular notification by the Depositary.
3. Corrections to the original text of a treaty may become necessary because of:
 - (a) A physical error in typing or printing, spelling, punctuation, etc.;
 - (b) A lack of conformity of the original of the treaty with the official records of the diplomatic conference which adopted the treaty;
 - (c) A lack of concordance between the different authentic texts constituting the original of the treaty.
4. The procedures for correcting the original text of a treaty are governed by Depositary practice.

I. Procedure for changes to the text of Annexes VIII and IX

A. Applications

5. Applications for any changes to the text of Annexes VIII or IX must be submitted to the secretariat using the form below. Any Party, observer State, non-governmental organization, private company or individual has the right to fill out the application form with the proposed placement of wastes under Annex VIII or Annex IX or with a proposal for removing wastes from Annex VIII, Annex IX or working list C. Any application submitted to the secretariat shall be by or through a Party or observer State.
6. A Party submitting an application shall clearly state whether or not the application is also intended to serve as a formal proposal for amendment of the annexes to the Basel Convention in accordance with articles 17 and 18 of the Convention.
7. Competent authorities and focal points are requested to make available any information in addition to the form to all focal points of the Basel Convention and to advise the Secretariat that this has been done. If a competent authority or focal point is unable to make available any annexes or attachments to all focal points of the Basel Convention, it may request the Secretariat to undertake that function.

B. Procedure for transmission of the form

8. The applicant must present the application form with any additional information to a national authority for the Basel Convention.
9. The competent authority and/or focal point should consider the application form with any additional information and only forward it to the Secretariat of the Basel Convention if it is properly completed and if the completed application provides sufficient information for the Open-ended Working Group to reach a decision.
10. The Open-ended Working Group will consider the application at its following meeting, provided it is received by the Secretariat within the time frame stipulated in paragraph 11 (a) below.

C. Time frame for application

11. Paragraph 2 of article 17 of the Basel Convention requires that the text of any proposed amendment to the Convention be communicated to the Parties by the Secretariat at least six months before the meeting of the Conference of the Parties at which it is proposed for adoption. To this end, the following conditions must be met:

(a) The application form for placement or removal of wastes must be submitted to the Secretariat of the Basel Convention at least three months prior to the meeting of the Open-ended Working Group. Any information in addition to the form should also be submitted within that time frame;

(b) In exceptional circumstances, a Party may submit the application form for placement or removal of wastes two months before the meeting of the Open-ended Working Group if such proposal(s) cannot be sent to the Secretariat within the three-month deadline. The Open-ended Working Group will endeavour to consider such application(s) at its following meeting.

D. Procedure before consideration in the Open-ended Working Group

12. After receiving an application, the Secretariat will place the application on the Internet website of the Basel Convention (www.basel.int) within 30 days.
13. The Secretariat will send an e-mail to all focal points announcing that the application is available. Those Parties which have no access to Internet or e-mail facilities will be sent the application by mail or facsimile.
14. The Secretariat will invite the Parties to comment on the application within 20 days directly to the applicant (by mail, facsimile or e-mail).
15. The applicant will make, as necessary, an addendum to the application containing answers to the questions within 20 days.
16. The Secretariat will make the addendum available to the Parties at least 20 days before the meeting.
17. In the exceptional cases mentioned in paragraph 11 (b) above, the time frames stipulated in paragraphs 12 and 15 above are reduced to 10 days.

E. Action by the Open-ended Working Group

18. The Open-ended Working Group will consider and review the applications for placement or removal of wastes in Annexes VIII and IX. The applications must be based on sound scientific assessment in accordance with paragraph 1 (a) of article 1 of the Basel Convention.
19. The Open-ended Working Group should arrive at a decision by consensus.
20. The decisions of the Open-ended Working Group on the placement or removal of wastes on the lists contained in Annexes VIII and IX shall be transmitted in a report of the Open-ended Working Group through the secretariat to the following meeting of the Conference of the Parties. In cases where no formal proposal for amendment to the annexes to the Basel Convention has been made by a Party when submitting an application, the Open-ended Working Group should invite other Parties to submit such a formal proposal to the Conference of the Parties in accordance with articles 17 and 18 of the Convention.

F. Effective review procedure

21. Costs of review should be kept to a minimum. Restricting the summary of cases to eight additional pages would help save costs, although a Party wishing to provide more information could do so at its own cost.

G. Role of the Secretariat

22. The Secretariat of the Basel Convention will assist the Parties by acting as liaison with the Depositary with a view to facilitating the implementation of the amendment procedure, as necessary.

H. Reporting

23. The Secretariat of the Basel Convention should provide a report to Parties on the status of the lists of wastes in Annexes VIII and IX of the Basel Convention on a regular basis and when changes have entered into force.

II. Procedure for corrections

24. Parties, the Open-ended Working Group or the Conference of the Parties may inform the Depositary on corrections of Annexes VIII and IX of the Basel Convention. In the case of a correction to Annex VIII and/or Annex IX of the Basel Convention, the Depositary initiates the formal correction procedure by notifying the Parties and signatories of the error and the proposed correction.

25. The Depositary has the responsibility to scrutinize each apparent error in order to determine that it falls into one of the above categories and that it does not have the effect of modifying the meaning or substance of the text of the treaty. In case of doubt, the Depositary will seek to resolve it in consultation with the Party that proposed the correction. The Secretariat of the Basel Convention will assist the Parties by acting as liaison with the Depositary, with a view to facilitating the implementation of the correction, as necessary.

26. If, on the expiry of a specified time limit, no signatory or Party objects, the Depositary circulates a procès-verbal of rectification to Parties and signatories and causes the corrections to be effected in the authentic text(s) *ab initio*. States have 90 days to object to a proposed correction; this period can be shortened if necessary.

VIII/16: Technical guidelines on persistent organic pollutants

The Conference of the Parties,

Recalling its decision VII/13 on technical guidelines on persistent organic pollutants as wastes,

Noting with appreciation the roles played by Parties and others, especially the lead countries, in the preparation of the technical guidelines,

1. *Adopts* the technical guidelines for the environmentally sound management of:

(a) Wastes consisting of, containing or contaminated with the pesticides aldrin, chlordane, dieldrin, endrin, heptachlor, hexachlorobenzene (HCB), mirex or toxaphene or with HCB as an industrial chemical;⁴

(b) Wastes consisting of, containing or contaminated with 1,1,1-trichloro-2,2-bis (4-chlorophenyl)ethane (DDT);⁵

(c) Wastes containing or contaminated with unintentionally produced polychlorinated dibenzo-p-dioxins (PCDDs), polychlorinated dibenzofurans (PCDFs), hexachlorobenzene (HCB) or polychlorinated biphenyls (PCBs);⁶

4 UNEP/CHW.8/5/Add.1*.

5 UNEP/CHW.8/5/Add.2*; lead country: Mexico.

6 UNEP/CHW.8/5/Add.3*; lead country: Australia.

2. *Adopts* the updated general technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants (POPs) and updated guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with polychlorinated biphenyls (PCBs), polychlorinated terphenyls (PCTs) or polybrominated biphenyls (PBBs);⁷
3. *Requests* the Secretariat to disseminate the technical guidelines referred to in paragraphs 1 and 2 of the present decision to Parties, signatories, intergovernmental organizations, environmental non-governmental organizations and industry in the six official languages of the United Nations;
4. *Also requests* the Secretariat to submit the present decision and the technical guidelines to the Conference of the Parties of the Stockholm Convention on Persistent Organic Pollutants at its third meeting through the Secretariat of the Stockholm Convention and invites the Conference of the Parties of the Stockholm Convention on Persistent Organic Pollutants to consider them;
5. *Invites* Parties and others to use the technical guidelines and to submit, not later than two months before the ninth meeting of the Conference of the Parties, reports to the Conference of the Parties, through the Secretariat, on their experience in the application of the guidelines, including on the definition of low persistent organic pollutant content and on levels of destruction and irreversible transformation and any difficulties or obstacles encountered, with a view to improving them as necessary;
6. *Notes* that having considered, among other things, comments compiled by the Secretariat,⁸ it is not practical or feasible for the time being to consider further, at the level of the Basel Convention, a methodology for the further definition of low persistent organic pollutant content and of levels of destruction and irreversible transformation and that the concerns expressed in the discussion on this issue to date may better be addressed through the further work referred to in paragraph 7 of the present decision;
7. *Agrees* that the following should be included in the work programme of the Open-ended Working Group for 2007–2008:
 - (a) Review and updating of the technical guidelines on persistent organic pollutants, including the definitions of low persistent organic pollutant content and of levels of destruction and irreversible transformation, if appropriate;
 - (b) Consideration of further guidance on other disposal methods when persistent organic pollutant content is less than low persistent organic pollutant content in areas where there may be a high risk for human health and the environment, inter alia, through the food chain and for the soil;
 - (c) Consideration of the amendment of entry A4110 in Annex VIII of the Basel Convention, relating to PCDDs and PCDFs, and other relevant entries relating to pesticide persistent organic pollutants and DDT, in order to include a concentration level for those persistent organic pollutants;
8. *Invites* Parties and others to submit comments to the secretariat by 31 March 2007 on the issues referred to in paragraphs 7 (b) and 7 (c) above;
9. *Decides* to extend the mandate of the small intersessional working group established by decision OEWG I/14, paragraph 9, to continue to monitor and assist in the review and updating, as appropriate, of technical guidelines regarding persistent organic pollutants, working in particular by electronic means;
10. *Requests* the small intersessional working group to consider the comments referred to in paragraph 8 above and to report on the results of its work, through the Secretariat, to the Open-ended working Group for its consideration;
11. *Welcomes* the fact that the bodies of the Stockholm Convention are considering best available techniques and best environmental practices with respect to unintentionally produced persistent organic pollutants, including the more recent technologies for destruction and irreversible transformation listed in the general technical guidelines, and invites experts of the Basel Convention to contribute to that work.

⁷ UNEP/CHW.8/5/Add.4, Add.4 /Corr.1 and Add.5.

⁸ UNEP/CHW/OEWG/5/INF/21.

VIII/17: Technical guidelines on environmentally sound management

The Conference of the Parties,

Welcoming the initiative taken by Brazil to review the technical guidelines on used tires,

1. *Invites* Brazil to prepare draft revised technical guidelines on used tires for consideration by the Open-ended Working Group;
2. *Requests* the Open-ended Working Group to undertake a review of selected technical guidelines as appropriate and initiate updating as necessary, e.g., incineration on land (D10), specially engineered landfill (D5), and wastes collected from households (Y46);
3. *Invites* countries in a position to do so to undertake the lead in the review and updating of technical guidelines or contribute financially to the process;
4. *Requests* the Secretariat to keep the Open-ended Working Group informed of developments in the review and updating of technical guidelines;
5. *Invites* Parties and others to provide comments to the Secretariat by 30 June 2008 on their experiences with and assessment of the implementation of the existing technical guidelines on the environmentally sound management of hazardous wastes and any identified practical difficulties in and obstacles to their implementation;
6. *Requests* the Secretariat to prepare a compilation of the comments received for consideration by the Conference of the Parties at its ninth meeting.

VIII/18: Harmonization of forms for notification and movement documents and related instructions

The Conference of the Parties,

Recalling its decisions IV/14 and VII/22 on the instruction manual on the control system for transboundary movements of hazardous and other wastes and on harmonization of lists of wastes and procedures, respectively,

Recognizing the need for globally harmonized forms for the notification and movement documents,

Noting with appreciation the roles played by Parties and others, especially Germany as lead country, in developing and revising the notification and movement documents,

1. *Adopts* the revised versions of the forms for the notification and movement documents, including the instructions on how to use those forms;⁹
2. *Requests* the Secretariat to disseminate the forms for the notification and movement documents, including the instructions for completing those forms, to Parties, signatories, intergovernmental organizations, environmental non-governmental organizations and industry;
3. *Invites* Parties to use the notification and movement documents and the instructions on their use.

VIII/19: Working relationship with the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals

The Conference of the Parties

1. *Agrees* to extend the mandate of the Joint Correspondence Group between the Open-ended Working Group and the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals and requests the Secretariat to communicate its decision to the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals;

2. *Requests* the Secretariat to report regularly on the outcome of the work of the Joint Correspondence Group to the Open-ended Working Group and the Conference of the Parties.

VIII/20: Separate identification in the World Customs Organization Harmonized Commodity Description and Coding System of certain wastes in Annexes VIII and IX to the Basel Convention

The Conference of the Parties

1. *Requests* the Secretariat to pursue its cooperation with the secretariat, the Harmonized System Committee, the Harmonized System Review Subcommittee and the Scientific Subcommittee of the World Customs Organization;
2. *Also requests* the Secretariat to continue to move forward, under the guidance of the Open-ended Working Group, with the issue of the identification of the wastes covered by the Basel Convention in the World Customs Organization Harmonized Commodity Description and Coding System and to report regularly to the Open-ended Working Group and the Conference of the Parties on progress.

VIII/21: Classification and hazard characterization of wastes

The Conference of the Parties

1. *Invites* Parties in a position to do so to contribute to the finalization of the guidance paper on hazard characteristic H10 (liberation of toxic gases in contact with air or water) and the revision of the guidance paper on hazard characteristic H11 (toxic (delayed or chronic)), to include work on an appropriate de minimis level, with a view to finalizing them in time for adoption by the Conference of the Parties at its ninth meeting;
2. *Agrees* to include the revision of the guidance paper on hazard characteristic H11, including work on an appropriate de minimis level, and the finalization of the guidance paper on hazard characteristic H10 in the work programme of the Open-ended Working Group for 2007–2008.

VIII/22: National classification and control procedures for the import of wastes contained in Annex IX

The Conference of the Parties

1. *Invites* Parties experiencing difficulties with national classification or control procedures relating to the import of wastes contained in Annex IX to the Convention to report information on such difficulties to the Secretariat;
2. *Requests* the Secretariat to collect the information submitted by Parties on a regular basis with a view to keeping the Open-ended Working Group up to date on the current situation.

VIII/23: Implementation of decision VII/2 on hazardous waste minimization

The Conference of the Parties,

Recalling its decision VII/2 on hazardous waste minimization,

1. *Invites* Parties and others to provide comments to the Secretariat by 30 June 2008 on their experiences with hazardous waste minimization;
2. *Requests* the Secretariat to prepare a compilation of the comments received for consideration by the Conference of the Parties at its ninth meeting.

VIII/24: Illegal traffic: Outline of an instruction manual for the legal profession

The Conference of the Parties

1. *Requests* Parties and others to submit by 31 March 2007 proposals for items and the specific content pertaining to such items that could be addressed in an instruction manual for the legal profession on the prosecution of illegal traffic, taking into account the draft outline set out in the annex to the present decision;
2. *Also requests* Parties and others to provide to the Secretariat by the same date information regarding concrete experiences and cases relevant to the proposed instruction manual;
3. *Requests* the Secretariat to prepare, subject to the availability of funding, a draft detailed outline for an instruction manual for the legal profession on the prosecution of illegal traffic based on the proposals and comments provided in accordance with paragraphs 1 and 2 above and to submit the draft to the Open-ended Working Group for its consideration;
4. *Calls on* Parties and others to make voluntary contributions for the preparation of the draft detailed outline for an instruction manual;
5. *Requests* the Open-ended Working Group to consider the draft detailed outline for an instruction manual and make appropriate recommendations to the Secretariat for the preparation of a draft instruction manual for the consideration of the Conference of the Parties at its next meeting;
6. *Requests* the Secretariat, in collaboration with the Basel Convention regional centres, to continue to assist Parties, particularly developing countries and countries with economies in transition, in implementing the guidance elements at the national level, including the development of national contingency plans;
7. *Also requests* the Secretariat to continue its efforts to organize further training seminars in cooperation, where feasible, with other international organizations, agencies or programmes to assist Parties, particularly developing countries and countries with economies in transition, in implementing the guidance elements;
8. *Calls upon* all Parties and organizations in a position to do so to make financial or in-kind contributions toward the organization of such training seminars.

Annex

Manual on illegal traffic for the legal profession: draft outline of sections and contents¹⁰

1. What environmental principles and concepts could be applied to the enforcement of the Basel Convention?
2. What do judges, prosecutors, and other legal officers need to know about the Basel Convention? *This section will include general background information on the Convention and its procedures and, in particular, the legal requirements flowing from the Convention's obligations.*
3. Illegal traffic of hazardous wastes and other wastes. *This section will include a description of what constitutes illegal traffic of hazardous wastes as defined under the Basel Convention and of the most common infractions.*
4. Investigating and prosecuting a suspected case of illegal traffic of hazardous wastes or other wastes. *This section will include a description of the steps to be followed by prosecutors and other enforcement officers in building a case to address an alleged offence of illegal trafficking, including, among other things, investigation; the task force approach; evidence gathering, handling and storage; and required safety measures. It will be noted that different legal systems may impose different obligations; accordingly, examples of national laws and procedures giving effect to those obligations will be included to highlight the different approaches.*
5. Judging a case of alleged illegal traffic of hazardous wastes or other wastes. *This section will include a description of the special issues that environmental cases present, including, among other things, types of action (civil, administrative, criminal); locus standi; timeliness of action; burden and standard of proof, expertise required; scientific uncertainty. It will be noted that different legal systems may impose different obligations; accordingly, examples of national laws and procedures giving effect to those obligations will be included to highlight the different approaches.*
6. Remedies and enforcement of judicial decisions. *This section will include a description of potential penalties for illegal traffic of wastes including sanctions, penalties, restitution and remediation and quantification or valuation of damage, as well as potential mechanisms to ensure compliance with judicial decisions at the national level. It will be noted that different legal systems may impose different obligations; accordingly, examples of national laws and procedures giving effect to those obligations will be included to highlight the different approaches.*
7. Appendix: Legislative, administrative and other measures required for implementing and enforcing the obligations established by the Basel Convention. *The appendix will include a checklist for the preparation of national legislation for the implementation of the Basel Convention developed by the Secretariat, in consultation with the Implementation and Compliance Committee of the Basel Convention, pursuant to decision VII/32 on the guidelines for the preparation of national legislation for implementation of the Basel Convention, adopted at the seventh meeting of the Conference of the Parties to the Basel Convention.*

¹⁰ The present manual is intended to supplement, among other things, the Training Manual on Illegal Traffic that was adopted at the fifth meeting of the Open-ended Working Group of the Basel Convention in decision OEWG-V/9. As a result, where issues that are discussed in the Training Manual on Illegal Traffic are described, cross-reference will be made to the relevant sections of that manual to avoid duplication.

VIII/25: Protocol on liability and compensation

The Conference of the Parties

1. *Calls upon* all Parties and organizations that are in a position to do so to make financial or in-kind contributions for the organization of workshops for addressing various aspects of and obstacles to the process of ratification of or accession to the Basel Convention Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal and the wider dissemination of the instruction manual on the implementation of the Protocol;¹¹

2. *Requests* the Secretariat to continue its work on organizing workshops to address aspects of and obstacles to the process of ratification of or accession to the Protocol should funding be forthcoming;

3. *Requests* the Secretariat to publish the instruction manual on implementation of the Protocol in the six official United Nations languages and to disseminate it widely, subject to the availability of funds;

4. *Further requests* the Secretariat to update the instruction manual on a regular basis by the addition, as annexes to the instruction manual, of copies of domestic law and case studies relating to the implementation of the Protocol submitted by Parties;

5. *Invites* Parties and others to submit comments to the Secretariat, by 31 March 2007, on specific concerns and considerations relating to the definition of States of transit in annex A of the Protocol, the difficulties in proving illegal traffic for the purposes of the Protocol and the adequacy of the financial limits laid down in annex B of the Protocol;

6. *Requests* the Secretariat, based on consultations with relevant institutions, to elaborate further on three of the options that may be available with respect to the requirement of insurance, bonds or other financial guarantees as presented in its note,¹² ensuring that at least one option explored provides guidance on steps that could be taken at the national level, that another explores steps that could be taken at the international level and that a third explores steps that could be taken at the regional level, and to report to the Open-ended Working Group on its findings;

7. *Also requests* the Secretariat, subject to receipt of voluntary contributions for the purpose, to arrange a meeting to facilitate consultations on mechanisms to meet the requirement of insurance, bonds or other financial guarantees, to be attended by 12 representatives from industry and relevant international or regional organizations and two representatives from each United Nations regional group, with a view to considering the feasibility of such mechanisms to meet the requirements of article 14 of the Protocol

8. *Further requests* the Secretariat to report to the Conference of the Parties at its ninth meeting on the outcome of the consultations referred to in paragraph 7 of the present decision;

9. *Calls upon* States to provide voluntary funding for the organization of the consultations referred to in paragraph 7 above;

10. *Calls upon* Parties to continue to consult at the national and regional levels with a view to determining suitable mechanisms for providing insurance, bonds or other financial guarantees, with particular reference to the differing needs of different regions and industries.

