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**Open-ended Working Group of the Basel Convention  
on the Control of Transboundary Movements of  
Hazardous Wastes and Their Disposal**  
Sixth session  
Geneva, 3–7 September 2007

## **Report of the Open-ended Working Group of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal on the work of its sixth session**

### **I. Opening of the session**

1. The sixth session of the Open-ended Working Group was opened at 10.10 a.m. on Monday, 3 September 2007, by Mr. Peeter Eek (Estonia), Co-Chair (technical) of the Working Group.
2. Following the opening of the session, Ms. Katharina Kummer Peiry, Executive Secretary of the Convention Secretariat, welcomed participants and thanked them for the messages of support that she had received following her recent appointment to her post. She also thanked the Secretariat staff for their hard work in the period between the departure of her predecessor, Ms. Sachiko Kuwabara-Yamamoto, and her own appointment.
3. Ms. Kummer Peiry said that the fifteenth anniversary of the entry into force of the Convention provided the opportunity to take stock of achievements to date and identify future challenges to implementation. The Convention was now a mature legal instrument, she said, with mechanisms in place to meet the needs of its 170 Parties, addressing the mutual concerns of both North and South