VIII/26: National legislation and other measures adopted by Parties to implement the Basel Convention

The Conference of the Parties

1. *Encourages* Parties to continue to provide the Secretariat with the texts of national legislation and other measures adopted by them to implement the Basel Convention and notes in that regard that under paragraph 4 of article 4 and paragraph 5 of article 9 of the Convention such measures include appropriate national and domestic legislation to prevent and punish illegal traffic;

11 UNEP/CHW/OEWG/4/8*.

12 UNEP/CHW/OEWG/5/2/Add.7.

2. *Urges* Parties to fulfil their obligations under paragraph 5 of article 9 of the Convention, in particular:

(a) To promulgate, update or develop stringent legislation on the control of transboundary movements of hazardous wastes;

(b) To incorporate in their national legislation appropriate sanctions or penalties for illegal traffic in hazardous wastes and other wastes covered by the Basel Convention;

3. *Requests* the Secretariat to continue to maintain a collection of national legislation and other measures adopted by Parties to implement the Basel Convention, including measures to prevent and punish illegal traffic, and to make such measures available on the Convention website;

4. *Requests* the Secretariat, subject to availability of funding, to organize regional or subregional training workshops, in collaboration with the Basel Convention regional centres, on the development and formulation of national legislation, taking into account the difficulties identified by Parties relating to the development of national legislation during the implementation of the 2005–2006 work programme of the Committee for Administering the Mechanism for Promoting Implementation and Compliance;

5. *Urges* all Parties and organizations that are in a position to do so to make financial or in-kind contributions toward the organization of workshops on the development and formulation of national legislation;

6. *Requests* the Secretariat to continue to provide advice and assistance on national legislation to Parties upon request.

VIII/27: National definitions of hazardous wastes

The Conference of the Parties,

Recalling its decision VII/33,

1. *Requests* Parties which have not yet provided the Secretariat with any of the information required under article 3 of the Convention to provide such information as soon as possible and to report any subsequent significant change in that information using the standardized reporting format for reporting under article 3 of the Convention;

2. *Also requests* Parties, when providing such information to the Secretariat, to make reference to the relevant Convention provision to avoid ambiguity;

3. *Requests* the Secretariat to assist Parties in ensuring that information notified is up to date and as clear as possible to facilitate each Party's understanding of other Parties' national definitions of hazardous wastes;

4. *Also requests* the Secretariat to make available on its website the information received from Parties pursuant to article 3 of the Convention and, within available resources, to make such information available in the six official languages of the Convention;

5. *Further requests* the Secretariat to report to the Conference of the Parties at its ninth meeting on the implementation of the present decision.

VIII/28: Article 11 agreements and arrangements

The Conference of the Parties

1. *Calls upon* Parties to notify the Secretariat of bilateral, multilateral or regional agreements or arrangements which they have concluded, as required under paragraph 2 of article 11 of the Convention, and invites them to transmit the full texts of such agreements or arrangements to the Secretariat;

2. *Requests* the Secretariat to communicate with the Parties with a view to obtaining notifications and full texts of such agreements or arrangements and to publish such texts on the Basel Convention website in order to provide a useful information resource for Parties, other States and other stakeholders.

VIII/29: Designation of competent authorities and focal points

The Conference of the Parties,

Recalling decision VII/11 on competent authorities and focal points,

1. *Calls on* Parties to designate competent authorities and focal points for the Convention, if they have not done so, and to submit formal designations to the Secretariat by fax or post, including any modifications or additions as they occur;
2. *Urges* Parties to provide up-to-date contact details of competent authorities and focal points to the Secretariat to ensure the efficient transmission of information;
3. *Requests* Parties that have designated multiple competent authorities to make sufficient information available regarding the functions and geographical area covered by each of its competent authorities;
4. *Invites* non-Parties and interested organizations to identify contact persons for the Convention, if they have not done so, and to submit the relevant information to the Secretariat, including any modifications or additions as they occur;
5. *Requests* the Secretariat to continue to maintain the list of competent authorities and focal points and to post it on the Convention website to facilitate communications concerning matters related to the Convention.

VIII/30: Addressing the interpretation of paragraph 5 of article 17 of the Basel Convention

The Conference of the Parties,

Acknowledging that there is a difference of views concerning interpretation of the expression “who accepted them” in paragraph 5 of article 17 of the Basel Convention and recognizing that many Parties consider the expression to be ambiguous,

Recalling article 31 of the Vienna Convention on the Law of Treaties regarding the interpretation of a treaty or the application of its provisions,

Noting that some Parties are of the opinion that all Parties must agree to any decision interpreting provisions of the Convention,

Recognizing that eleven years have elapsed since the adoption of the amendment contained in decision III/1 relating to the export of hazardous wastes to developing countries;

Noting the strong concerns expressed in that respect by many Parties following the tragic events in Abidjan, including African countries in particular;

Aware that many parties have stressed that an agreed interpretation of paragraph 5 of article 17 of the Convention could facilitate the early entry into force of the amendment contained in decision III/1 and that, together with strengthened enforcement measures, that could deter the further occurrence of such tragic events,

Recalling the decisions of the Conference of the Parties strongly appealing to Parties to expedite the process of ratification with respect to the amendment contained in decision III/1 to facilitate its entry into force at the earliest opportunity and recognizing that many Parties have stressed the need to agree to make every effort to facilitate early entry into force of decision III/1 among Parties having ratified it, by all possible means, including through agreement on an interpretation of the expression “who accepted them” in paragraph 5 of article 17 in a manner that is favourable to that objective,

Emphasizing that the Parties to the Convention have the ultimate power to agree on the interpretation of the Convention,

1. *Urges* all Parties to make every effort to facilitate the early resolution of an interpretation of the expression “who accepted them” in paragraph 5 of article 17 of the Basel Convention;
2. *Requests* the Open-ended Working Group to address further the issue of interpretation taking account of the perception of ambiguity held by many Parties, with a view to resolving it at the earliest opportunity, and to develop a draft decision on an agreed interpretation of paragraph 5 of article

17 of the Basel Convention by the Parties in accordance with international law for consideration at the next meeting of the Conference of the Parties;

3. *Invites* all Parties and others to submit comments to the Secretariat by 31 March 2007 for compilation and the further consideration by the Open-ended Working Group and the Conference of the Parties on matters which may facilitate agreement on entry into force of the amendment.

VIII/31: Mechanism for promoting implementation and compliance: election of members

The Conference of the Parties

Elects, in accordance with the terms of reference contained in the annex to its decision VI/12, the following members to serve on the Committee for Administering the Mechanism for Promoting Implementation and Compliance:

From the African region: Ms. Farah Bougartacha (Morocco) and Mr. Larsey Mensah (Ghana);

From the Asian region: Mr. Chung Suh-yong (Republic of Korea) and Mr. Ras io Ridho Sani (Indonesia);

From the Central and Eastern European region: Ms. Krystina Panek-Gondek (Poland) and Ms. Gordana Petkovic (Serbia);

From the Latin American and Caribbean region: Ms. Gillian Guthrie (Jamaica) and Mr. Oswaldo Alvarez (Chile);

From the Western European and other countries: Mr. Damien Hall (Australia) and Mr. Martin Widstam (Sweden).

VIII/32: Mechanism for promoting implementation and compliance: work programme for 2007–2008

The Conference of the Parties,

Noting the report of the committee on its work during the period 2005–2006 and the recommendations contained therein,

1. *Approves* the work programme of the Committee for Administering the Mechanism for Promoting Implementation and Compliance for 2007–2008 contained in the annex to the present decision;

2. *Requests* the Committee to establish priorities and work methods and schedules regarding the issues identified in the work programme and to coordinate with the Open-ended Working Group, the secretariat and the Basel Convention regional centres so as to avoid duplication of activities;

3. *Recognizes* the need to provide the Committee with sufficient funding in order to enable it to function effectively and to carry out its work programme;

4. *Calls upon* all Parties that are in a position to do so to make financial or in-kind contributions to assist the Committee to carry out its work programme;

5. *Requests* the Committee to report to the Conference of the Parties at its ninth meeting on the work it has carried out to fulfil its functions in accordance with paragraphs 23 and 24 of the terms of reference for the Mechanism for Promoting Implementation and Compliance;

6. *Calls upon* Parties to make use of the Mechanism for Promoting Implementation and Compliance.

Annex to decision VIII/32

Work programme for 2007–2008 of the Committee for Administering the Mechanism for Promoting Implementation and Compliance

1. During the biennium 2007–2008, the Committee for Administering the Mechanism for Promoting Implementation and Compliance shall review the following general issues in accordance with paragraph 21 of the terms of reference for the mechanism contained in the annex to decision VI/12 of the Conference of the Parties and in accordance with the priorities and budget decided by the Conference of the Parties:

(a) The Committee shall further develop its understanding of national reporting issues by building on the work undertaken pursuant to its work programme for 2005–2006, with a view to providing guidance on how national reporting could be improved, given that it underpins the operation of the Convention;

(b) The Committee shall undertake work on the issue of illegal traffic, which could include identifying available existing resources from a number of institutions, working in collaboration with such institutions and the Basel Convention regional centres, and assisting Parties through training, taking into account that such work would assist in ensuring the environmentally sound management of wastes.

2. In undertaking its work, the Committee shall take full account of the previous discussions and decisions by Basel Convention bodies on the relevant issues and shall also take account of its mandate to complement the work performed by other bodies of the Basel Convention and by the Basel Convention regional centres.

3. The Committee shall also continue to monitor any developments on the other issues addressed under its work programme for 2005–2006.

4. When the Committee receives specific submissions in accordance with paragraph 9 of the terms of reference, it shall give priority to dealing with such submissions.

VIII/33: Programme and budget for the biennium 2007–2008

The Conference of the Parties,

Recalling its decision VII/41 and decision OEWG-IV/10 of the Open-ended Working Group, on financial matters,

Recalling also paragraph 136 of the report of the Conference of the Parties on its seventh meeting,¹³

Expressing appreciation to the newly assessed Parties which have made timely payment of their contributions for 2005 and 2006,

Noting the financial reports on the Basel Convention trust funds for 2005 and 2006,¹⁴

1. *Welcomes* the new programme budget format proposed by the secretariat as set out in table 1 of the present decision;

2. *Encourages* the Secretariat to continue its efforts in the presentation of the core programme, particularly with respect to strategic indicators, in order to make it easier for the Parties to have an overview of Secretariat activities, to identify priorities and to evaluate the work of the Secretariat. In doing so, the Secretariat is encouraged to monitor United Nations best practices and to exchange information with the secretariats of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants. The Secretariat is asked to report on its efforts at the next session of the Open-ended Working Group and the ninth meeting of the Conference of the Parties;

3. *Approves* the programme budget for the Trust Fund for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention Trust Fund) in the amount of \$3,975,397 for 2007 and \$4,282,677 for 2008, for the purposes set out in table 2 of the present decision;

4. *Authorizes* the Executive Secretary to utilize an amount not exceeding \$170,000 in 2007 and \$315,000 in 2008, respectively, from the reserve and fund balance of the Basel Convention Trust Fund to meet expenditures in the approved budget;

5. *Approves* the staffing of the Convention secretariat for the programme budget as set out in table 3 of the present decision;

6. *Decides* that the total amount of the contributions to be paid by the Parties is \$3,805,397 for 2007 and \$3,967,677 for 2008, as set forth in table 4 of the present decision;

7. *Also decides* that the contributions of individual Parties shall be as listed in table 4 of the present decision, which is based on the current United Nations General Assembly scale of assessments, modified so that no Party contributes less than 0.001 per cent of the total, no Party's contribution exceeds 22 per cent of the total and no contribution from a least developed country Party exceeds 0.01 per cent of the total;

8. *Decides further* to set the level of the working capital reserve at 15 per cent of the average biennial operational budgets for the biennium 2007–2008;

9. *Decides* that the Executive Secretary may make transfers of up to 20 per cent from one main appropriation line of the approved budget to other main appropriation lines;

10. *Expresses* its concern over delays in payment of agreed contributions by Parties contrary to the provisions set forth in paragraph 8 of the terms of reference for the administration of the Basel Convention Trust Fund;

11. *Urges* all Parties to pay their contributions promptly and in full and further urges Parties that have not done so to pay their contributions for prior years as soon as possible and in this context welcomes the monthly publication by the secretariat on the Convention website of all contributions received;

¹³ UNEP/CHW.7/33.

¹⁴ UNEP/CHW.8/INF/23.

12. *Invites* the President of the Conference of the Parties and the Executive Director of the United Nations Environment Programme to write to the relevant Parties impressing on them the importance of paying their respective arrears for 2005 and previous years;
13. *Requests* the Open-ended Working Group to monitor the status of payment of arrears and, if sufficient payments are received to cover it, to allow an increase of up to \$75,000, in total, for temporary staff, staff travel and consultancy budget lines;
14. *Requests* the Executive Secretary to continue to consult with Parties in arrears requesting payment of the arrears, to invite such Parties, if necessary, to agree on payment plans and to report to the Conference of the Parties at its ninth meeting on such efforts;
15. *Welcomes* the programme budget for the Trust Fund to Assist Developing and Other Countries in Need of Assistance in the Implementation of the Basel Convention (the Technical Cooperation Trust Fund) in the amount of \$4,296,915 for 2007 and \$3,683,800 for 2008, as set forth in table 5 of the present decision;
16. *Invites* voluntary contributions to the Technical Cooperation Trust Fund and to the Basel Convention Trust Fund from Parties, non-Parties and other sources;
17. *Invites* Parties, non-Parties and other stakeholders to contribute financially and with other means to the implementation of the activities prepared for the Strategic Plan focus areas and related projects and encourages Parties and non-Parties to submit such projects for consideration by appropriate funding agencies;
18. *Requests* Parties to notify the secretariat of the Convention of all contributions made to the Basel Convention Trust Fund and the Technical Cooperation Trust Fund at the time such payments are made;
19. *Requests* the Executive Secretary to enter into dialogue with the Executive Director of the United Nations Environment Programme regarding the use of the 13 per cent programme support costs charged by the Programme under the Technical Cooperation Trust Fund in order to better facilitate the implementation of the activities financed by that Trust Fund.
20. *Decides* that the Basel Convention Trust Fund and the Technical Cooperation Trust Fund shall be further continued until 31 December 2010 and requests the Executive Director of the United Nations Environment Programme to extend them to 2009–2010, subject to the approval of the Governing Council of the United Nations Environment Programme;
21. *Requests* the secretariat to report annually to the Open-ended Working Group and to the Expanded Bureau on all sources of income received, including the reserve and fund balances and interest, together with actual, provisional and projected expenditures and commitments, and requests the Executive Secretary to report on all expenditures against the agreed budget lines;
22. *Requests* the Executive Secretary to prepare a budget for the biennium 2009–2010 for consideration by the Conference of the Parties at its ninth meeting and to explain the key principles and assumptions on which the budget is based;
23. *Notes* the need to facilitate priority-setting by providing Parties with timely information on the financial consequences of different options and to that end requests the Executive Secretary to include in the proposed programme budget for the biennium 2009–2010 three alternatives based on:
 - (a) The Executive-Secretary's assessment of the required rate of growth of the programme budget;
 - (b) Maintaining the operational budget at the 2007–2008 level in nominal terms;
 - (c) Increasing the operational budget from the 2007–2008 level by 10 per cent in nominal terms;
24. *Requests* the Open-ended Working Group and the Expanded Bureau to keep under review the financial information provided by the secretariat, including the timeliness and transparency of that information.

Table 1**Basel Convention Trust Fund programme and budget for the biennium 2007–2008**

The functions of the secretariat are defined in the provisions of the Convention and include tasks required by the Conference of the Parties and its subsidiary bodies. Those functions, according to which the programme and budget is organized, are as follows:

1. Conferences and meetings.
2. Executive direction, management and strategic planning:
 - a. Budget and contract management;
 - b. Personnel administration;
 - c. International cooperation and synergies, including representation.
3. Programme and cross-cutting support:
 - a. Support for Strategic Plan implementation;
 - b. Support to Basel Convention regional and coordinating centres for their operational activities;
 - c. Legal support;
 - d. Scientific support;
 - e. Public-private partnerships;
 - f. Resource mobilization.
4. Knowledge management and outreach:
 - a. Management and circulation of information submitted by Parties in accordance with their obligations under the Convention;
 - b. Publications, public information and outreach.
5. Office equipment and services.

Basel Convention Trust Fund programme and budget for the biennium 2007–2008

1. Conferences and meetings

Meeting costs and services:

- (a) Costs of the meetings of the Conference of the Parties, the Open-ended Working Group, the Expanded Bureau and the Compliance Committee as well as of other consultations required by the Parties and the provision of secretariat services including organization and conduct of the meetings
- (b) Organization for the provision of translation, interpretation and document preparation; temporary assistance for conferences and meetings such as report writing, editing, overnight translations, etc.
- (c) Secretariat preparation of documents for the meetings, i.e., pre-session, in-session and post-session documents, including technical reports, documents, guidelines and updates on technical aspects to assist Parties in their deliberations and negotiations
- (d) Drafting and negotiation of agreements for the organization of meetings of the Conference of the Parties, the Open-ended Working Group and other bodies, as required
- (e) Preparation of publications and audiovisual materials; organization of special events and media activities
- (f) Preparation of a list of participants and registration of representatives and credentials
- (g) Travel arrangements for participation of representatives from developing countries and countries with economies in transition and processing of their daily subsistence allowance

Results: Conferences and meetings are prepared efficiently and in such a way as to facilitate the conduct of business and to ensure the effective consideration of items on their agendas, sharing of information and reporting on budget and programme activities in a manner satisfactory to the Parties and other stakeholders.

Programmes providing services: Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships and resource mobilization; and outreach

Budget estimate/projection	2007	2008
Basel Convention Trust Fund: 1 COP, 1 OEWG (with 2 meetings of Compliance Committee and 2 meetings of Expanded Bureau in the biennium)	856,716	1,075,774

Indicators:

All meetings are prepared in a timely manner with high quality inputs from the secretariat, including the conclusion of host country agreements, where applicable, early dispatch of invitation letters, securing of adequate meeting facilities and services, submission of working documents to the Parties six weeks in advance of meetings, where feasible, and provision of technical and substantive support for the conduct of the meetings.

2. Executive direction, management and strategic planning

Services provided:

Executive direction: oversight, monitoring and execution of:

(a) (i) **Budget and contract management:** Monitoring and control of budget and expenditures, ensuring compliance with the financial and administrative rules of the United Nations and the directions of the Conference of the Parties, taking all appropriate steps to improve collection of contributions; provision of substantive support and training to the Basel Convention regional and coordinating centres (BCRCs) in establishing proper budgetary and financial management systems according to UNEP financial regulations to ensure that planning, processing of financial actions and regular reporting of income and expenditures are achieved; guidance on financial management of SBC projects implemented by BCRCs

(a) (ii) **Management of efficiency:** Improving efficiency and effectiveness in the management of the secretariat

(a) (iii) **Public-private partnerships:** Provision of guidance and direction in the development and implementation of the partnership programme

(a) (iii) **Resource mobilization:** Provision of guidance and direction in developing strategy for resource mobilization activities and consultations with donors and international financial institutions, including official visits to donors

(b) **Personnel administration:** Recruitment and administration of contracts for staff and external experts; monitoring of staff performance; record-keeping relating to staff time and attendance, etc., in accordance with the relevant United Nations rules and regulations; and resolution of staff disputes

(c) **International cooperation and synergies, including representation:** Participation in meetings of relevant bodies (such as meetings of related global and regional agreements, the Governing Council of UNEP, the Global Environment Facility, etc.); conduct of bilateral and multilateral consultations at such meetings and the presentation of the programme and priorities identified by the Parties to such meetings; conclusion of cooperation agreements with other multilateral environmental agreements, intergovernmental organizations and other institutions; cooperation with international bodies on programmes relating to hazardous and other waste issues, including with other multilateral environmental agreements and specialized agencies, on legal, technical and scientific matters

Results: Effective and efficient delivery by the secretariat of the services mentioned above, policy and programme framework adopted by the Parties transposed into secretariat action, including in secretariat's guidance to BCRCs. Effective and collaborative working relationships are established with other institutions and outputs from cooperative activities provide added value.

Programmes providing services: Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships, resource mobilization and outreach

Budget estimate/projection		2007	2008
Basel Convention Trust Fund		384,374	330,847

Indicators:

(a) The secretariat provides regularly updated reporting on all sources of income received and expenditure and commitments, as well as any efficiency measures taken to improve the cost-effectiveness of its operation. The Resource Mobilization Strategy and the Partnership Programme are carried out and further developed in accordance with the decisions of the Parties.

(b) The secretariat is operating with full capacity and delivering services according to the agreed budget.

(c) Visibility and conversance of the Basel Convention in other intergovernmental forums is increased, with increased development of cooperative activities and arrangements between the Basel Convention and other international organizations. Parties are kept abreast by the secretariat, at regular intervals, of any developments relating to synergies and cooperation. Parties are thus well-informed and able to participate as equal partners in discussions with other multilateral environmental agreements.

3. Programme and cross-cutting support

Services provided:

(a) **Support for Strategic Plan implementation:**¹⁵ Project planning, administration, monitoring and closure; preparation of project submissions to donors, follow-up with prospective donors; assistance to Parties, BCRCs, other stakeholders in the development and implementation of the Strategic Plan focus areas; consultations with stakeholders; catalyzing co-financing and in-kind support; coordination with Parties, Signatories, intergovernmental organizations (IGOs) and non-governmental organizations (NGOs); reporting to the Conference of the Parties and its subsidiary bodies as appropriate

(b) **BCRC operational support:**¹⁶ Provision of scientific, technical and legal guidance and advice on work and operation; assistance in ensuring effective implementation of project proposals and capacity-building activities contained in the centres' respective business plans; work, carried out jointly with the centres, on the development of fundraising strategies; assistance to the centres in carrying out an evaluation of technology transferred to date; conclusion of negotiations on the signing of framework agreements, monitoring of implementation of such agreements; consultations with BCRCs; contribution to the preparation of and participation in steering committee meetings, workshops, training seminars and meetings organized by or with the centres, as appropriate; regional networking of BCRCs and relevant institutions for international chemical waste management; initiation, development and monitoring of regional programmes for the environmentally sound management of hazardous and other wastes

(c) **Legal support:** Communications and consultations with the Convention Depositary concerning the Convention and its related instruments and, where necessary, consultations with Parties concerning treaty ratifications, amendments, etc.; addressing queries from Parties, multilateral environmental agreements and intergovernmental and non-governmental organizations and private entities concerning the Convention; provision of support to the Compliance Committee, including meeting administration, and preparation of background papers; provision of advice, on request, to individual Parties on the drafting or implementation of national legislation and specific cases of illegal traffic and the provision of good offices; participation as a partner of the Green Customs Initiative and in collaboration with the World Customs Organization; provision of guidance and technical support to the Parties on emergencies and assessment of capacity of the Convention to respond from a legal perspective to emerging issues such as synergies and cooperation among the chemicals and waste conventions and the reform of international environmental governance; collection of national legislation implementing the Convention to provide an information resource for Parties; administration of decision V/32 on the enlargement on an interim basis of the Technical Cooperation Trust Fund

(d) **Scientific support:** Facilitating the development of guidelines, information and tools to the Parties and other relevant bodies on technical aspects of the environmentally sound management of hazardous and other wastes, including advice on technologies and environmental impacts; supporting the development of regional and national technical projects, taking into account the views of relevant stakeholders, including projects aimed at building the capacity of Parties to meet their obligations under the Convention and its related instruments; provision of guidance and technical support to the Parties on emerging issues, e.g., end-of-life products and equipment, ship dismantling, etc.

(e) **Public-private partnerships:** Assistance to Parties and BCRCs in implementing the work plan of the Partnership Programme, including overall support and guidance, assessment of prospects for new public-private partnerships and cooperation in support of the implementation of the Strategic Plan focus areas and of efforts to improve synergies among chemicals and wastes conventions, initiatives or programmes.

(f) **Resource mobilization:** Development of a network of donors and donor institutions for projects proposed at the international, regional and national levels; launching of a funding campaign for approaching donors, developing documentation on fundraising and resource mobilization activities, including visits to donors; preparing, with legal and technical support, project papers and facts sheets and formulating project concepts for funding by donors and funding institutions, using a project status tracking system for the purpose of maintaining updated records of resource mobilization activities; provision of training to BCRCs and Parties to improve their access to funding sources.

Results: Secretariat's substantive services provided to Parties and other stakeholders in a timely and informed manner. Sound programmatic, operational, legal and scientific support provided in an effective way as per decisions of Parties and their requirements. Effective and collaborative working relationships are established with other institutions and outputs from cooperative activities provide added value.

Programmes providing services: Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships and resource mobilization; and outreach

Budget estimate/projection		2007	2008
Basel Convention Trust Fund		1,511,609	1,596,635

¹⁵ These activities were requested by the Conference of the Parties in decision VII/1.

¹⁶ These activities were requested by the Conference of the Parties in decision VII/9.

Indicators:

- (a) Programme design is comprehensive and objectives set are clear, workable and achievable. Use of SBC database for locating best technical and legal expertise; Early involvement and cooperation with stakeholders is sought. Analysis of complementarities and synergies with other programmes, initiatives and institutions is carried out. Countries' needs are properly assessed.
- (b) Solid and clear guidance materials are prepared for improving the administration and operational effectiveness of each centre. Programmatic framework is developed as a base for the activities of the Basel Convention operational network (BCON). Fundraising targets are set out. Centres are engaged in the development of mid- to large-scale projects. Negotiations leading to the signature by host countries of framework agreements are facilitated, including through the provision of technical and legal support.
- (c) Accurate and timely responses are provided to queries from Parties on legal matters relating to the Convention, including on matters of treaty law and national legislation. Efficient and effective assistance are provided to Parties in resolving cases of illegal traffic. Substantive support is provided to the Compliance Committee in the implementation of its work programme. Extensive archive of national legislation implementing the Convention is maintained and upgraded as a resource for Parties. Decision V/32 is administered in an efficacious manner which responds to the pressing needs of Parties. Involvement in emerging issues relevant to the Convention and transmittal of information and advice on such issues to Parties is increased.
- (d) Accurate and timely responses are provided to queries from Parties, signatories and others on scientific and technical matters pertaining to the implementation of the Basel Convention. Active participation in and substantive contribution to working groups preparing technical guidelines and other tools is undertaken. Skills are acquired in the development of regional programme concepts and project documents based on verified needs of Parties and partners. Early consultation with other institutions and partners in the development of activities are undertaken. Forecast analyses are carried out on a regular basis to identify trends and emerging issues.
- (e) Involvement in and support of the Partnership Programme from key industry and NGO leaders for the aims of the Basel Convention increases. Resource contributions, both human and financial, from stakeholders and partnership activities increase. Involvement in development of partnerships by Basel Convention regional centres increases. Number of partnership arrangements to expedite activity and results relating to key priority areas increases.
- (f) Visibility of the Convention and knowledge by donor and financial bodies about the Convention and its benefits increases as a result of the fund-raising and information campaign. Contributions to the work of the centres and SBC and Party work on the priority waste streams identified under the Strategic Plan increase. Funding of projects through innovative and creative methods to leverage new resources and through the distribution of information about the donor community to Parties increases.

4. Knowledge management and outreach

Services provided:

(a) Management and circulation of information submitted by Parties in accordance with their obligations under the Convention:

- **National reporting:** Collection, quality control, organization and follow-up to the information transmitted to the secretariat by Parties pursuant to their annual reporting obligations; entry of information in database and placement of information received on the Basel Convention website; management of the database; contacts with other multilateral environmental agreements and intergovernmental organizations also involved in relevant aspects of data collection.
- **Article 3 national definitions:** Collection, quality control, organization and follow-up of the information transmitted to the secretariat by Parties pursuant to article 3 of the Convention; transmittal of communications to Parties advising of notifications of national definitions received; placement of information on Basel Convention website.
- **Article 11 agreements and arrangements:** Collection of relevant agreements and arrangements entered into by Parties and, as appropriate, placement of information on such agreements on the Basel Convention website.

(b) (i) Publications and public information: Preparation, production (including editing, translation and printing) and dissemination of Basel Convention publications (e.g., technical guidelines, guidance documents). Includes production of electronic versions of Basel Convention publications and management of publications page on website. Preparation (writing, editing, layout and printing) and dissemination of information material (posters, brochures, information leaflets, newsletters, exhibition stands) about the Basel Convention and its work and work undertaken at the regional and national levels, including website management and corporate identity development of Basel Convention and related information products. Media relations and organization of exhibitions and special events.

(b) (ii) Outreach:

- Development of projects with partner organizations (e.g., governmental, NGOs or private sector) to promote the Basel Convention to various target audiences, including the Basel Convention Operational Network (BCON). This includes development of corporate identity, production of information material and dissemination via various platforms.
- Development of specific projects with partners such as the United Nations Environment Programme Division of Environmental Conventions (UNEP/DEC) to increase NGO involvement and interest in Basel Convention and synergy issues with the Stockholm Convention on Persistent Organic Pollutants and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.
- Production of specific information products such as the publication “Vital Waste Graphics” volumes I and II with partner organizations such as UNEP/GRID Arendal and UNEP/DEC with special focus on raising awareness of general public.

Results: Information collected is processed in an effective and timely manner to benefit Parties' implementation of the Convention; corporate image is clear and goal sets are understandable and coherent; better understanding among Parties and other stakeholders of the role and potential of the Basel Convention's operational dimension.

Programmes providing services: Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships and resource mobilization; and outreach.

Budget estimate/projection		2007	2008
Basel Convention Trust Fund		420,006	439,150

Indicators:

(a) Access to data and information transmitted by Parties, pursuant to articles 13 (3), 3 and 11 is maintained in user-friendly manner and is updated regularly.

(b) (i) From biennium to biennium, the number of publications and the amount of other public information material produced increases, the number of hits to the website steadily increases and the number of requests for publications and public information material increases so as to show an overall increase in the number of people aware of and requiring information about the Basel Convention. The number of articles about the Basel Convention and related subject matter increases. The number of requests for interviews from media representatives increases. Positive feedback collected about publications and public information material increases from biennium to biennium, indicating customer satisfaction and further needs.

(b) (ii) The number of stakeholders increases, as evidenced by the number of information requests and participation in public relations activities about the Basel Convention. The number of civil society organizations participating in Basel Convention meetings and workshops increases. Demand for special publications such as Vital Waste Graphics and quotes from them in the media and other forums increase. Positive feedback about projects and special publications increases from biennium to biennium, indicating customer satisfaction and further needs.

5. Office equipment and services

Costs and services provided:

- (a) **Office equipment:** Procurement of office equipment including computer software and hardware, required licenses, furniture and supplies; rental and maintenance of equipment, including photocopiers and communications equipment.
- (b) **Services and Costs:** Administrative tasks relating to provision of services by UNON, UNOG and others, including shuttle, security, mail etc.; costs of office rental, building maintenance, electricity, cleaning, communications, freight.

Results: Logistical and administrative support for the Secretariat's effectiveness in delivery is guaranteed and sustained.

Programmes providing services: Executive direction; resource management and conference services.

Budget estimate/projection		2007	2008
Basel Convention Trust Fund		345,345	347,575

Indicators:

The secretariat is provided with sufficient office space for its approved staff and functions; office equipment including computer software and hardware as well as required licenses are purchased or rented in accordance with the needs of the secretariat and standard United Nations requirements and maintained operational at all times. Provision of services by UNON/UNOG and others is assessed and negotiated at regular intervals to meet the requirements of the secretariat.

Basel Convention Trust Fund

Summary table of costs and requirements by activity

Activity			
	2007	2008	Biennium
1. Conferences and meetings	856,716	1,075,774	1,932,490
2. Executive direction, management and strategic planning	384,374	330,847	715,221
3. Programme support	1,511,609	1,596,635	3,108,244
4. Knowledge management and outreach	420,006	439,150	859,156
5. Office equipment and services	345,345	347,575	692,920
Total operational costs	3,518,050	3,789,980	7,308,031
13 % programme support costs	457,347	492,697	950,044
Total budget for the Trust Fund	3,975,397	4,282,677	8,258,074

Table 2

Basel Convention Trust Fund		Budget approved by COP 7			Programme budget approved at COP 8		
Budget components		2005	2006	biennium	2007	2008	biennium
10	PERSONNEL COMPONENT						
1100	Professional staff (title & grade) ****						
1101	Executive Secretary (D2)	211,000	211,000	422,000	75,167	0	75,167
1102	Deputy Executive Secretary (D1) *	200,000	200,000	400,000	214,300	223,944	438,244
1103	Senior Programme Officer - Technical and Capacity Building (P5)	173,600	173,600	347,200	188,500	196,983	385,483
1104	Senior Legal Officer (P5)	173,600	173,600	347,200	188,500	196,983	385,483
1105	Senior Programme Officer - Project Development and Monitoring (P5)				62,833	196,983	259,816
1106	Programme Officer - Scientific and Technical (P4)	150,200	150,200	300,400	163,100	170,440	333,540
1107	Programme Officer - Project Development (P4)	150,200	150,200	300,400	163,100	170,440	333,540
1108	Administrative Officer (UNEP) **	-	-	-	-	-	-
1109	Programme Officer - National Reporting (P3)	124,400	124,400	248,800	135,300	141,389	276,689
1110	Information Officer (P3)	124,400	124,400	248,800	135,300	141,389	276,689
1111	Programme Officer - Project Development (P3)	-	-	-	67,650	141,389	209,039
1112	Associate Programme Officer - Computer Systems (P2)	96,200	96,200	192,400	108,400	113,278	221,678
1120	Temporary posts for conference servicing (relates to COP9 together with line 1321)	10,000	10,000	20,000	3,000	10,000	13,000
	Professional Staff	1,413,600	1,413,600	2,827,200	1,505,150	1,703,218	3,208,368
1200	Consultants						
1201	Programme legal support	100,000	100,000	200,000	140,000	100,000	240,000
1202	Programme BCRC operational support and scientific support	100,000	100,000	200,000	100,000	100,000	200,000
1203	Public/private partnerships and resource mobilization	60,000	60,000	120,000	60,000	60,000	120,000
	Consultants	260,000	260,000	520,000	300,000	260,000	560,000
1300	Administrative support (title & grade)						
1301	Administrative Assistant (G6) **	-	-	-	-	-	-
1302	Personal Assistant to the Executive Secretary (G6)	118,400	118,400	236,800	95,100	99,380	194,480
1303	Meetings / Documents Assistant (G6)	118,400	118,400	236,800	95,100	99,380	194,480
1304	Personnel Assistant (G5)	92,100	92,100	184,200	95,100	99,380	194,480
1305	Information Assistant (G5)	92,100	92,100	184,200	95,100	99,380	194,480
1306	Programme Assistant (G5)	92,100	92,100	184,200	95,100	99,380	194,480
1307	Programme Assistant (G5)	92,100	92,100	184,200	95,100	8,282	103,382
1308	Reproduction & Registry Clerk (G4) ***	92,100	92,100	184,200	-	-	-
1309	Legal Assistant (G5)	92,100	92,100	184,200	95,100	99,380	194,480
1310	Finance and Budget Assistant (G6) **	-	-	-	-	-	-
1320	Temporary assistance posts (short term)	10,300	10,300	20,600	30,300	30,300	60,600

Basel Convention Trust Fund		Budget approved by COP 7			Programme budget approved at COP 8		
Budget components		2005	2006	biennium	2007	2008	biennium
	Administrative support	799,700	799,700	1,599,400	696,000	634,862	1,330,862
	Conference servicing costs						
1321	Conference of the Parties: Conference servicing not including translation (one meeting per biennium; interpretation up to 18.00 hours; \$10,000 pa charged against B/L 1120, total \$620,000).	171,875	240,625	412,500		412,500	412,500
1322	Open-ended Working Group: Conference servicing not including translation (one meeting per biennium; interpretation up to 18.00 hours)	325,000	325,000	650,000	275,000		275,000
1325	Expanded Bureau (English only; two meetings per biennium)	2,000	2,000	4,000	2,000	2,000	4,000
1327	Committee for administering the Mechanism for Implementation and Compliance (English only; two meetings per biennium)	2,000	2,000	4,000	2,000	2,000	4,000
	Conference of the Parties: Translation (six United Nations languages; costed at 300 pages for translation).	78,125	109,375	187,500		187,500	187,500
	Open-ended Working Group: Translation (six United Nations languages; costed at 200 pages or less per meeting)	125,000	125,000	250,000	125,000		125,000
	Conference servicing	704,000	804,000	1,508,000	404,000	604,000	1,008,000
1399	Sub-total administrative support and conference servicing costs	1,503,700	1,603,700	3,107,400	1,100,000	1,238,862	2,338,862
1600	Travel on official business						
1601	Official travel	150,000	150,000	300,000	175,000	150,000	325,000
	Travel on official business	150,000	150,000	300,000	175,000	150,000	325,000
	TOTAL PERSONNEL COMPONENT	3,327,300	3,427,300	6,754,600	3,080,150	3,352,080	6,432,230
20	SUB-CONTRACT COMPONENT						
2100	Sub-contracts component						
2101	Information system	10,000	10,000	20,000	20,000	20,000	40,000
2199	Sub-total sub-contracts, non-commercial	10,000	10,000	20,000	20,000	20,000	40,000
	SUB-CONTRACT COMPONENT	10,000	10,000	20,000	20,000	20,000	40,000
30	MEETINGS AND CONFERENCES						
3300	Travel and DSA costs of participants						
3301	Conference of the Parties	-	-	-	-	-	-
3302	Open-ended Working Group (one meeting per biennium; 20 travels per meeting)*****	62,000	62,000	124,000	-		0
3303	Expanded Bureau (two meetings per biennium; 9 travels per meeting)	43,400	43,400	86,800	32,400	32,400	64,800
3304	Committee for administering the Mechanism for Implementation and Compliance (two meetings per biennium; 7 travels per meeting)	31,000	31,000	62,000	25,200	25,200	50,400
3399	Sub-total meetings and conferences	136,400	136,400	272,800	57,600	57,600	115,200
	MEETINGS AND CONFERENCES COMPONENT	136,400	136,400	272,800	57,600	57,600	115,200
40	EQUIPMENT AND PREMISES COMPONENT						
4100	Expendable equipment						
4101	Office Supplies, library acquisitions and computer software	24,500	24,500	49,000	24,500	24,500	49,000

Basel Convention Trust Fund		Budget approved by COP 7			Programme budget approved at COP 8		
Budget components		2005	2006	biennium	2007	2008	biennium
4199	Sub-total, expendable equipment	24,500	24,500	49,000	24,500	24,500	49,000
4200	Non-expendable equipment						
4201	Computer equipment, printers, furniture, multimedia and others	14,000	14,000	28,000	20,000	20,000	40,000
4299	Sub-total, non-expendable equipment	14,000	14,000	28,000	20,000	20,000	40,000
4300	Premises						
4301	Office space fees, building maintenance, security, utilities and insurance	75,000	80,000	155,000	110,000	110,000	220,000
4399	Total, premises	75,000	80,000	155,000	110,000	110,000	220,000
	EQUIPMENT AND PREMISES COMPONENT	13,500	118,500	232,000	154,500	154,500	309,000
50	MISCELLANEOUS COMPONENT						
5100	Operation and maintenance of equipment						
5101	Computers, printers, photocopiers and other	71,300	71,300	142,600	71,300	71,300	142,600
5101	Sub-total, maintenance of equipment	71,300	71,300	142,600	71,300	71,300	142,600
5200	Reporting costs						
5201	Newsletters, publications and other media	55,000	55,000	110,000	55,000	55,000	110,000
5299	Sub-total, reporting costs	55,000	55,000	110,000	55,000	55,000	110,000
5300	Sundry						
5301	Communications, freight and other	70,000	70,000	140,000	70,000	70,000	140,000
5399	Sub-total sundry	70,000	70,000	140,000	70,000	70,000	140,000
5400	Hospitality						
5401	Hospitality	9,500	9,500	19,000	9,500	9,500	19,000
5499	Sub-total hospitality	9,500	9,500	19,000	9,500	9,500	19,000
	MISCELLANEOUS COMPONENT	205,800	205,800	411,600	205,800	205,800	411,600
	TOTAL OPERATIONAL COSTS	3,793,000	3,898,000	7,691,000	3,518,050	3,789,980	7,308,030
	13% Programme support costs	493,090	506,740	999,830	457,347	492,697	950,044
	TOTAL BUDGET OF THE TRUST FUND	4,286,090	4,404,740	8,690,830	3,975,397	4,282,677	8,258,074
	Percentage increase from year to year	2.0%	2.8 %	3.4%	-9.7 %	7.7 %	-5.0 %
	Deduction from the Reserve and Fund Balance *****				170,000	315,000	485,000
	TO BE COVERED BY PARTIES	3,286,090	3,804,740	7,090,830	3,805,397	3,967,677	7,773,074
	Percentage increase from year to year	9.5%	15.8 %	18.1%	0.0 %	4.3 %	9.6 %
	Working capital reserve (15 %)	642,914	660,711				
	Working capital reserve 2007-2008 (15 %), based on average budgets 2007-2008				619,356		

* Post proposed for reclassification due to changes in functions.

** Post funded from 13 per cent programme support costs (PSC).

*** Reproduction Clerk services to be funded from line 1320 as required

**** Standard Salary costs (Rev.7) of United Nations for 2005 are used

***** Item to be funded through the Basel Convention Technical Cooperation Trust Fund

***** The deduction may be reduced due to interest income and contributions from other than Parties.

Table 3**Basel Convention Trust Fund (BCTF)****Programme staff**

Staff category and level	Biennium 2005–2006		Biennium 2007–2008	
	Budget approved for 2005	Budget approved for 2006	Budget approved for 2007	Budget approved for 2008
A. Professional and above categories				
D-2 level	1.00	1.00	0.33	0.00
D-1 level	1.00	1.00	1.00	1.00
P-5 level	2.00	2.00	2.33	3.00
P-4 level *	3.00	3.00	3.00	3.00
P-3 level	2.00	2.00	2.50	3.00
P-2 level	1.00	1.00	1.00	1.00
Subtotal	10.00	10.00	10.17	11.00
B. General Service category				
GS **	10.00	10.00	9.00	8.08
Total (A+B)	20.00	20.00	19.17	19.08

* one post funded from 13 per cent programme support costs

** two posts funded from 13 per cent programme support costs

Standard staff costs ***

Staff category and level	Budget approved for 2006	Budget approved for 2006	Budget approved for 2007	Budget approved for 2008
A. Professional and above categories				
D-2 level	211,000	211,000	225,500	235,648
D-1 level	200,000	200,000	214,300	223,944
P-5 level	173,600	173,600	188,500	196,983
P-4 level	150,200	150,200	163,100	170,440
P-3 level	124,200	124,200	135,300	141,389
P-2 level	96,200	96,200	108,400	113,278
B. General Service category				
GS ****	118,400 / 92,100	118,400 / 92,100	95100	99,380

*** Based on United Nations standard salary costs for 2007 for Geneva, version 7

**** \$118,400 used for posts at the level G-6 and \$92,100 for posts at the level G-5 and G-4

Table 4**Trust Fund for the Basel Convention on Transboundary Movements of Hazardous Wastes and Their Disposal**

Scale of contribution for the biennium 2007–2008 in United States dollars (US\$) based on the approved programme and budget

No.	Parties	United Nations scale of assessments 2006 *	Adjusted scale of contribution with 22 % ceiling and no LDC paying more than 0.01 per cent.	Annual contributions as per 2007 (US\$)	Annual contributions as per 2008 (US\$)
		(per cent)			
1	Albania	0.005	0.00646	246	256
2	Algeria	0.076	0.09817	3,736	3,895
3	Andorra	0.005	0.00646	246	256
4	Antigua and Barbuda	0.003	0.00387	147	154
5	Argentina	0.956	1.23483	46,990	48,994
6	Armenia	0.002	0.00258	98	102
7	Australia	1.592	2.05633	78,251	81,588
8	Austria	0.859	1.10954	42,222	44,023
9	Azerbaijan	0.005	0.00646	246	256
10	Bahamas	0.013	0.01679	639	666
11	Bahrain	0.030	0.03875	1,475	1,537
12	Bangladesh	0.010	0.01000	381	397
13	Barbados	0.010	0.01292	492	512
14	Belarus	0.018	0.02325	885	922
15	Belgium	1.069	1.38079	52,544	54,785
16	Belize	0.001	0.00129	49	51
17	Benin	0.002	0.00258	98	102
18	Bhutan	0.001	0.00129	49	51
19	Bolivia	0.009	0.01162	442	461
20	Bosnia and Herzegovina	0.003	0.00387	147	154
21	Botswana	0.012	0.01550	590	615
22	Brazil	1.523	1.96720	74,860	78,052
23	Brunei Darussalam	0.034	0.04392	1,671	1,742
24	Bulgaria	0.017	0.02196	836	871
25	Burkina Faso	0.002	0.00258	98	102
26	Burundi	0.001	0.00129	49	51
27	Cambodia	0.002	0.00258	98	102
28	Cameroon	0.008	0.01033	393	410
29	Canada	2.813	3.63345	138,267	144,164
30	Cape Verde	0.001	0.00129	49	51
31	Chad	0.001	0.00129	49	51
32	Central African Republic	0.001	0.00129	49	51
33	Chile	0.223	0.28804	10,961	11,429
34	China	2.053	2.65179	100,911	105,214
35	Colombia	0.155	0.20021	7,619	7,944
36	Comoros	0.001	0.00129	49	51
37	Cook Islands	0.001	0.00129	49	51
38	Costa Rica	0.030	0.03875	1,475	1,537
39	Côte d'Ivoire	0.010	0.01292	492	512
40	Croatia	0.037	0.04779	1,819	1,896

No.	Parties	United Nations scale of assessments 2006 *	Adjusted scale of contribution with 22 % ceiling and no LDC paying more than 0.01 per cent.	Annual contributions as per 2007 (US\$)	Annual contributions as per 2008 (US\$)
41	Cuba	0.043	0.05554	2,114	2,204
42	Cyprus	0.039	0.05037	1,917	1,999
43	Czech Republic	0.183	0.23637	8,995	9,379
44	Democratic Republic of the Congo	0.003	0.00387	147	154
45	Denmark	0.718	0.92741	35,292	36,797
46	Djibouti	0.001	0.00129	49	51
47	Dominica	0.001	0.00129	49	51
48	Dominican Republic	0.035	0.04521	1,720	1,794
49	Ecuador	0.019	0.02454	934	974
50	Egypt	0.120	0.15500	5,898	6,150
51	El Salvador	0.022	0.02842	1,081	1,127
52	Equatorial Guinea	0.002	0.00258	98	102
53	Eritrea	0.001	0.00129	49	51
54	Estonia	0.012	0.01550	590	615
55	Ethiopia	0.004	0.00517	197	205
56	Finland	0.533	0.68846	26,199	27,316
57	France	6.030	7.78873	296,392	309,032
58	Gambia	0.001	0.00129	49	51
59	Georgia	0.003	0.00387	147	154
60	Germany	8.662	11.18839	425,763	443,919
61	Ghana	0.004	0.00517	197	205
62	Greece	0.530	0.68458	26,051	27,162
63	Guatemala	0.030	0.03875	1,475	1,537
64	Guinea	0.003	0.00387	147	154
65	Guinea-Bissau	0.001	0.00129	49	51
66	Guyana	0.001	0.00129	49	51
67	Honduras	0.005	0.00646	246	256
68	Hungary	0.126	0.16275	6,193	6,457
69	Iceland	0.034	0.04392	1,671	1,742
70	India	0.421	0.54379	20,693	21,576
71	Indonesia	0.142	0.18342	6,980	7,277
72	Iran (Islamic Republic of)	0.157	0.20279	7,717	8,046
73	Ireland	0.350	0.45208	17,204	17,937
74	Israel	0.467	0.60321	22,954	23,933
75	Italy	4.885	6.30978	240,112	250,352
76	Jamaica	0.008	0.01033	393	410
77	Japan	19.468	22.00000	837,187	872,889
78	Jordan	0.011	0.01421	541	564
79	Kazakhstan	0.025	0.03229	1,229	1,281
80	Kenya	0.009	0.01162	442	461
81	Kiribati	0.001	0.00129	49	51
82	Kuwait	0.162	0.20925	7,963	8,302
83	Kyrgyzstan	0.001	0.00129	49	51
84	Latvia	0.015	0.01937	737	769
85	Lebanon	0.024	0.03100	1,180	1,230
86	Lesotho	0.001	0.00129	49	51
87	Liberia	0.001	0.00129	49	51
88	Libyan Arab Jamahiriya	0.132	0.17050	6,488	6,765
89	Liechtenstein	0.005	0.00646	246	256

No.	Parties	United Nations scale of assessments 2006 *	Adjusted scale of contribution with 22 % ceiling and no LDC paying more than 0.01 per cent.	Annual contributions as per 2007 (US\$)	Annual contributions as per 2008 (US\$)
90	Lithuania	0.024	0.03100	1,180	1,230
91	Luxembourg	0.077	0.09946	3,785	3,946
92	Madagascar	0.003	0.00387	147	154
93	Malawi	0.001	0.00129	49	51
94	Malaysia	0.203	0.26221	9,978	10,404
95	Maldives	0.001	0.00129	49	51
96	Mali	0.002	0.00258	98	102
97	Malta	0.014	0.01808	688	717
98	Marshall Islands	0.001	0.00129	49	51
99	Mauritania	0.001	0.00129	49	51
100	Mauritius	0.011	0.01421	541	564
101	Mexico	1.883	2.43220	92,555	96,502
102	Micronesia (Federated States of)	0.001	0.00129	49	51
103	Monaco	0.003	0.00387	147	154
104	Mongolia	0.001	0.00129	49	51
105	Morocco	0.047	0.06071	2,310	2,409
106	Mozambique	0.001	0.00129	49	51
107	Namibia	0.006	0.00775	295	307
108	Nauru	0.001	0.00129	49	51
109	Nepal	0.004	0.00517	197	205
110	Netherlands	1.690	2.18291	83,068	86,611
111	New Zealand	0.221	0.28546	10,863	11,326
112	Nicaragua	0.001	0.00129	49	51
113	Niger	0.001	0.00129	49	51
114	Nigeria	0.042	0.05425	2,064	2,152
115	Norway	0.679	0.87704	33,375	34,798
116	Oman	0.070	0.09042	3,441	3,587
117	Pakistan	0.055	0.07104	2,703	2,819
118	Panama	0.019	0.02454	934	974
119	Papua New Guinea	0.003	0.00387	147	154
120	Paraguay	0.012	0.01550	590	615
121	Peru	0.092	0.11883	4,522	4,715
122	Philippines	0.095	0.12271	4,670	4,869
123	Poland	0.461	0.59546	22,660	23,626
124	Portugal	0.470	0.60708	23,102	24,087
125	Qatar	0.064	0.08267	3,146	3,280
126	Republic of Korea	1.796	2.31983	88,279	92,043
127	Republic of Moldova	0.001	0.00129	49	51
128	Romania	0.060	0.07750	2,949	3,075
129	Russian Federation	1.100	1.42083	54,068	56,374
130	Rwanda	0.001	0.00129	49	51
131	Saint Kitts and Nevis	0.001	0.00129	49	51
132	Saint Lucia	0.002	0.00258	98	102
133	Saint Vincent and the Grenadines	0.001	0.00129	49	51
134	Saudi Arabia	0.713	0.92096	35,046	36,541
135	Samoa	0.001	0.00129	49	51
136	Senegal	0.005	0.00646	246	256
137	Serbia and Montenegro**	0.019	0.02454	934	974
138	Seychelles	0.002	0.00258	98	102

No.	Parties	United Nations scale of assessments 2006 *	Adjusted scale of contribution with 22 % ceiling and no LDC paying more than 0.01 per cent.	Annual contributions as per 2007 (US\$)	Annual contributions as per 2008 (US\$)
139	Singapore	0.388	0.50117	19,071	19,885
140	Slovakia	0.051	0.06587	2,507	2,614
141	Slovenia	0.082	0.10592	4,031	4,202
142	South Africa	0.292	0.37717	14,353	14,965
143	Spain	2.520	3.25499	123,865	129,148
144	Sri Lanka	0.017	0.02196	836	871
145	Sudan	0.008	0.01033	393	410
146	Swaziland	0.002	0.00258	98	102
147	Sweden	0.998	1.28908	49,055	51,147
148	Switzerland	1.197	1.54612	58,836	61,345
149	Syrian Arab Republic	0.038	0.04908	1,868	1,947
150	Thailand	0.209	0.26996	10,273	10,711
151	The former Yugoslav Republic of Macedonia	0.006	0.00775	295	307
152	Togo	0.001	0.00129	49	51
153	Trinidad and Tobago	0.022	0.02842	1,081	1,127
154	Tunisia	0.032	0.04133	1,573	1,640
155	Turkey	0.372	0.48050	18,285	19,065
156	Turkmenistan	0.005	0.00646	246	256
157	Uganda	0.006	0.00775	295	307
158	Ukraine	0.039	0.05037	1,917	1,999
159	United Arab Emirates	0.235	0.30354	11,551	12,044
160	United Kingdom of Great Britain and Northern Ireland	6.127	7.91402	301,160	314,003
161	United Republic of Tanzania	0.006	0.00775	295	307
162	Uruguay	0.048	0.06200	2,359	2,460
163	Uzbekistan	0.014	0.01808	688	717
164	Venezuela	0.171	0.22087	8,405	8,764
165	Viet Nam	0.021	0.02712	1,032	1,076
166	Yemen	0.006	0.00775	295	307
167	Zambia	0.002	0.00258	98	102
168	European Community	2.500	2.50000	95,135	99,192
	TOTAL	80.422	100.00000	3,805,391	3,967,660
	Rounding error			6	17
	TOTAL			3,805,397	3,967,677

* United Nations General Assembly Fifty-eighth session, Agenda item 124, Document symbol: A/RES/58/1 B

** At its sixty-first session, the United Nations General Assembly adopted resolution A/RES/61/237 of 22 December 2006 in which the Assembly, among other things, assesses the contributions of the two States Serbia and Montenegro.

Table 5

**Basel Convention Technical Cooperation Trust Fund
Programme and budget for
the biennium 2007–2008**

1. The proposed Programme and budget components are as follows:
 - A. Global programme
 - B. Programme to support the implementation of the Strategic Plan focus areas
 - A. Global**
 - A1. Conferences and meetings
 - A2. Partnership programme/resource mobilization/sustainable financing
 - A3. Legal support.
 - A4. Knowledge management and outreach
 - B. Programme to support the implementation of the Strategic Plan focus areas**
 - B1. Electrical and electronic wastes in Africa, Asia & the Pacific, Latin America
 - B2. POPs wastes in Africa, Asia, Caribbean, Central and Eastern Europe
 - B3. Obsolete stocks of pesticides in Africa, Asia and the Caribbean
 - B4. Biomedical and healthcare wastes in Africa and Eastern and Central Europe
 - B5. Used lead-acid batteries in the Caribbean and Latin America and Central and Eastern Europe
 - B6. Used oils in Africa, the Caribbean and Central and Eastern Europe
 - B7. Assistance in the implementation of the Technical guidelines on the environmentally sound dismantling of ships
 - B8. Cooperation with municipalities in Latin America and the Mediterranean
 - B9. Asbestos wastes and mercury wastes
2. The budget estimate for the biennium 2007–2008 or triennium 2007–2009 is presented in three categories, namely:
 - Funding required for development of activities or projects
 - Funding pledged or received
 - Funding sought from other sources

The category “Funding required for development of activities or projects” corresponds to the reasonable level of funding required to initiate, develop and implement the activities listed.

The category “Funding sought from other sources” includes funding to replicate activities, to expand ongoing ones or to prepare for a next phase of implementation. Details will be provided as necessary.

Basel Convention Technical Cooperation Trust Fund
Programme and budget for the biennium 2007–2008
(amounts expressed in United States dollars)

A. Global

A1. Conferences and meetings

<p>Services provided:</p> <ul style="list-style-type: none"> a. Raise funds to promote the universal participation of Parties in meetings of the Conference of the Parties and its subsidiary bodies (\$262,000 for the sixth session of the Open-ended Working Group in 2007 and \$250,000 for the ninth meeting of the Conference of the Parties of the Basel Convention in 2008). Money raised for this purpose is deposited into the BDTF. b. Facilitate meetings of joint working group on synergies between Basel, Rotterdam and Stockholm Conventions, one meeting in 2007 and one in 2008, 15 participants from each Convention, including travel of participants representing Basel Convention (\$50,000 required for each meeting). c. Facilitate annual meetings of the directors of the Basel Convention regional and coordinating centres to review work and prepare for further action on improving operational effectiveness of the centres (\$60,000 required for one meeting, two meetings in the biennium), including services outsourced. <p><i>Expected results: Support to Parties and other stakeholders to participate in conferences and meetings is provided efficiently and in such a way as to facilitate the conduct of business and to ensure effective consideration of items, sharing of information and reporting on budget and programme activities in a manner satisfactory to the Parties and other stakeholders.</i></p> <p>Programmes providing services: Executive direction; resource management and conference services.</p>		
Budget estimate for the biennium 2007–2008	2007	2008
Funding required for development of activities or projects	372,000	360,000
Funding pledged or received		
Funding sought from other sources		

A2. Partnership programme/resource mobilization/sustainable financing

Services provided:

Partnership Programme:

- a. **Mobile Phone Partnership Initiative (MPPI):** Widely disseminate through awareness raising and training workshops the guidelines developed under the MPPI on the environmentally sound management of used and end-of-life mobile phones globally (\$75,000).

Expected results: Provide information directly to regions and Parties on the guidelines prepared under the partnership to raise awareness and knowledge about implementing programmes on the environmentally sound management of used and end-of-life mobile phones.

- b. **Partnership on the environmentally sound management of electronic waste** (both regional and global partnerships): Continue activity under the Asia-Pacific partnership on electronic waste. As a first step in a global e-waste programme, a partnership initiative on recycling, refurbishment and reuse of personal computers and all attachments is under way, at this moment in the initial stages (\$50,000). It is anticipated that a global partnership will be initiated on other electronic wastes according to the priorities of the Conference of the Parties.

Expected results: Create a global and a subregional forum for the exchange of information between all stakeholders, members, regions and the public. Develop an agreed work programme and begin to undertake work to investigate barriers to the development of and investment in environmentally sound management facilities at the regional level and the role of transboundary movements. Develop guidelines on refurbishment of used and end-of-life computers.

Resource mobilization:

- c. **Resource mobilization:** Complete the work undertaken regarding the development of a resource mobilization strategy and to implement projects and activities in connection with the strategy and decision OEWG-IV/15, including consideration of work towards more sustainable funding in the context of the implementation of the Basel Convention. Develop an active database of donor organizations and potential co-financing bodies, provide fact sheets on funding sources and continue a funding campaign in accordance with decision OEWG-V/4.

- d. **Resource mobilization workshop for BCRC directors and national governmental representatives:** Hold a pilot training course to describe linkages between resource mobilization and management and to elaborate on a resource mobilization strategy at the country and regional levels to provide specific training on project development and management. This will include the development of training curricula and organization of a workshop for BCRC directors and national governmental representatives in 2007/2008. Pilot training to be held in cooperation with the Basel Convention Regional Centre for English-speaking African countries. Once this pilot is completed, it is expected that the course will be refined and then replicated globally with adaptations to the conditions and circumstances of each region (\$120,000 for one workshop, \$1.2 million for global projects).

Expected results: Enhanced capacity to develop and implement projects. Improved fund-raising techniques for the BCRCs.

Sustainable financing:

- e. **Oversee** the preparation of reports on potential financing mechanisms for the Parties to the Convention. Preparation of documentation describing the linkages to the Millennium Development Goals, global impacts of hazardous wastes and the rationale for funding Basel Convention projects, including global benefits of the Convention. Assess financing mechanisms internationally to identify appropriate and potentially sustainable financing for developing countries and economies in transition to assist them in implementing the provisions of the Convention. Development of concrete activities to enhance access to more sustainable funding sources.

Expected results: Prepare documents to enhance the understanding of donors on the links between the Basel Convention and the Millennium Development Goals and poverty reduction strategy papers and illustrate through fund-raising and other documents the global benefits of implementation of the Basel Convention.

Programmes providing services: Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships, resource mobilization and outreach.

Budget estimate for the biennium 2007–2008	2007	2008
Funding required for development of activities or projects	310,000 ¹⁷	370,000 ²
Funding pledged or received	115,044 ¹⁸	
Funding sought from other sources	250,000	125,000

¹⁷ \$220,000 for the Partnership Programme/Resource mobilization, including funding of the Senior Programme Officer post.

¹⁸ Includes the remaining balance of the United Kingdom's contribution of \$61,947.

A3. Legal support

Services provided:

- a. **Basel Convention Committee for Administering the Mechanism for Promoting Implementation and Compliance (Compliance Committee):** Facilitate the activities to be undertaken by the Compliance Committee in the implementation of its work programme for 2007–2008 as approved at the Eighth Meeting of the Conference of the Parties (\$200,000 over 24 months).

Expected results: Carry out activities mandated by the Conference of the Parties as 2007–2008 work programme of the Compliance Committee.

- b. **Instruction manual for the legal profession on prosecution of illegal traffic:** Prepare an instruction manual for legal personnel on prosecution of criminal illegal traffic to supplement the training manual for customs officers and enforcement agencies. The two manuals will be developed into interactive training programmes distributed on CD-ROM (\$767,000 over 18 months).

Expected results: Development of an instruction manual designed to assist members of the legal profession in understanding the provisions of the Basel Convention and the nature of the crime of illegal traffic.

- c. **Project aimed at strengthening the legislative, regulatory and enforcement capacity of Central and Eastern European countries:** The project is aimed at strengthening the legislative, regulatory and enforcement capacity of Central and Eastern European countries for the environmentally sound management of hazardous wastes and the prevention and control of illegal traffic of such wastes. The project involves two clusters of countries: 1) European Union member States and candidate States; and 2) CIS States and other Southeastern European States (Albania, Bosnia and Herzegovina, Montenegro and Serbia) (\$500,000 for the time frame 2007-2008).

Expected results: Studies to identify lacunae in existing legislation and regulatory measures and conflicts with requirements of conventions in Central and Eastern Europe. Development of guidance and tools for strengthening legislative and regulatory measures for the environmentally sound management of wastes. Development of training materials for agencies engaged in implementation and enforcement of the Basel Convention.

- d. **Project aimed at strengthening the legislative, regulatory and enforcement capacity of least developed countries, landlocked developing countries and small island developing States:** The project is aimed at strengthening the legislative, regulatory and enforcement capacity of small island developing States, least developed countries and landlocked developing countries, with sensitivity to the particular difficulties and needs of such countries. The project seeks to enhance the capacity of countries to adopt and implement legislation to regulate hazardous and other wastes in compliance with international obligations under the Basel Convention (\$1,171,811 over 30 months).

Expected results: Studies to identify lacunae in existing legislation and regulatory measures and conflicts with requirements of conventions in least developed countries, landlocked developing countries and small island developing States. Development of guidance and tools for strengthening legislative and regulatory measures for the environmentally sound management of wastes. Development of training materials for agencies engaged in implementation and enforcement of the Basel Convention.

- e. **Workshop on illegal traffic for the ASEAN countries:** Organize a workshop on illegal traffic for countries in the ASEAN region in order to improve their capacity to effectively detect, prevent and control illegal traffic in hazardous wastes in Brunei Darussalam, Cambodia, Indonesia, Lao Democratic People's Republic, Malaysia, Myanmar, Philippines, Singapore and Viet Nam (\$51,000; It is anticipated that the workshop will be organized by mid-2007).

Expected results: Workshop attended by two representatives from each participating country, resulting in enhanced inspection and detection capacity at the country level. Effective presentation materials based on the newly adopted manual, which will serve as learning tools, developed with an eye to replicability in future workshops on illegal traffic in other regions.

Services provided:

- f. **Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Waste and their Disposal - regional workshops:** Undertake a workshop in each of the French-speaking Africa, Caribbean and South Pacific regions, in cooperation with BCRCs, as a means of promoting the exchange of information on the difficulties faced by Parties with respect to ratification of and accession to the Basel Protocol on Liability and Compensation, with a view to enhancing such ratification and accession in French-speaking Africa and the Caribbean and South Pacific regions (\$250,000; workshops to be conducted as funds become available).

***Expected results:** Identification of obstacles to ratification of and accession to the Basel Protocol on Liability and Compensation and encouragement of inter-agency cooperation at the national level on Basel Convention matters.*

Programmes providing services: Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; resource mobilization and outreach.

Budget estimate for the biennium 2007–2008	2007	2008
Funding required for development of activities or projects	350, 000	350,000
Funding pledged or received	19	
Funding sought from other sources	1,835,000	882,500

19 Remaining balances of the United Kingdom's contribution of \$52,824 for compliance committee's 2005–2006 work programme and Sweden's contribution of SEK 500,000 for the project aimed at strengthening legislative, regulatory and enforcement capacity for hazardous wastes and other wastes.

A4. Knowledge management and outreach

Services provided:

a. Management and circulation of information submitted by Parties in accordance with their obligations under the Convention:

(i) **National reporting:** Project to facilitate wider access to and dissemination of information contained in the national reports transmitted by Parties. This would involve translation of the contents of the national reports into English, if transmitted in any official language of the United Nations other than English, and entering these translated texts into the reporting database of the Convention (\$50,000).

Expected results: *Development of an information resource of national reports and access to information in these reports through the reporting database.*

(ii) **Article 3 national definitions:** Project to facilitate implementation of the Convention, including observance of national definitions, by making national definitions received available in the six official United Nations languages on the Basel Convention website. This would involve the translation of information already retained in only one language (\$70,000).

Expected results: *Development of an information resource of national definitions received by the secretariat for publication on the website and translation into the six United Nations languages.*

(iii) **Article 11 agreements and arrangements:** Project aimed at improving information held by the secretariat on agreements and arrangements entered into under article 11 of the Convention with a view to providing an information resource for Parties and other stakeholders including, as appropriate, placement of such agreements and arrangements on the website of the Basel Convention in the six official United Nations languages (consultancy support, translation) (\$20,000).

Expected results: *Development of an information resource for article 11 agreements received by the secretariat for publication on the website and translation into the six official languages of the United Nations.*

b. Publications and public information:

(i) Promote public and stakeholder support for implementing the global chemicals and waste agenda, aiming to promote synergistic outreach for support for implementation of the Basel, Stockholm and Rotterdam Conventions, following production of information tool kit in 2006 and first rollout of project through three regional workshops at selected BCRCs on joint outreach by Basel, Stockholm and Rotterdam Conventions (\$40,000).

(ii) Produce follow-up publication entitled “Waste Essential Graphics-2” in 2008, after publication of “Vital Waste Graphics” in 2004 and “Waste Essential Graphics” in 2006 (\$80,000).

Expected results: *Increased awareness among stakeholders, civil society and the general public of the Basel Convention and related multilateral environmental agreements and activities. Publication of “Vital Essential Graphics 2”, will inform readers about the Basel Convention and waste issues in general.*

c. Regional integrated information network on chemicals and wastes in Arabic speaking countries in Africa in the context of the NEPAD environment initiative:

(i) Build capacity in and through the Basel Convention regional centre in Cairo by contributing to the implementation in a coordinated manner of the chemicals and waste related MEAs under the NEPAD Environment Initiative in the Arabic speaking African countries (\$410,000)

Expected results: *Establishment of a regional integrated information network on chemicals and wastes, development of guidelines for the development of integrated policies on the environmentally sound management of chemicals and wastes and action plans in two pilot countries on the development of national integrated chemicals and waste policies developed.*

Services provided:

- d. **Monitoring tool for the environmentally sound management of PCBs and PCB-containing equipment:** Enhance the capacity of Parties to both the Basel and Stockholm Conventions to monitor the management of PCB-containing equipment and PCB wastes within their life spans. Provide Parties with a tool (software) to compile, administer and update easily all relevant data on polychlorinated biphenyl-containing equipment and materials in order to prepare and frequently update their national PCB inventories. Make the PCB monitoring tool available in all six United Nations languages in order to facilitate its use at the global level (\$121,475 over eight months).

Expected results: Tool (software) available (in all six United Nations languages) to compile, administer and easily update all relevant data on PCB-containing equipment and materials in order to prepare and frequently update national PCB inventories.

Programmes providing services: Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships; resource mobilization and outreach.

Budget estimate for the biennium 2007–2008	2007	2008
Funding required for development of activities or projects	210,000	240,000
Funding pledged or received		
Funding sought from other sources	250,000 ²⁰	110,000

²⁰ Includes funding from the UNEP/DEC for a pilot project to promote public and stakeholder support for implementing the global chemicals and waste agenda. The project is to be financed also by the Basel, Stockholm and Rotterdam Conventions.

B. Regional

B1. Electrical and electronic wastes in Africa, Asia-Pacific and Latin America

Services provided:

- a. **Basel Convention partnership on the environmentally sound management of electrical and electronic wastes for the Asia-Pacific region:** Promote environmentally sound management of e-waste in the Asia-Pacific region, which will be coordinated among Parties and stakeholders in the region, by increasing the data and information base, promoting public awareness, developing guidelines for a detailed inventory of e-waste and the flows in and out of countries, e-waste equipment recyclers and refurbishers (\$3,366,500).

***Expected results:** E-wastes are subject to environmentally sound management and the adverse impacts of improper handling and disposal are avoided. E-wastes are managed in a transparent manner consistent with Basel Convention requirements and valuable resources are conserved.*

- b. **Pilot projects on e-waste in South America:** Based on the work carried out by BCRC-Argentina, conduct five pilot projects on the environmentally sound management of e-waste in South America (\$120,000).

***Expected results:** National inventories of e-waste, a regional approach and a national framework for the environmentally sound management of e-waste, in at least two countries of the region.*

- c. **E-waste in Africa:** Assess and develop a public/private partnership with e-waste manufacturers/major distributors/vendors, including telecommunications operators, on environmentally sound refurbishment of used and end-of-life computers and accessories towards promoting the environmentally sound management of electronic waste in Africa, carried out by the BCCC in Nigeria and the BCRCs in South Africa, Senegal and Egypt (\$692,560)

***Expected results:** To address the problem of the import of huge volumes of e-waste in Africa.*

Programmes providing services: Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships; resource mobilization and outreach.

Budget estimate for the biennium 2007–2008	2007	2008
Funding required for development of activities or projects	650, 000	500,000
Funding pledged or received	447,837 ²¹	
Funding sought from other sources	800,000	2,229,060

²¹ Contributions provided by Japan for 2006–2007, this amount may be utilized partially in 2006.

B2. POPs wastes in Africa, Asia, the Caribbean and Central and Eastern Europe

Services provided:

- a. **Demonstration of a regional approach to environmentally sound management of PCB liquid wastes and transformers and capacitors containing PCBs:** Enhance the collective capacity of participating countries in planning and implementing their national policies for the environmentally sound management of PCBs and PCB-containing equipment in the context of the Stockholm Convention and the Basel Convention and accelerate the phase-out of PCB use and the environmentally sound disposal of PCB waste at the regional level in West Africa (GEF funding \$700,000; SBC committed \$170,000, full scale project cost is \$6 million).

Expected results: Development of a regional training programme; preparation of a preliminary draft of the full project brief and a regional action plan.

- b. **Training for the coordinated implementation of the POPs-related Basel Convention technical guidelines and the Stockholm Convention draft BAT/BEP guidelines:** Develop national inventories of POPs waste stockpiles (PCBs and pesticides) in South-east Asia and Pacific States, develop and publish a database of POPs stockpiles (PCBs and pesticides) and applicable technology for destruction of POPs waste in countries in the region and generate better understanding of POPs waste and for their destruction among countries in South-east Asia and the Pacific which are Parties to the Basel Convention and the Stockholm Convention, as well as in both French and English speaking African states which are parties to both conventions, excluding Arab states and central Asian states (\$410,000).

Expected results: POPs-containing stockpiles (PCBs and pesticides) identified; database of POPs stockpiles and technologies for destruction of POPs developed and published; increased awareness among concerned national authorities.

- c. **Development of a management and disposal plan for PCB-containing equipment and waste in Central America, including pilot disposal projects for PCB-containing waste:** Develop a management and disposal plan for PCB-containing equipment and waste in the countries of Central America to provide them with more financial means to improve existing inventories of PCB-containing transformers and waste, to demonstrate the feasibility of the environmentally sound disposal of a limited amount of PCB-containing waste in one or two Central American countries and to develop a project document qualifying for funding by international donor agencies (GEF, European Union) (\$848,800 over 12 months).

Expected results: Development of a strategy for the environmentally sound management of PCB-containing equipment in Central America; pilot projects on the environmentally sound management of POPs carried out; national stakeholders trained in environmentally sound management of POPs and hazardous wastes, latest information about the feasibility of existing technology for the environmentally sound management of POPs collected.

- d. **POPs in Central and Eastern Europe:** Support the Basel Convention Regional Centre in Slovakia in the launch of a project aimed at improving the management of PCB wastes and PCB-containing equipment in the region (consultant support; inventories; desk study; pilot projects; training and awareness) (\$50,000 in 2007)

Expected results: National inventories and national strategies for the elimination of PCB wastes.

Programmes providing services: Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships; resource mobilization and outreach.

Budget estimate for the biennium 2007–2008	2007	2008
Funding required for development of activities or projects	250, 000	300,000
Funding pledged or received		
Funding sought from other sources	1,860,000 ²²	2,600,000 ²³

²² Includes \$700,000 funded by GEF and \$660,000 co-financing to be raised.

B3. Obsolete stocks of pesticides in Africa, Asia, the Caribbean and Central and Eastern Europe

Services provided:

- a. **Obsolete stocks of pesticides in Africa.** Support BCRCs in Africa to promote the environmentally sound management of obsolete stocks of pesticides in cooperation with the Africa Stockpiles Programme (technical support; training; workshops; publications; awareness raising) (\$100,000).
- b. **Regional project for the final disposal of existing waste pesticides and selected POPs in the Caribbean and the prevention of future accumulation.** Support BCRC-Trinidad and Tobago in developing a regional project, to be funded by GEF or other financial institutions, in cooperation with UNEP, the Stockholm Convention secretariat, FAO and regional institutions. The project should include the inventory, collection, transport and safe disposal of obsolete stocks of pesticides as well as preventive measures (establishment of steering committee for the project; regional workshops; resource mobilization; development of strategic partnerships similar to Africa Stockpiles Programme; awareness raising; project development and monitoring) (\$70,000).

Expected results: A full-scale project document developed for GEF or other funding.

- c. **Complete survey of capacity for the destruction of obsolete pesticides and inventory.** Work in cooperation with BCRC-Indonesia, FAO, UNEP and Stockholm Convention secretariat in Asia to assist countries in completing/enhancing surveys of their capacity for the disposal of obsolete stocks of pesticides (\$50,000)

Expected results: Identification of the capacity for the destruction of obsolete pesticides and the remediation of contaminated sites in countries covered by BCRC-Indonesia.

- d. **Develop national inventories of pesticide POPs or improve existing inventories of obsolete stockpiles of pesticides.** Develop national action plans for the environmentally sound management of pesticide POPs, including first investigations on which technologies are available and could be chosen for the economical and environmentally sound transport, storage and destruction of POPs waste, and develop a regional strategy for the environmentally sound management of pesticide POPs in the Balkan states (\$465,560).

Expected results: Inventory of national stockpiles of waste pesticide POPs and a regional strategy for the elimination of pesticide POPs.

- e. **Remove stockpiles of obsolete pesticides and enhance collective capacity in planning and implementing national policies and prevent future accumulation of pesticides in the greater Caribbean region (\$100,000, full scale project \$4.4 million).**

Expected results: Phase 1: National action plans elaborated, inventories of obsolete pesticides and obsolete PCBs developed, project document for full-size project finalized; Phase 2 (full-size project): Obsolete stocks of pesticides eliminated, regional mechanism for the environmentally sound management of pesticides in the Caribbean and the prevention of future accumulation of obsolete stocks of pesticides implemented.

Programmes providing services: Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships; resource mobilization and outreach.

Budget estimate for the biennium 2007–2008	2007	2008
Funding required for development of activities or projects	200,000	200,000
Funding pledged or received	17,699 ²⁴	
Funding sought from other sources	300,000	700,000

23 Includes funds to implement regional or subregional strategies and replicate activities in other countries.

24 Contributions provided by Japan for 2006–2007, this amount may be utilized partially in 2006.

B4. Biomedical and health care waste in Africa and Central and Eastern Europe

Services provided: a. Support BCRC-Nigeria in developing a regional programme on the environmentally sound management of biomedical and healthcare wastes based on Basel Convention technical guidelines and work done in Nigeria in cooperation with WHO, UNICEF and regional organizations; support BCRC-South Africa with a pilot regional activity on biomedical and health care waste management (\$120,000). <i>Expected results: Enhancement of the national capacity to handle and manage biomedical and healthcare wastes in at least two countries (Democratic Republic of the Congo and Ghana).</i> b. Build on the results of the pilot project by BCRC-Slovakia on biomedical and healthcare wastes (consultant support; countries visits; publication of regional plan; regional workshops; awareness raising; resource mobilization) (\$100,000). <i>Expected results: Promotion of environmentally sound management of healthcare waste and preparation of a strategy for environmentally sound management in Serbia and Montenegro, based on the results of the project in the Former Yugoslav Republic of Macedonia.</i> Programmes providing services: Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships; resource mobilization and outreach.		
Budget estimate for the biennium 2007–2008	2007	2008
Funding required for development of activities or projects	150,000	70,000
Funding pledged or received		
Funding sought from other sources	300,000	500,000

B5. Used lead-acid batteries in Asia, the Caribbean, Central and South America and Central and Eastern Europe

Services provided: a. Support BCRC-El Salvador and BCRC-Trinidad and Tobago in steering the preparation of a subregional strategy based on work done so far (i.e., inventories and national pilot projects). The project should lead to the implementation of a subregional integrated strategy that will include upgrading of recycling facilities. The strategy should address collection, transportation, recycling, enforcement, legislation and economic instruments (consultant support; training and awareness; subregional technical workshops; preparation of the subregional strategy and its publication in English, French and Spanish; resource mobilization; public-private partnerships; cooperation with UNEP, the United Nations Conference on Trade and Development (UNCTAD) and regional institutions; economic analysis) (\$100,000). <i>Expected outcomes: Pilot projects on the environmentally sound management of used lead-acid batteries in the wider Caribbean region finalized, regional strategy for the environmentally sound management of used lead-acid batteries developed and approved.</i> b. Build on the used lead-acid batteries project in Cambodia as a base for a regional approach for Asia in cooperation with BCRC-Indonesia (\$250,000). c. Develop a project on the environmentally sound management of used lead-acid batteries in Central and Eastern Europe (\$120,000). <i>Expected results: Inventories of used lead-acid batteries in the region and strategy to address the problem.</i> Programmes providing services: Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships; resource mobilization and outreach.		
Budget estimate for the biennium 2007–2008	2007	2008
Funding required for development of activities or projects	200,000	270,000
Funding pledged or received		
Funding sought from other sources		1,200,000

B6. Used oils in Africa, the Caribbean and Central and Eastern Europe**Services provided:**

- a. **Used oils in Africa: Support BCRC-Nigeria in undertaking the development of pilot projects, based on the assessment made by the Centre, on the treatment and recycling of used oils in Africa (consultant support; resource mobilization; development of partnerships; concrete pilot projects) (\$200,000).**

Expected results: Development of a feasibility study and a national plan for the environmentally sound management of used oils in two countries, in order to start the implementation of the partnership for the environmentally sound management of used oils in Africa.

- b. **Used oils in the Caribbean. Support BCRC-Trinidad and Tobago in the launch of a regional programme in cooperation with UNEP and other regional institutions for the collection, storage and treatment of used oils (consultant support; regional workshops; resource mobilization; development of partnerships; awareness raising; training on collection, storage and treatment of used oils; development of pilot projects). To ensure environmentally sound management of used oils in the Caribbean region, to ensure sustainable capacity at the national regional level and to expand environmentally sound management of used oils to the greater Caribbean region (\$100,000, global programme estimated at \$5,000,000 over 24 months)**

*Expected results: Development and **establishment** of a regional system for the environmentally sound management of used oils in the Caribbean region, choosing a partnership approach.*

- c. **BCRC-Slovakia. Continuation of cooperation with countries, regional institutions, the private sector and others in the development of activities for the sound collection, recovery and disposal of used oils in Central and Eastern Europe (\$80,000).**

Expected results: Inventories of local manufacturers, distributors and users and development of national management plans in two countries.

Programmes providing services: Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships; resource mobilization and outreach.

Budget estimate for the biennium 2007–2008	2007	2008
Funding required for development of activities or projects	150,000	230,000
Funding pledged or received		
Funding sought from other sources		800,000

B7. Dismantling of ships

Services provided: Support ship dismantling countries in Asia to implement the Basel Convention technical guidelines: This will require technical support by BCRC-China and coordination with the International Maritime Organization, the International Labour Organization and regional organizations (consultant support; training; resource mobilization; national workshops; development of pilot projects; publication of technical documents in local languages, etc). The project will complement current discussions at the international level on the development of a new legally-binding instrument on standards for ship dismantling. It will serve to promote best practices and aim to improve conditions in the industry in the short, medium and long term (\$200,000). Expected results: Published versions of the technical guidelines in Bengali, Hindi, Urdu. Generic information material for promoting the implementation of the guidelines; feasibility study; work programme (including timelines and cost estimates); specific information materials for use in pilot training initiative developed and training activity(ies) provided; final report with recommendations for future work. Programmes providing services: Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships; resource mobilization and outreach.		
Budget estimate for the biennium 2007–2008	2007	2008
Funding required for development of activities or projects	100,000	100,000
Funding pledged or received	25	
Funding sought from other sources	200,000	1,200,000

B8. Cooperation with municipalities in Latin America and the Mediterranean²⁶

Services provided: Provision of technical support and guidance in the development of public-private partnerships. In particular, steer the process leading to the formalization and implementation of the partnership with the municipality of Guayaquil for the environmentally sound management of oily waste (partners are the Government of Ecuador, the municipality of Guayaquil and Holcim). Initiate similar cooperation with municipalities in other regions, especially in the Mediterranean region in cooperation with UNEP Regional Seas Programme (consultant support; on-site visits; resource mobilization; awareness raising; partnership development; national workshops), involving relevant BCRCs (\$200,000). Expected results: <i>To extend the results of the projects in the municipalities in Guyaquil to interested municipalities in Central America and South America.</i> Programmes providing services: Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships; resource mobilization and outreach		
Budget estimate for the biennium 2007–2008	2007	2008
Funding required for development of activities or projects	100,000	100,000
Funding pledged or received		
Funding sought from other sources	200,000	200,000

25 Remaining balances of the United Kingdom's contribution of \$110,000 received in 2006 and the Netherlands's contribution of \$7,000 received in December 2004.

26 The potential for the development of cooperation is being explored in Central and Eastern Europe as well as in Africa.

B9. Asbestos wastes and mercury wastes

Services provided:		
<p>a. Asbestos wastes:²⁷ Develop guidelines and training materials for the sound management of asbestos wastes with emphasis on measures to be taken in disaster-proned areas. BCRCs to promote awareness among local residents and of municipalities on the issue and to develop pilot activities in the future (\$200,000).</p> <p>b. Mercury wastes: In cooperation with UNEP, develop partnerships around the theme of environmentally friendly technologies and awareness raising regarding avoidance, use and disposal of mercury wastes; develop capacity-building and technical assistance programmes to reduce and prevent pollution from mercury; develop guidelines on environmentally sound management of mercury wastes with emphasis on the development of sound disposal and remediation practices (\$150,000).</p> <p><i>Expected results: Improved public awareness; increased national capacity to manage mercury wastes properly; development of international or regional cooperation; development of pilot projects.</i></p>		
Programmes providing services: Executive direction; partnerships; technical and capacity-building; resource mobilization and outreach.		
Budget estimate for the biennium 2007–2008	2007	2008
Funding required for development of activities or projects	180,000	170,000
Funding pledged or received		
Funding sought from other sources		

27 The UNEP Disaster Management Branch has pledged \$39,000 in 2006 for a workshop to be organized by BCRC Indonesia.

Basel Convention Technical Cooperation Trust Fund: summary table of total costs and requirements by activity for the biennium 2007–2008

Activity	2007 (Funding for development of activities or projects)	2007 (Funding pledged or received)	2008 (Funding for development of activities or projects)	2008 (Funding pledged or received)
A. Global				
1. Conferences and meetings	310,000		360,000	
2. Partnership Programme/resource mobilization/sustainable financing	310,000	115,044	370,000	
3. Legal support	350,000		350,000	
4. Knowledge management and outreach	210,000		240,000	
B. Regional				
B1. Electrical and electronic wastes in Africa, Asia-Pacific, Latin America	650,000	447,837	500,000	
B2. POPs wastes in Africa, Asia, Caribbean, Central and Eastern Europe	250,000		300,000	
B3. Obsolete stocks of pesticides in Africa, Asia, Caribbean and Central and Eastern Europe	200,000	17,699	200,000	
B4. Biomedical and health care waste in Africa and Central and Eastern Europe	150,000		70,000	
B5. Used lead-acid batteries in Asia, Caribbean, Central and South America and Central and Eastern Europe	200,000		270,000	
B6. Used oils in Africa, Caribbean and Central and Eastern Europe	150,000		230,000	
B7. Dismantling of ships	100,000		100,000	
B8. Cooperation with municipalities in Latin America and the Mediterranean	100,000		100,000	
B9. Proposed new Strategic Plan focus areas regarding the environmentally sound management of asbestos wastes and mercury wastes	180,000		170,000	
Subtotal	3,222,000	580,580	3,260,000	
Total operational costs	3,802,580		3,260,000	
13 % programme support cost	494,335		423,800	
Total budget for the trust fund	4,296,915		3,683,800	

VIII/34: Resource mobilization and sustainable financing

The Conference of the Parties,

Welcoming the progress made in mobilizing resources, both human and financial, over the past year,

Recognizing that voluntary contributions are an essential complement for the effective implementation of the Basel Convention,

Recognizing the need to secure sustainable financing to assist Parties in implementing the Convention,

Acknowledging that resource mobilization is a step-wise process that should include the development of systematic fund-raising efforts, broadening of the donor network, consistent identification of changing donor priorities and the provision of assistance to developing countries and countries with economies in transition to engage in the process,

Recalling decision OEWG-IV/15 of the Open-ended Working Group on resource mobilization,

Further recalling its decision VII/40 calling for an examination of article 14 of the Convention to determine the legal and institutional feasibility of appropriate and predictable financial mechanisms of the Convention,

Taking note of the article 14 study carried out in response to decision VII/40,

Highlighting the importance of strengthening linkages with, building on and coordinating with resource mobilization strategies of other relevant multilateral agreements, approaches and processes, including the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Strategic Approach to International Chemicals Management, including its Quick Start Programme, and the Montreal Protocol on Substances that Deplete the Ozone Layer of the Vienna Convention for the Protection of the Ozone Layer,

Expressing support for the implementation of the Bali Strategic Plan for Technology Support and Capacity-building and other ongoing similar activities,

Taking note of the notes by the Secretariat on the resource mobilization²⁸ programme and on sustainable financing,²⁹

Recognizing the challenges of mainstreaming hazardous wastes into development processes in developing countries and the need to develop relevant capacities,

Resource mobilization

1. *Commends* the progress on resource mobilization described in annex I to the note by the secretariat on resource mobilization;

2. *Encourages* Parties and other stakeholders to participate in the Basel Convention Partnership Programme as a means to help leverage resources to address the implementation of the focus areas of the Strategic Plan for the Implementation of the Basel Convention to 2010 and promote the transfer of technology to and the building of capacities of developing countries and countries with economies in transition;

3. *Invites* Parties and other stakeholders who are in a position to do so to contribute to the funding of the post of Senior Programme Officer for Partnerships and Resource Mobilization as a means to support resource mobilization and the Partnership Programme of the Basel Convention;

28 UNEP/CHW.8/9*.

29 UNEP/CHW.8/10.

4. *Invites* the developing country Parties and Parties with economies in transition:

- (a) To identify the need for, and incorporate, as necessary, environmentally sound management of hazardous and other wastes into national development plans in order, among other things, to advance multilateral and bilateral financing;
- (b) To include capacity-building and technology transfer for the implementation of the Basel Convention, including their maintenance, in the regional elaboration of the Bali Strategic Plan;

5. *Encourages* individual developing country Parties and Parties with economies in transition which are Parties to the Kyoto Protocol to the United Nations Framework Convention on Climate Change as well as Parties to the Basel Convention to prepare proposals under the Kyoto Protocol's Clean Development Mechanism or Joint Implementation mechanism, which both contribute to climate protection and the environmentally sound management of wastes, particularly in reducing methane emissions from landfills;

6. *Recommends* that individual developing countries and Countries with economies in transition that are Parties to both the Stockholm and Basel Conventions:

- (a) Use their national implementation plans under the Stockholm Convention as a basis for managing wastes consisting of, containing or contaminated with persistent organic pollutants;
- (b) Propose projects to the Global Environment Facility within its mandate that may contribute to implementation of the Stockholm Convention as well as contribute indirectly to the implementation of the Basel Convention by building capacity;

7. *Also recommends* that individual developing country Parties and Parties with economies in transition propose projects to the Strategic Approach to International Chemicals Management Quick Start Programme that relate to chemical wastes and wastes consisting of, containing or contaminated with persistent organic pollutants;

8. *Requests* the Secretariat to consult with the Stockholm Convention secretariat, the Rotterdam Convention secretariat, the Strategic Approach to International Chemicals Management secretariat and other appropriate entities to help identify ways in which the Secretariat might, as part of a multi-faceted approach to mobilizing financial resources, assist Basel Convention developing country Parties and Parties with economies in transition in their efforts to integrate objectives of sound management of chemical wastes and wastes consisting of, containing or contaminated with persistent organic pollutants into their national development assistance requests;

9. *Also requests* the Secretariat, in a facilitative role, to work closely with the relevant implementing, executing, and finance agencies (including the World Bank, the United Nations Development Programme, the United Nations Environment Programme, the United Nations Industrial Development Organization and others) and the Global Environment Facility to enhance their understanding of, and support for, the aims and objectives of the present decision;

Sustainable financing

10. *Agrees* to supplement current and ongoing resource mobilization activities under the Convention by:

- (a) Requesting the Open-ended Working Group to initiate a review of the Trust Fund to Assist Developing Countries and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention for purposes of better aligning voluntary earmarked contributions to the fund with a short list of strategic priorities identified by the Conference of the Parties on a biennial basis and drawn from the Basel Convention Strategic Plan focus areas;
- (b) Requesting the Executive Secretary to enhance efforts to explore and pursue opportunities for activities associated with implementation of the Strategic Plan for the Implementation of the Basel Convention to be funded by the Global Environment Facility, consistent with the Facility's mandate, focal area operational programmes and strategic priorities;

11. *Requests* the Executive Secretary to consult with the secretariats of the Stockholm Convention, the Rotterdam Convention and the Strategic Approach, to explore ways to make more effective use of and build upon existing sources of relevant global funding by inviting the Global Environment Facility and the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol, within their mandates, and the Parties to the Montreal Protocol to identify areas that can support implementation of appropriate and relevant objectives of the Convention and to report on the results of its efforts;

12. *Invites* Parties, for the longer term, to consider the need for the Global Environment Facility to broaden its programming activities, with a view to targeted and sustainable funding of priority needs within developing countries for the implementation of those objectives of the Convention that may relate to the incremental costs of achieving global environmental benefits;

13. *Requests* the Secretariat, as part of its activities in the context of paragraphs 10 and 11 of the present decision, to continue exploring, as appropriate, possibilities for new sources of funding to support the implementation of the Basel Convention;

14. *Requests* the Secretariat and the Basel Convention regional centres, subject to the availability of voluntary contributions and in consultation with relevant international organizations such as the Global Environment Facility, to conduct training activities in the regional centres and with countries within the regions to enhance their capacity to gain access to the Global Environment Facility and other financing mechanisms;

15. *Encourages* competent authorities and focal points of the Basel Convention to pursue opportunities for coordination at the national level regarding other chemical and waste management activities, including those advanced under other multilateral environmental agreements;

General

16. *Also encourages* developed country parties and others to increase voluntary contributions to the Trust Fund to Assist Developing Countries and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention;

17. *Requests* the Open-ended Working Group to monitor implementation of the present decision and report to the Conference of the Parties on the implementation thereof.

VIII/35: Dates and venue of the ninth meeting of the Conference of the Parties

The Conference of the Parties,

Recalling article 15 of the Basel Convention, which states that “ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting”,

Recalling also its decision I/1, in which the Conference of the Parties adopted the rules of procedure for its meetings, rule 4 of which provides that “[o]rdinary meetings of the Conference of the Parties shall be held every other year, unless the Parties decide otherwise” and that “[a]t each ordinary meeting, the Conference shall decide on the date and duration of the next ordinary meeting”,

1. *Notes* with appreciation the interest of the Government of Indonesia in hosting the ninth meeting of the Conference of the Parties to the Convention;

2. *Requests* the Executive Secretary to enter into consultations with the Government of Indonesia with a view to agreeing on satisfactory arrangements and concluding a host country agreement for hosting the ninth meeting of the Conference of the Parties;

3. *Decides* that, subject to the satisfactory conclusion of consultations between the Government of Indonesia and the Executive Secretary on arrangements for the ninth meeting of the Conference of the Parties, the ninth meeting shall be held in Indonesia in 2008, on dates to be proposed by the Secretariat.

Resolution expressing gratitude to the Government of Kenya

The Conference of the Parties,

Having met in Nairobi from 27 November to 1 December 2006 at the invitation of the Government of Kenya on the occasion of its eighth meeting,

1. *Expresses* its profound gratitude to the Government of Kenya for making it possible for the meeting to be held in Nairobi;

2. *Requests* the Government of Kenya to convey to the city and the people of Nairobi the gratitude of the Conference of the Parties for the hospitality and warmth extended to the meeting participants.

Annex II

Report of the Committee of the Whole

I. Introduction

1. At its 2nd plenary session the Conference of the Parties decided to establish a Committee of the Whole to consider the agenda items referred to it by the Conference. The Committee of the Whole was chaired by Mr. Cristian Maquieira (Chile) and held eight sessions from 27 November to 1 December 2006 in accordance with the decision of the Conference of the Parties taken at its 2d plenary session.

II. Dumping of toxic wastes in Abidjan, Côte d'Ivoire (agenda item 6)

2. The Committee took up the item at its 6th session, on the evening of Thursday, 30 October. The Chair reported that the President of the Conference had requested the Committee to prepare a decision for the consideration of the Conference on the dumping of toxic wastes in Abidjan. The Committee agreed to set up a contact group, to be chaired by the Chair of the Committee, to consider a draft decision prepared by the group of African countries.

3. Resuming consideration of the item at its 8th session, on the afternoon of Friday, 1 December, the Committee considered a draft decision on the dumping of toxic wastes in Abidjan that had been produced on the basis of the work of the contact group and circulated in a conference room paper. Following brief discussion, the Committee approved the draft decision, as orally amended, for consideration and possible adoption by the Conference.

4. At the same session, spurred by the events in Abidjan, the Committee also considered a draft decision on cooperation between the Basel Convention and the International Maritime Organization which had been drafted by the contact group and circulated in a conference room paper. The Committee approved the draft decision for consideration and possible adoption by the Conference.

5. Finally, the Committee also considered a draft decision that had been submitted by the group of African countries and circulated in a conference room paper on the establishment of a strategic plan to strengthen the capacity of Parties to respond to emergencies. Following discussion, the Committee concluded that it did not have sufficient time to consider the draft decision at the current meeting. It therefore agreed that it would recommend to the Conference that it be taken up by the Open-ended Working Group at its next session.

III. Creating innovative solutions through the Basel Convention for the environmentally sound management of electronic wastes (agenda item 7)

6. The Committee took up the item at its 1st session, on the morning of Monday, 27 November. The representative of the Secretariat introduced the item, suggesting that electronic waste constituted one of the most complex and fastest-growing waste streams and demanded a complex set of responses and new ways of thinking. As it was an emerging issue, industry and Governments would need to adapt to understand and deal with the problem. Challenges included the need to balance the benefits from rapidly evolving technologies against the risks posed by the growing quantities of waste that they generated, the very different capacities of countries to manage hazardous wastes, the need to define more clearly what was understood by "electronic waste" and the need to clarify which wastes fell within the scope of the Convention. It would also be necessary to ensure that only functioning electronic products were exported to developing countries and to bring informal recycling activities into the mainstream economy to ensure that they were carried out in an environmentally sound manner. Lastly, he stressed the role of public-private partnerships, saying that they would need to be open to all relevant actors, including those dealing with production, design, transport, repair and recycling of electronic waste, in order to bring more understanding, transparency and predictability to the response to the challenge posed by e-waste.

7. Following that introduction, one representative remarked that there was a need for concrete and practical measures by which countries could act to remove electronic wastes from the environment and suggested that the Secretariat should work toward identifying such measures.

8. The Committee resumed its consideration of the item at its 6th session, on the evening of Thursday, 30 October. The Chair reported that the President had requested the Committee to prepare a decision for the consideration of the Conference. The Committee agreed to set up a contact group comprising a balanced membership of developing and developed countries and countries with economies in transition, to be co-chaired by one representative from the Group of 77 and China and one from among the industrialized countries.

9. The co-chair of the contact group subsequently reported directly to the Conference sitting in plenary, where the item was concluded. The Committee accordingly did not take up the item again.

IV. Report on the implementation of the decisions adopted by the Conference of the Parties at its seventh meeting (agenda item 8)

A. Strategic Plan for the Implementation of the Basel Convention to 2010

10. The Committee took up the sub-item at its 1st session, on the afternoon of Monday, 27 November. The sub-item included four topics: report on project activities; programme framework until 2010; work and operation of the Basel Convention regional and coordinating centres; and the Basel Convention Partnership Programme. The Committee's consideration of the programme framework until 2010 was subsumed within the discussion of the sub-item as a whole and the relevant documentation was subsumed within the documentation for agenda sub-item 8 (g) on financial matters.

11. Introducing the sub-item, the representative of the Secretariat briefly outlined the draft decision set out in document UNEP/CHW.8/2 on the Strategic Plan for the Implementation of the Convention to 2010, noting that it aimed to consolidate various other draft decisions pertaining to the implementation of the Strategic Plan into a single decision and that its elements had been approved by the Open-ended Working Group at its fifth meeting. The Committee also had before it a report on project activities regarding the Strategic Plan (UNEP/CHW.8/2/Add.1); a report on the Basel Convention Partnership Programme (UNEP/CHW.8/2/Add.2); and a guidance document on the environmentally sound management of used and end-of-life mobile phones (UNEP/CHW.8/2/Add.3*), as well as information documents on stakeholder consultations on the concept of a public-private partnership on the environmentally sound management of used and end-of-life computing equipment (UNEP/CHW.8/INF/3 and Add.1), on projects and capacity-building in support of the implementation of the Strategic Plan (UNEP/CHW.8/INF/4), on final reports, publications and documents pertaining to the projects and business plans for the period 2007–2008 on CD-ROM (UNEP/CHW.8/INF/4/Add.1), on framework agreements, business plans for the period 2007–2008 and operational strengthening of the Basel Convention regional centres (UNEP/CHW.8/INF/5) and on the Mobile Phone Partnership initiative (UNEP/CHW.8/INF/6).

12. There was general agreement that the relevant decisions pertaining to the Strategic Plan should be consolidated into a single draft decision, as had been done in the draft decision contained in document UNEP/CHW.8/2.

13. One representative said that he supported that draft decision on the understanding that it would contribute to mobilizing resources for implementation of the strategic plan and would not entail decreased resources for other chemical safety issues.

14. A revised version of the draft decision contained in document UNEP/CHW.8/2 on the Strategic Plan for the Implementation of the Basel Convention, amended to accommodate suggestions arising out of the discussion on the report on project activities, was subsequently submitted by the Secretariat to the Committee.

15. The Committee took up the item again at its sixth session, on the evening of Thursday, 30 November. Following discussion, in which it was reported that informal consultations were underway on the draft decision on the Strategic Plan, the Committee agreed to defer further consideration of the draft decision pending the outcome of discussions in the contact group on financial matters and resource mobilization.

16. At the Committee's 8th session, owing to a lack of time, the Chair proposed and the Committee agreed to recommend to the Conference that further consideration of the draft decision be conferred until the sixth session of the Open-ended Working Group.

1. Report on project activities

17. Introducing the sub-item, the representative of the Secretariat drew attention to a report on project activities under the Strategic Plan for the Implementation of the Basel Convention to 2010 (UNEP/CHW.8/2/Add.1).

18. During discussions on the sub-item, several representatives welcomed the report and the successes that had been achieved. One, however, said that the report raised concerns about the financial sustainability of projects, their replicability and their expansion into neighbouring countries; such principles should, she said, guide all projects that contributed to the Strategic Plan. There was also a need to coordinate programmes better in order to prevent an ad hoc approach to implementation. Another representative observed that there was a need for a thorough analysis of the process for implementing the Strategic Plan, including the obstacles faced, and said that he looked forward to the presentation of such an analysis for consideration at the next meeting of the Conference.

19. Turning to future implementation of the Strategic Plan, one representative observed that projects should be strengthened through coordination with UNEP and other international bodies and through public-private partnerships. Several representatives underlined the need to increase the financial resources available for implementation and there was broad agreement that the regional centres had a crucial role to play. A representative of a regional economic integration organization stressed that besides sustainable financial support, training, information sharing and capacity-building would also be crucial to implementation of the Strategic Plan. He added that in order to attract financial support, there was a need to link the Strategic Plan to the Millennium Development Goals and the Johannesburg Plan of Implementation and also to incorporate environmentally sound management of waste into national poverty reduction strategies.

20. The Committee took note of the report contained in document UNEP/CHW.8/2/Add.1.

2. Programme framework until 2010

21. The Committee's consideration of the programme framework until 2010 was subsumed within its consideration of sub-item 8 (a) as a whole and the documentation for the issue was subsumed within the documentation for sub-item 8 (g), financial matters.

3. Work and operation of the Basel Convention regional and coordinating centres

22. The Committee took up the sub-item at its first session, on the afternoon of Monday, 27 November. Many representatives stressed the vital importance of the regional and coordinating centres to the implementation of the Basel Convention and the Strategic Plan in developing countries and countries with economies in transition and called for increased efforts by donors to strengthen the centres through, among other things, additional financial and technical resources. A number of delegates emphasized the need to ensure that the resources provided to the centres were sufficient not only for the design of specific projects but also for their implementation. One delegate said that the centres were just crucial for the implementation of the Basel Convention but were likely as well to become key tools for the implementation of the Stockholm Convention on Persistent Organic Pollutants.

23. One representative expressed support for the implementation of the Strategic Plan but said that it was necessary to prioritize its goals within the larger context of resource mobilization and sustainable financing. He also called on countries to include the environmentally sound management of hazardous wastes in their development plans and to build on the partnerships that had been adopted to implement the Bali Strategic Plan for Technology Support and Capacity-building.

24. One representative recommended revising the legal status of the regional centres, as their not-for-profit status could make it difficult for them to attract funds. Another said that the regional centres should ensure the implementation of the key principles of the Basel Convention, in particular the principles of proximity and minimization of waste generation at source and of the movement of hazardous wastes.

25. The representative of Nigeria introduced a draft decision on the Basel Convention regional and coordinating centres on behalf of the Group of 77 and China, which had been circulated in a conference room paper. He recalled that the regional and coordinating centres had been established under Article 14 of the Convention and observed that the 14 centres responded to the specific needs of developing countries and countries with economies in transition. He added that the centres had successfully completed 25 projects for the implementation of the Strategic Plan for the Implementation of the Basel

Convention and had carried out more than 20 capacity-building activities since the previous meeting of the Conference of the Parties and 50 activities since 2000 on cooperation between the Basel Convention, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention. The centres, he said, required predictable and regular financial assistance until they could develop mechanisms for ensuring their financial sustainability.

26. The representative of the South Asia Cooperative Environment Programme introduced a draft decision on the establishment of the Basel Convention regional centre for South Asia at the South Asia Cooperative Environment Programme secretariat in Colombo, Sri Lanka, which had been circulated in a conference room paper.

27. The Committee took up the sub-item again at its sixth session, on the evening of Thursday, 30 November. Following discussion, the Committee agreed to defer further consideration of the draft decision on the Basel Convention regional and coordinating centres pending the outcome of discussions in the contact group on financial matters and resource mobilization.

28. At its seventh session, on the morning of Friday, 1 December, the Committee approved the draft decision on the establishment of the Basel Convention Regional Centre for South Asia at the SACEP secretariat in Colombo, Sri Lanka, for consideration and possible adoption by the Conference, on the basis of the draft decision contained in the relevant conference room paper.

29. At the same session, the Committee agreed to establish a contact group, chaired by Mr. Oladele Osibanjo (Nigeria), to consider the draft decision on the Basel Convention regional and coordinating centres proposed by the Group of 77 and China.

30. The Committee resumed consideration of the sub-item at its 8th session, on the afternoon of Friday, 1 December 2006, at which time it considered a draft decision that had been prepared by the contact group and circulated in a conference room paper. The Committee approved the draft decision for consideration and possible adoption by the Conference.

31. At the time of approval of the draft decision on the Basel Convention regional and coordinating centres, several representatives of countries in the Group of 77 and China made statements, asking that they be reflected in the present report. They underlined the importance of the Basel Convention regional centres to the implementation of the Convention and the provision of capacity-building and technology transfer support to developing countries, but stressed that to be effective the regional centres would require sustained and predictable financing, which in turn would require sustained political will and support.

4. Partnership Programme

32. The Committee took up the sub-item at its second session, on Tuesday, 28 November. Introducing it, the representative of the Secretariat said that much progress had been made under the Programme in initiating public-private partnerships that supported and addressed the objectives of the Strategic Plan and its focus areas and priorities. The representative also noted that the proposed work programme was set out in annex II of the note by the Secretariat on the Partnership Programme (UNEP/CHW.8/4/Add.2) and that it contemplated new partnerships, in particular one on the environmentally sound management of used and end-of-life computing equipment (described in UNEP/CHW.8/INF/3), another, with UNEP, on mercury and another on asbestos.

33. Following the Secretariat's presentation on the Partnership Programme, Mr. Marco Buletti (Switzerland), Chair of the Mobile Phone Working Group, introduced a draft decision on the Mobile Phone Partnership Initiative, summarized the progress made under the initiative and drew attention to the guidance document on the environmentally sound management of used and end-of-life mobile phones prepared by the Mobile Phone Working Group. He said that the Working Group, since the launch of the initiative in December 2002, had implemented activities and developed guidelines in four project areas: refurbishment and reuse of used mobile phones; collection and transboundary movement of used phones; material recovery and recycling of end-of-life mobile phones; and awareness raising and training on the environmental design of mobile phones. Pilot projects were being implemented to test the guidelines.

34. He expressed appreciation to the Governments of Australia and Switzerland and to Shields Environmental Group for its financial support to the Mobile Phone Partnership Initiative, adding that the initiative had mobilized interest and support among a wide range of stakeholders, including many from the private sector. Challenges remained, including finding further resources for translating,

printing and disseminating the guidelines and overcoming private sector reluctance to engage with a convention containing the word “hazardous” in its title. Lessons had been learned, however, that could be of relevance to future public-private partnerships undertaken under the Basel Convention.

35. Mr. Joachim Wuttke, Chair of project 2.1 on collection and transboundary movement of used phones, drew attention to a Chair’s paper annexed to the note on the Mobile Phone Partnership Initiative on issues raised during the discussion of the guidelines on transboundary movement of used and end-of-life mobile phones. The paper highlighted a number of issues that were raised during the discussions of the project group. In particular, several project group participants were of the opinion that challenges might exist and that the Basel Convention and its annexes, especially the electronic waste entries and their footnotes in Annexes VIII and IX, needed further clarification regarding what was covered under the Convention. Possible options for addressing used mobile phones and the broader electronic equipment issue were noted in an annex to the progress report of the Mobile Phone Partnership Initiative (UNEP/CHW.8/INF/6) for the consideration of the Committee.

36. The Committee resumed consideration of the issue at its 3rd session, on the afternoon of Tuesday, 28 November, at which time it took up draft decisions contained in the notes by the Secretariat on the Basel Convention Partnership Programme (UNEP/CHW.8/2/Add.2) and on the Mobile Phone Partnership Initiative (UNEP/CHW.8/2/Add.3).

37. Some representatives expressed support for approval of the draft decision on the Mobile Phone Partnership Initiative (UNEP/CHW.8/2/Add.3*) without amendment, one suggesting that the partnership could serve as a key model for other initiatives such as the one on electronic wastes. Several others said that the guidance document was at least a first step toward the environmentally sound management of used and end-of-life mobile phones and could be amended as needed to ensure consistency with the Basel Convention. A few representatives expressed concerns and proposed various amendments.

38. In the light of those concerns and proposals, the Committee agreed to set up an informal group of interested parties, to be coordinated by Mr. Barry Reville (Australia), to work further on the draft decision and report back to the Committee with recommendations.

39. The Committee resumed consideration of the sub-item at its 6th session, on the evening of Thursday, 30 November, at which time it considered the outcome of the work by the informal drafting group on the Mobile Phone Partnership Initiative, which was reflected in a revised draft decision that had been circulated in conference room papers. Following discussions, the Committee approved the draft decision contained in the conference room papers, as orally amended, for consideration and possible adoption by the Conference.

40. Following the approval of the decision, a representative of the European Community made the following statement, asking that it be recorded in the present report:

“The European Community, reiterating that these Guidelines are not legally binding, recalls that under European Union law the waste character of electrical and electronic equipment (EEE) is determined, *inter alia*, by the intention of the holder to discard it. Guidance given in this document on EEE falls within the scope of the Basel Convention and has therefore to be in line with the definition of waste according to European Union law and any further definitions of waste under the Basel Convention.”

41. At the same session, the Committee considered a revised version of the draft decision on the Basel Convention Partnership Programme, which had been circulated in a conference room paper submitted by Chile. Following discussion, the Committee approved the draft decision for consideration and possible adoption by the Conference, as orally amended.

B. Cooperation and synergies

42. The Committee took up the sub-item at its 3rd session, on the afternoon of Tuesday, 28 November. The Committee had before it a note by the Secretariat on international cooperation and synergies (UNEP/CHW.8/3/Rev.1*); a compilation of comments and proposals received from Parties pursuant to decision OEWG-V/6 (UNEP/CHW.8/INF/8); decision SC-2/15, adopted by the Conference of the Parties to the Stockholm Convention (UNEP/CHW.8/INF/10); decision RC-3/8, adopted by the Conference of the Parties to the Rotterdam Convention (UNEP/CHW.8/INF/11); a summary of the results of a report on the waste sector’s contribution to climate protection and possible potentials (UNEP/CHW.8/INF/12); a study on improving cooperation and synergies between the secretariats of

the Basel, Rotterdam and Stockholm conventions (UNEP/CHW.8/INF/28); a supplementary analysis of financial and administrative arrangements to be implemented to enhance synergies between the chemicals and waste conventions (UNEP/CHW.8/INF/29); recommendations on improving cooperation and synergies (UNEP/CHW.8/INF/30); a supplementary report prepared pursuant to decision SC-2/15 of the Conference of the Parties to the Stockholm Convention (UNEP/CHW.8/INF/31); and a report on potential links between the Basel Convention and the Bamako Convention on the Ban of the Import Into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa (UNEP/CHW.8/INF/32).

43. Outlining document UNEP/CHW.8/3/Rev.1*, the representative of the Secretariat recalled that with its decision VII/38, the Conference of the Parties had requested the Secretariat to strengthen cooperation and synergies with relevant organizations. She highlighted the importance of efforts to win observer status for the Convention Secretariat in the World Trade Organization's Committee on Trade and Environment and current attempts to strengthen cooperation and develop synergies between the Basel, Rotterdam and Stockholm conventions and future links between the Basel and Bamako conventions.

44. During the ensuing discussion, there was widespread praise for the Secretariat's analysis of international cooperation and synergies in document UNEP/CHW.8/3/Rev.1*. Representatives likewise expressed broad support for efforts to strengthen cooperation between the Basel, Rotterdam and Stockholm conventions, affirming that each convention had much to gain from such cooperation and that their successful implementation was interdependent. With that in mind, many welcomed the proposal made by the Conference of the Parties to the Stockholm Convention at its second session that an ad hoc joint working group comprising representatives of the three conferences of the Parties should be convened to consider the matter. There was also agreement that the process should be transparent, representative and inclusive. Some representatives, however, moderated their support with warnings that despite clear potential for synergies, the three conventions remained independent legal instruments, with differing targets and management mechanisms. Several called for a cautious approach that preserved the conventions' legal autonomy and focused on enhancing the efficiency and integrity of policymaking in the three regimes and filled gaps and deleted overlaps in their coverage; efficiencies gained through exploiting synergies, they said, should not be used to cut budgets but rather to improve implementation.

45. There was also general support for the efforts underway to strengthen the collaboration between the Convention and the World Trade Organization. Some representatives noted, however, that like other multilateral environmental agreements, the Convention had so far enjoyed little progress in its attempts to win observer status at meetings of the Organization's committees.

46. The Committee resumed consideration of the sub-item at its 6th session, on the evening of Thursday, 30 November, at which time it decided to divide the draft decision contained in document UNEP/CHW.8/3/Rev.1* into two draft decisions: one on cooperation between the Basel, Stockholm and Rotterdam Conventions and a second on international cooperation generally. Following discussion, the Committee approved the draft decision on cooperation between the Basel, Stockholm and Rotterdam Conventions for consideration and possible adoption by the Conference on the basis of a draft decision that had been circulated as a conference room paper, as orally amended.

47. The Committee also approved the draft decision on international cooperation for consideration and possible adoption by the Conference, on the basis of the draft decision contained in document UNEP/CHW.8/3/Rev.1*, as orally amended.

C. Reporting

48. The Committee took up the sub-item at its 3rd session, on the afternoon of 28 November. The Committee had before it draft decision on reporting (UNEP/CHW.8/4) and a report on transmission of information (UNEP/CHW.8/INF/13). The representative of the Secretariat said that although reporting was a challenge, 99 Parties had provided reports for 2004 and that, because the Basel Convention was the only body with global statistics on transboundary movements of hazardous waste, the information provided by the growing numbers of Parties reporting was particularly valuable. He said that the Open-ended Working Group had considered progress in reporting and prepared a draft decision on the issue, which was set out in document UNEP/CHW.8/4. He added that one representative of a regional economic integration organization had submitted a conference room paper which provided for some additional responsibilities for the Secretariat that would make reporting more comprehensive.

49. Following discussion of the draft decision, the Committee approved it, as amended, for consideration and possible adoption by the Conference.

D. Technical matters

50. The Committee took up the sub-item at its 3rd session, on the afternoon of 28 November. The Committee had before it a document containing nine proposed decisions on technical matters that had been agreed by the Open-ended Working Group at its fifth session for submission to the Conference of the Parties at the current session (UNEP/CHW.8/5).

51. The Committee approved the following draft decisions for consideration and possible adoption by the Conference, on the basis of the decisions set out in document UNEP/CHW.8/5 and its addendums, as amended where so indicated:

- (a) Technical guidelines on environmentally sound management;
- (b) Working relationship with the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals;
- (c) Separate identification in the World Customs Organization Harmonized Commodity Description and Coding System of certain wastes in Annexes VIII and IX to the Basel Convention;
- (d) Classification and hazard characterization of wastes;
- (e) National classification and control procedures for the import of wastes contained in Annex IX;
- (f) Implementation of decision VII/2 on hazardous waste minimization;
- (g) Amendments to the lists of wastes and the status of decision VII/21 (as amended);
- (h) Technical guidelines on persistent organic pollutants (as amended);
- (i) Harmonization of forms for notification and movement documents and related instructions (as amended).

52. Following adoption of the draft decision on the technical guidelines on persistent organic pollutants, the representative of Colombia listed various respects in which he said that the guidelines on wastes containing or contaminated with unintentionally produced polychlorinated dibenzo-p-dioxins (PCDDs), polychlorinated dibenzofurans (PCDFs), hexachlorobenzene (HCB) or polychlorinated biphenyls (PCBs) could be improved when they were next reviewed. The guidelines, he said, would benefit from better information on the various methods available for compiling inventories of the subject substances; the incorporation of information on internationally recognized methods for the sampling and analysis of dioxins and furans for each matrix; criteria for the accreditation of laboratories to carry out such analyses and qualifications for their personnel; a fuller explanation and clarification of monitoring as, he said, there was no difference between the way it was discussed in the section of the guidelines on monitoring and the section on sampling and analysis; measures or requirements pertaining to the international transport of dioxin and furan samples for analysis; principal accepted techniques for the final disposal of dioxins and furans or technical requirements prior to final disposal (e.g., encapsulation); options for the remediation of sites contaminated with dioxins and furans.

E. Legal matters

53. The Committee took up the sub-item at its 4th session, on the afternoon of Wednesday, 29 November. The Committee had before it a document containing various draft decisions on legal matters that had been agreed by the Open-ended Working Group at its fifth session for submission to the Conference of the Parties at the current meeting (UNEP/CHW.8/6 and Corr.1); a note by the Secretariat on designation of competent authorities and focal points (UNEP/CHW.8/14); a report by the Secretariat in response to the dumping of toxic wastes in Côte d'Ivoire (UNEP/CHW.8/INF/7); a report on workshops on the issue of illegal traffic (UNEP/CHW.8/INF/15); a note by the Secretariat reporting on workshops on the Basel Protocol on Liability and Compensation (UNEP/CHW.8/INF/16 and Add.1); a note by the Secretariat on comments received pursuant to Open-ended Working Group decision OEWG-V/11 (UNEP/CHW.8/INF/17); a note by the Secretariat on national definitions of hazardous wastes (UNEP/CHW.8/INF/19); a note by the Secretariat on bilateral, multilateral and regional agreements and arrangements in force (UNEP/CHW.8/INF/18 and Corr.1); a note by the Secretariat on a communication by the President on the interpretation of paragraph 5 of Article 17 of the Convention

and the implementation of decision III/1 (UNEP/CHW.8/INF/20); and a note by the Secretariat on IUCN recommendation 3.088 on the Ban Amendment (UNEP/CHW.8/INF/38).

54. Following brief introductions to the draft decisions by the representative of the Secretariat, the Committee approved the following draft decisions for consideration and possible adoption by the Conference, on the basis of the decisions set out in document UNEP/CHW.8/6 and Corr.1, as amended where so indicated:

- (a) National legislation and other measures adopted by the Parties to implement the Basel Convention;
- (b) National definitions of hazardous wastes;
- (c) Article 11 agreements and amendments;
- (d) Protocol on Liability and Compensation (as orally amended).

55. The Committee discussed the draft decision on the implementation of decision III/1 concurrently with the issue of regional consultations on the interpretation of paragraph 5 of article 17 of the Convention.

56. With regard to the draft decision on the implementation of the Ban Amendment, a number of representatives stressed the urgent need for all Parties to implement the amendment. One representative, however, said that her country could not ratify or implement the amendment before the issue of hazardous wastes destined for recycling and recovery operations had been given proper consideration. A few others expressed reservations regarding the amendment on the grounds that it unjustifiably assumed that countries that were not members of the Organisation for Economic Co-operation and Development neither had nor could acquire the capacity to manage hazardous wastes in an environmentally sound manner. One participant said that that assumption prevented developing countries from competing in the international recycling market and deprived them of wastes that could be used as raw materials. The amendment was also unacceptable to his country because it contradicted the principle of non-discrimination of the World Trade Organization and because its entry into force might invalidate agreements that developing country Parties and others had signed under article 11 of the Basel Convention.

57. The representative of the European Community and its member States, speaking also on behalf of Romania and Bulgaria, said that the Ban Amendment constituted a milestone in the history of the Convention and fulfilled a long-standing wish, in particular of developing countries, to prevent the export of hazardous wastes from the developed to the developing world. That wish had been reflected in the Convention's preamble, in the Ban Amendment and in various decisions by the Conference calling on Parties to accelerate the process of ratification of the Ban Amendment. Noting that its twenty-five member States had enacted legislation to implement the amendment, he expressed hope that all Parties would do the same.

58. The issue of the interpretation of paragraph 5 of article 17 of the Convention prompted considerable debate. The representative of a regional economic integration organization urged the adoption of a decision by the Conference at its eighth meeting that would settle the legal uncertainty surrounding the interpretation of paragraph 5 of article 17 of the Convention and the conditions for entry into force of the Ban Amendment and any other amendment that would be adopted in the future. He said that the Vienna Convention on the Law of Treaties allowed the Parties to adopt such a decision, which he hoped would interpret paragraph 5 of article 17 in a way that would favour the prompt entry into force of the Ban Amendment.

59. Many participants supported the adoption of a decision by the Conference clarifying the number of ratifications that would be required for an amendment to the Convention to enter into force under paragraph 5 of article 17. Some expressed the view that the number of ratifications needed for an amendment to enter into force should correspond to three-quarters of the number of Parties at the time of adoption of such an amendment. In the case of the Ban Amendment, that meant that sixty-two ratifications would be needed for it to enter into force. Others said that they adhered to legal advice issued on 8 March 2004 by the United Nations Office of Legal Affairs, according to which the number of ratifications required for an amendment to enter into force under paragraph 5 of article 17 of the Basel Convention corresponded to three-quarters of the number of parties at the time of the deposit of each instrument of ratification.

60. The representative of a non-governmental organization expressed support for the view that three quarters of the number of Parties present and voting at the time of the adoption of the Ban Amendment were required for it to enter into force. Given that 63 Parties had ratified the amendment and that according to two of the three interpretations of paragraph 5 of Article 17 the requirement for it to enter into force had been fulfilled, he urged parties to clarify which interpretation of paragraph 5 of article 17 would apply. In closing, he called on Parties not to adopt the interpretation contained in the legal opinion of the United Nations Office of Legal Affairs, suggesting that if it were adopted the amendment would not enter into force for the next twenty years.
61. Following the debate on the two issues, the Chair asked interested parties to hold informal consultations with a view to reaching consensus on how to address the issue.
62. The Committee resumed consideration of the issue at its 6th session, on the evening of Thursday, 30 November, at which time it considered two alternative draft decisions on the matter contained in two conference room papers presented by two different groups of countries. Following discussion, it was agreed that the co-sponsors of the two draft decisions and any interested parties would meet informally in an attempt to reach a consensus.
63. Also at its sixth session, the Committee considered the draft decision on designation of competent authorities and focal points contained in document UNEP/CHW.8/14. Following a brief introduction by the Chair, the Committee approved that draft decision without amendment for consideration and possible adoption by the Conference.
64. The Chair proposed and the Committee agreed that, owing to a lack of time, the Committee should recommend to the Conference that consideration of decision V/32 be deferred to the next session of the Open-ended Working Group and that the Working Group should commence its consideration on the basis of the text of the draft decision on the issue before the Committee.
65. At its eighth session, on the evening of Friday, 1 December, the Committee considered a draft decision that had been prepared and circulated in a conference room paper following the informal consultations between the proponents of the two earlier draft decisions on the interpretation of paragraph 5 of article 17 of the Convention. Following discussion, the Committee approved the draft decision, as orally amended, for consideration and possible adoption by the Conference.
66. At the same session the Committee considered a draft decision on an outline of an instruction manual for the legal profession submitted by Japan, Jamaica and Canada, which had been circulated in a conference room paper. The Committee approved that decision for consideration and possible adoption by the Conference.

F. Ship dismantling

67. The Committee took up the sub-item at its 1st session, on the afternoon of 27 November. It had before it a note by the Secretariat on the Joint Working Group of the International Labour Organization (ILO), the International Maritime Organization (IMO) and the Basel Convention on Ship Scrapping (UNEP/CHW.8/7) and information documents on information available on the Basel Convention website on the environmentally sound management of ship recycling (UNEP/CHW.8/INF/21); on a compilation of assessments provided by Parties and others comparing levels of control and enforcement established by the Basel Convention with expected levels under the draft legally binding instrument on ship recycling (UNEP/CHW.8/INF/22); and on the report of the fifty-fifth session of the Marine Environment Protection Committee (UNEP/CHW.8/INF/34). It also had before it an assessment, submitted by Japan, of the development of the draft International Convention for the Safe and Environmentally Sound Recycling of Ships (UNEP/CHW.8/INF/39) and a report on developments within IMO relating to the draft legally binding instrument on ship recycling (UNEP/CHW.8/7/Add.1).
68. Introducing the sub-item, the representative of the Secretariat pointed out that it comprised three issues: the Joint Working Group on Ship Scrapping; environmentally sound management of ship dismantling; and abandonment of ships on land or in ports.
69. Regarding the Joint Working Group, the representative of the Secretariat noted that the reports of the Group's first and second meetings were before the Conference and reported that the Marine Environment Protection Committee of IMO had deferred until its fifty-sixth session consideration of whether the Joint Working Group should hold a third meeting, while ILO had already indicated its willingness to host such a meeting.

70. Regarding the second issue, the representative of the Secretariat recalled that by its decision VII/26 the Conference of the Parties had invited IMO to continue to consider the establishment of mandatory requirements that would ensure an equivalent level of control to that established under the Basel Convention to ensure the environmentally sound management of ship recycling. The IMO Assembly, at its twenty-fourth session, had adopted a resolution requesting the Marine Environment Protection Committee to develop a legally binding instrument on ship recycling, work on which was continuing. The Open-ended Working Group, as requested by decision VII/26, had invited Parties to provide assessments of the level of control and enforcement established by the Basel Convention compared to the level expected to be provided by the draft instrument on ship recycling. One such submission had been received. The Secretariat also informed the Conference that it had developed a project aimed at promoting the implementation of the Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships and drew attention to the information on environmentally sound management of ship recycling available on the Convention website.

71. On the third issue, the representative of the Secretariat recalled that, by its decision VII/27, the Conference of the Parties had invited Parties to provide the Secretariat information on the abandonment of ships on land or in ports for presentation to the Open-ended Working Group. In the light of the diversity of information received the Open-ended Working Group, at its fourth session, had developed a questionnaire designed to streamline the information and had requested the Secretariat to review and analyse the information received. Consultations had also taken place between the Basel Convention, IMO and ILO secretariats on the abandonment of ships.

72. In the ensuing debate, several representatives welcomed the steps being taken by IMO toward the development of a legally binding instrument on ship recycling but warned that particular responsibility would fall upon the Basel Convention during the interim period until such an instrument came into force, given the increasingly urgent environmental, health and safety issues relating to ship dismantling. One representative said that development of a new international regime on ship dismantling would benefit from a life cycle approach, with particular attention to preventive measures, identification of hazardous material on ships through mandatory inventories, more efficient flow of information, an improved certification system and strengthening of national standards.

73. Some representatives expressed reservations as to whether the draft legally binding instrument on ship recycling would provide a level of control equivalent to that established under the Basel Convention. The representative of a country in which ship dismantling took place said that dismantling offered great potential for recycling and conservation of natural resources and that regulation of the activity should be left to national systems of control and did not require development of an international instrument. Another representative said that countries engaged in ship dismantling required international help in the transfer of technologies to ensure proper implementation of the Basel Convention.

74. The representative of India, asking that his comments be reflected in the present report, said that the draft instrument put an excessive burden on ship recycling States and did not establish corresponding responsibilities of ship owning and flag States in accordance with the polluter pays principle and the provisions of the Basel Convention. The roles and responsibilities of the various stakeholders in ship recycling activities would therefore need to be discussed by the Open-ended Working Group and the Working Group's conclusions considered by the Conference of the Parties at its ninth meeting. He also said that his country had appointed a high-level committee of technical experts to examine the infrastructure for ship dismantling at two sites in the country and to make suggestions for improvements.

75. Regarding the abandonment of ships, one representative said that developing countries often lacked the capacity to report on abandoned ships in their regions and that further funds needed to be made available to address that problem. Another representative said that a clear mechanism was required to solve the legal problems related to ship abandonment. The representative of IMO informed the Conference that its Legal Committee, at its ninety-second session, had approved a draft wreck removal convention, which would be considered for adoption in May 2007.

76. The Conference decided that informal consultations on the issues raised would take place and would be coordinated by Mr. Roy Watkinson (United Kingdom of Great Britain and Northern Ireland), Vice-President of the Bureau of the Meeting.

77. At the Committee's 8th session, on the afternoon of Friday, 1 December, the Committee considered three draft decisions that had been circulated in conference room papers on the environmentally sound management of ship dismantling, on the abandonment of ships on land or in ports and on the Joint Working Group of ILO, IMO and the Basel Convention on ship scrapping.

78. The Committee approved all three decisions for consideration and possible adoption by the Conference.

79. At the time of approval of the decisions, a representative of a non-governmental organization appealed to participants to keep in mind the real conditions and challenges faced in developing countries, where he said workers in shipyards died in their thousands from the effects of toxic gases and gruesome accidents. He urged the Conference to work independently from the IMO process, which, he said, was bound to take many years to finalize and would prove for many to be too little too late.

80. Also at the time of approval of the decisions, the representative of India said that one of the paragraphs of the decision on ship dismantling did not reflect what had been agreed during the deliberations of the contact group and that representatives had not been given enough time to comment on the decision before its approval. It was agreed that the representative of India would reiterate his objection when the Conference considered the adoption of the decisions approved by the Committee.

G. Financial matters

81. The Committee took up the sub-item at its second session, on the morning of Tuesday 28 November. The representative of the Secretariat introduced the item and drew attention to proposed alternative programmes and budgets for the biennium 2007–2008 and the triennium 2008–2009 (UNEP/CHW.8/8), noting that they had been formatted according to the new programmatic structure of the Secretariat, with three budget options; a note by the Secretariat containing information on financial matters (UNEP/CHW.8/INF/23); and a note by the Secretariat on the terms upon which programme support costs were charged for the administration of the Convention's trust funds (UNEP/CHW.8/INF/36), which included areas of relevance to the present sub-item.

82. In the discussion that ensued, all of the representatives who spoke expressed their appreciation for the quality of the documents provided and in particular the formatting of the budget according to the new programmatic structure of the Secretariat. One representative suggested that the proposed \$8 million dollar programme in the Technical Cooperation Trust Fund might be ambitious considering the resources that were likely to be available. Another said that the budget should, at the very least, continue to maintain the strength of the Convention at the level of recent years, while another suggested that the core budget could be improved by setting clear objectives and benchmarks for priority areas by using best practices elaborated within the United Nations system. Most of the representatives who spoke described the need for adequate, predictable and sustainable funding of the core budget commensurate with the exponentially growing problem of hazardous wastes. A number of representatives noted that there was almost no surplus remaining in the budget reserves and that income would therefore need to match expenditures. One representative recalled that at the seventh meeting of the Conference all developing countries had agreed to contribute to the budget.

83. A significant majority of the representatives who spoke favoured option 1 of the three budget options outlined in document UNEP/CHW.8/8, which they said would provide for effective implementation of the Convention through a reasonable number of meetings of the Conference providing an appropriate level of guidance and oversight of the Secretariat. It would also allow for an appropriate global profile for the Convention and would avoid delays on synergies and compliance matters. Several representatives expressed the opinion that there was scope for further savings within option 1.

84. One representative suggested that option 1 should be amended to provide for a meeting of the Open-ended Working Group during the year when there was no meeting of the Conference of the Parties and for the Open-ended Working Group to meet back-to-back with each meeting of the Conference of the Parties. Option 2 was described as inadequate by several representatives and Option 3 was rejected by most of the representatives who said that it would not allow for equal participation of all Parties due to the lack of interpretation at meetings in the six official languages of the United Nations.

85. Several representatives pointed to the need to address in a decisive manner the issue of contributions arrears, which had persisted for a number of years. One representative, noting that the Open-Ended Working Group had adopted a decision at its fourth session that requested the Executive Secretary to work with the countries concerned in order to clear the arrears, suggested that that decision should be endorsed by the Conference at the current meeting.

86. One representative noted that it was necessary to examine project proposals carefully to decide which required initial promotion or technical or legal input from the Secretariat and would therefore be best financed through the Basel Convention Trust Fund and which should be directed to conventional

sources of support, including aid programmes. Another representative pointed to the need to identify new financing mechanisms, which he said should be mentioned explicitly in the final decision on the matter.

87. A number of representatives from developing countries and regions expressed their profound concern that the current assessed scale of contributions was in their view not fair. Other representatives of developing countries underlined the need to fund the Basel Convention regional and coordinating centres adequately so that they could fulfil their important role effectively.

88. One representative suggested that, in the light of financial limitations, programmatic priorities and the resources to implement them should be clearly defined and that other activities should only be undertaken as funding permitted. He also said that there should be no increase in assessed contributions and that the reserve should not be depleted further.

89. A number of representatives pointed to the need to continue and enhance a coordinated approach within the chemicals cluster, including the Strategic Approach to International Chemicals Management and other chemicals conventions. Partnerships with other conventions and the private sector were described as important by several representatives, who felt that they would bring about increased funding, visibility and efficiency of the Convention, as well as increased support for Basel Convention regional and coordinating centres. Greater resources and benefits might be achieved through the adoption of a common approach and enhancing synergies with the Rotterdam and Stockholm conventions, in particular.

90. One representative expressed the view that it was unnecessary to amend article 14 as it would not increase funding for Basel Convention projects. He pointed out that the GEF Council had recently agreed not to open a new window for funding Basel Convention projects but that GEF funding could nevertheless be obtained for Basel Convention projects through the Facility's persistent organic pollutant and international waters funding windows.

91. One speaker commended the Executive Secretary on her efforts to revitalize the Convention since taking office in 2002, including implementation of the Strategic Plan, undertaking initiatives for partnership projects incorporating outside funds and entering into memorandums of understanding with regional centres.

92. Other issues raised by individual representatives included the issue of electronic-waste, which required urgent attention in Africa and should be included in the programme elements for funding in the biennium or triennium; the need to refine the Strategic Plan to provide a framework to guide the work of the Partnership Programme, the Secretariat and the Basel Convention regional and coordinating centres; the need for annual work plans for the Convention to include achievable goals and measurable indicators; and a suggestion that the Secretariat prepare a report on its activities for the ninth meeting of the Conference in a narrative style like that prepared for meetings of the Conference of the Parties to the Stockholm Convention.

93. Following the discussion on the sub-item, the Committee agreed to establish a contact group, to be chaired by Ms. Anne Daniel (Canada), to consider the budget, as well as any legal matters referred by the Committee of the Whole, and to prepare a draft budget decision for the consideration of the Committee.

94. During the discussion under the sub-item, in response to a point raised by one representative on the need to tackle the issue of mercury waste, a representative of the Basel Convention noted that the Secretariat had been requested by UNEP to cooperate in the UNEP mercury programme and to highlight the issue of mercury waste in the course of its work. He suggested that the Conference of the Parties might wish to include mercury waste as a focus area of the Strategic Plan and noted that a conference room paper was being circulated on the issue.

95. The Committee resumed consideration of the item at its 8th session, on the afternoon of Friday, 1 December, at which time Ms. Daniel presented a draft decision on the programme and budget for the biennium 2007–2008, which had been circulated in a conference room paper.

96. The Committee approved the draft decision for consideration and possible adoption by the Conference.

97. Following the approval of the draft decision, the representative of the group of Latin American and Caribbean countries made a statement in which he reiterated statements made at prior meetings of the Conference to the effect that the current scale for calculating contributions to the Convention budget was flawed since it did not take into account economic and social realities, the capacity of Parties to pay

or the specific characteristics of the Convention relating to the differences in production of hazardous waste in developing and developed countries. He said that the group was concerned that the current scale of contribution would compel Parties to sacrifice important projects in order to meet their obligations, while non-Parties would be deterred from ratifying the Convention. The group called on the Secretariat to undertake a study of the scale of contributions for review by the Conference at its meetings or by other Convention bodies during the intersessional period.

H. Resource mobilization and sustainable financing

98. The Committee took up the sub-item together with the sub-item on financial matters at its second session, on the morning of Tuesday, 28 November. The Committee had before it notes by the Secretariat on the resource mobilization programme, including proposed recommendations for future activities (UNEP/CHW.8/9), and on sustainable financing (UNEP/CHW.8/10); information documents on examination of Article 14 of the Basel Convention and the feasibility of appropriate and predictable financial mechanisms of the Basel Convention (UNEP/CHW.8/INF/25) and terms upon which programme support costs are charged for the administration of the Basel Convention trust funds (UNEP/CHW.8/INF/36); and an information document entitled "Our sustainable future: the role of the Basel Convention" (UNEP/CHW.8/INF/33). The Committee also had before it an additional document on the results of a report by the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety on linkages between waste management and the reduction of climate change gases (UNEP/CHW.8/INF.12). The Executive Secretary noted that thanks to funding from the United Kingdom, a pilot resource mobilization workshop would be held in Nairobi from 3 to 7 December 2006. She drew attention to additional information on the proposed workshop (UNEP/CHW.8/INF/24), noting that it would be the first in what would be a series of regional workshops on the topic.

99. The first speaker to take the floor welcomed the fact that resource mobilization and sustainable funding would be discussed together, suggesting that it would allow the Parties to reach well integrated decisions. Noting that financial allocations were not always sufficient for developing countries to deal with environmental issues, he said that discussion was needed on the range of available options to improve access to existing sources of financing and on better ways to link the Basel Convention to the Millennium Development Goals.

100. A number of representatives welcomed the diversity of options presented in the documents and said that a range of mechanisms should be utilized in the implementation of the Basel Convention. Representatives from both developed and developing countries said that GEF was a good possible source of long-term sustainable financing, suggesting that the new GEF policy on chemicals management would improve the possibility of obtaining financing for Basel Convention activities and that GEF should be invited to provide more information to the Conference. Other avenues for obtaining funding suggested by speakers were the Clean Development Mechanism of the Kyoto Protocol, the Quick Start Programme of the Strategic Approach to International Chemicals Management, the Bali Strategic Plan for Technology Support and Capacity-building and the Montreal Protocol on Substances that Deplete the Ozone Layer. One representative noted that the Basel, Stockholm and Rotterdam Conventions should be coordinating their search for sources of funding. A number of representatives favoured looking closer to home, saying that the coverage and depth of the Basel Convention Trust Fund should be expanded to make it a more effective vehicle for assisting developing countries to fulfil their obligations under the Convention.

101. Another representative, while supporting a broad approach to the financing issue, noted that many available sources of funding had not been sufficiently utilized, perhaps owing to a lack of information in developing countries on what was available; the Secretariat thus needed to continue its efforts to provide information. A number of representatives said the Secretariat should play a stronger facilitating role in assisting countries to access funding. Another said that the most important point was to secure the political will to achieve a stable financial position and that the Conference of the Parties should help to secure the necessary cooperation.

102. A number of representatives from developing countries supported calls for increased funding to enable them to mainstream waste management into their national development plans. One representative noted that the incident in Côte d'Ivoire had highlighted the fact that the financial mechanisms for dealing with unpredictable waste disposal issues were inadequate. Another endorsed the establishment of new mechanisms if necessary to provide assistance in cases of emergency and compensation for damage resulting from transboundary movement of hazardous wastes and their disposal. Another said that it was important for developing countries to prioritize sound chemicals and

waste management in their national development plans and to make them known to bilateral and multilateral funding sources.

103. The Committee agreed that the contact group established to prepare a draft budget decision would also further the work under the present sub-item and prepare a draft decision for the consideration of the Committee.

104. At the Committee's eighth session, on the evening of Friday, 1 December, the Committee considered a draft decision on resource mobilization and financing submitted by Finland on behalf of the European Community and its member States and Bulgaria and Romania, which had been circulated in a conference room paper following deliberations by the contact group. Following discussion, the Committee approved the draft decision, as orally amended, for consideration and possible adoption by the Conference.

105. At the time of the approval of that decision, the representative of China expressed regret that a suggestion made by his country during the contact group discussions, pursuant to which the decision would have requested the Secretariat to conduct a study exploring the possibility of the Basel Convention seeking funds from the Global Environment Facility during its fifth replenishment, had not been reflected in the draft decision. He said that such an effort was required because while the Convention had an increasingly heavy workload, most Parties did not seem willing to increase their contributions to the Convention's trust funds. In addition, efforts to seek funds from other external sources such as the Multilateral Fund for the Implementation of the Montreal Protocol on Substances that Deplete the Ozone Layer were not likely to bear fruit. A number of other representatives expressed support for the statement.

106. In response, the representative of Finland, while agreeing that more reliable funding was needed, emphasized the importance of developing countries reflecting hazardous waste and Basel Convention issues in their national development plans so that donors might adhere to those plans in a coherent manner.

V. Work programme of the Open-ended Working Group (agenda item 9)

107. The Committee took up the item at its eighth session, on the evening of Friday, 1 December. It had before it a note by the Secretariat on the work programme of the Open-ended Working Group for the biennium 2007–2008 (UNEP/CHW.8/11) as well as an information document on mercury waste and the Basel Convention (UNEP/CHW.8/INF/37). The Committee agreed to establish a contact group to consider the draft decision on the work programme contained in the Secretariat's note. The Committee also agreed that adoption of a decision on the work programme should await the outcome of discussions under way on the budget, as the latter would have implications for the former work programme. Finally, considering the lateness of the hour, it agreed that following the deliberations of the contact group the item should be taken up directly by the Conference in plenary session.

VI. Compliance Committee (agenda item 10)

108. The Committee took up the item at its fifth session, on Wednesday, 29 November. The Committee had before it a report from the Compliance Committee on its work in 2005–2006 and a proposed work programme for 2007–2008 (UNEP/CHW.8/12) and a note by the Secretariat on nominations to the Compliance Committee (UNEP/CHW.8/INF/14).

109. Mr. Watkinson, as Chair of the Committee for Administering the Mechanism for Promoting Implementation and Compliance ("the Compliance Committee"), presented a report on the work of the Committee during the period 2005–2006 and its proposed work programme for the period 2007–2008. He said that the Committee had held four sessions, the last in April 2006. No submissions had been received requiring action under paragraphs 19 or 20 of the terms of reference for the compliance mechanism but the Committee had been very active under the other provisions of the terms of reference and had established appropriate methods of working to deal with submissions should they arise. In addition, in accordance with paragraph 21 of the terms of reference and as requested by decision VII/30 of the Conference of the Parties, the Committee had identified and analysed, by means of a questionnaire and with the assistance of a consultant, difficulties relating to reporting obligations, designation and functioning of national competent authorities and focal points and development of national legislation to implement effectively the Basel Convention. Parties had also identified, through

the questionnaire, priorities for action by the Committee, which had been considered in developing the work programme.

110. The Committee had also provided to the Secretariat comments on a draft checklist for preparation of national legislation and its members had participated in a number of events in their capacity as members of the Committee. The Committee had prepared a brief guide for Parties explaining its functions and procedures.

111. In response to queries about the financing of the Compliance Committee, the Secretariat said that its work programme was funded from voluntary contributions and that only meetings were funded from the operational core budget. One representative said that the Committee's work programme should take into account the theme of the current meeting, i.e., the environmentally sound management of electronic wastes and that, given the importance of the compliance issue, the activities of the Committee should be funded from the core budget.

112. Following discussion of the draft decision contained in the note by the Secretariat (UNEP/CHW.8/12), the Committee approved it for consideration and possible adoption by the Conference.

VII. Other matters (agenda item 11)

113. The Committee took up no other matters.

VIII. Closure of the sessions of the Committee of the Whole

114. The Committee completed its consideration of the items entrusted to it by the Conference at 10.20 p.m. on 1 December 2006.

Annex III

Statement by the President of the Conference of the Parties on the dumping of toxic wastes in Abidjan, Côte d'Ivoire, in August 2006

The Conference expresses its deepest sympathy for the loss of innocent lives and commends the efforts of the Government of Côte d'Ivoire to address the grave consequences of the tragic incident of dumping of toxic wastes that happened in Abidjan, Côte d'Ivoire, in August 2006.

The Conference overwhelmingly condemns any illegal dumping that contravenes the provisions of the Basel Convention on the Transboundary Movement of Hazardous Wastes and Their Disposal.

The Conference, noting the limited international response so far to the call for urgent assistance and support made by the Government of Côte d'Ivoire and the enormous financial burden placed on Côte d'Ivoire calls for robust support from the international community to provide appropriate funding for remediation activities, monitoring and other measures necessary to safeguard public health and the environment, which have been badly affected.

The Conference emphasizes the importance of fully investigating and identifying the causes of the incident and ensuring that those found responsible by such investigations are held accountable for their acts and that appropriate compensation is made to the innocent victims in the spirit of the polluter pays principle.

The Conference recognizes that the incident in Côte d'Ivoire is a wake-up call to all Parties to the Convention and reiterates the need for increased commitment by the international community taking appropriate action to minimize and prevent similar incidences occurring in developing countries and ensuring strict compliance with and rigorous enforcement of multilateral environmental agreements and other international laws.

The Conference stresses the need to put in place stringent measures and to reinforce existing measures to protect, by strict control, human health and the environment against the adverse effects which may result from the generation and management of hazardous wastes and other wastes.

The Conference observes that there is an urgent need for close coordination among Parties to the Convention to ensure that these measures are effective and expresses its collective resolve to prevent incidents like the dumping of waste in Côte d'Ivoire from occurring in the future.

The Conference stresses the need for appropriate instruments of the Basel Convention, including the amendment contained in its decision III/1 and the Protocol on Liability and Compensation, to enter into force. Furthermore, the Conference underscores the need to strengthen regional instruments such as the Bamako Convention on the Ban of the Import Into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa and calls on those States that have not yet ratified the Basel Convention to do so as soon as possible.

The Conference underscores the need for the international community:

- (a) To support Côte d'Ivoire in the expeditious conclusion of ongoing investigations in order to establish the culpability of those responsible for the illegal dumping of toxic wastes;
- (b) To support the clean-up activities being undertaken by Côte d'Ivoire, as well as the follow-up activities aimed at monitoring and addressing the long-term effects of the toxic wastes;
- (c) To consider the international legal regimes established under the Basel Convention and the instruments of the International Maritime Organization, with a view to identifying and addressing any gaps.

Annex IV

Nairobi declaration on the environmentally sound management of electrical and electronic waste

We, the Ministers and other heads of delegation from States,

Having met in Nairobi, Kenya, from 27 November to 1 December 2006, on the occasion of the eighth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, and in particular during the World Forum on E-Waste,

Acknowledging that all countries benefit from increasing access to electrical and electronic products (e-products), including modern information and communications technologies and recognizing the importance of exploiting know-how and experience from different areas of the world regarding the recycling of electrical and electronic waste (e-waste),

Noting that the rapid expansion of the production and use of e-products results in an increase in the generation of used and end-of-life e-products and a rapid expansion in the transboundary movements of e-waste worldwide,

Underlining the fact that the Basel Convention provides an effective framework for developing strategic partnerships to continue discussing and exchanging views and experiences with a view to continuing to improve the environmentally sound management of e-waste worldwide,

Concerned about the risk to the environment and human health arising from international traffic in e-waste to countries, in particular developing countries that do not possess the capacity for the environmentally sound management of such wastes,

Conscious of the importance of minimizing the generation of e-waste and reducing transboundary movements of such waste,

Mindful of the opportunities, from an economic and social perspective, that recycling and recovery of used and end-of-life e-products can bring when properly managed in an environmentally sound manner throughout the life-cycle of such products,

Recognizing the importance of encouraging green design and extended producer responsibility in the life-cycle of electrical and electronic products,

Fully aware of the urgent need to strengthen enforcement and take further actions to prevent and combat illegal traffic in e-waste,

Declare:

1. That we shall promote awareness at all levels on the issue of e-waste challenges and solutions;
2. That we shall encourage and promote the exchange of information and the transfer of best available technologies for the environmentally sound management of e-waste from developed countries to developing countries and countries with economies in transition;
3. That we shall promote clean technology and green design for e-products, including the phase-out of hazardous substances used in production and included in components and shall promote product stewardship and extended producer responsibilities in the life-cycle management of electrical and electronic products;
4. That the Basel Convention is the main global instrument for guiding the environmentally sound management of hazardous e-waste and that its provisions need to be fully respected;

5. That illegal traffic in e-waste is a serious concern that requires urgent action in the context of the implementation of the Basel Convention;
 6. That we shall encourage national, regional and global comprehensive actions for the environmentally sound management of e-waste and end-of-life equipment through shared responsibilities and commitments from all concerned stakeholders;
 7. That we shall promote integrated waste management in order to reduce the harm caused by the hazardous components contained in e-waste by ensuring proper collection of end-of-life equipment and its separation from household or municipal waste, achieving this through cooperation with municipalities and non-governmental organizations and the full participation of the general public;
 8. That we shall improve waste management controls through the establishment of robust national policies, legislation and diligent enforcement, including producers' and traders' responsibilities as well as take-back and recycling schemes and their targets;
 9. That we shall prevent and combat illegal traffic of e-wastes, taking into account the benefits accrued through harmonization of national laws at the regional level;
 10. That we shall encourage and support strategic partnerships initiated within the context of the Basel Convention targeting e-waste with a view to improving the environmentally sound management of e-products worldwide;
 11. That we shall develop and consolidate national, regional, and international cooperation and programmes or initiatives to support the implementation of activities aimed at the environmentally sound management of e-waste utilizing, as appropriate, the Basel Convention regional centres;
 12. That we welcome the Conference of the Parties' decision VIII/2 on the environmentally sound management of electrical and electronic waste.
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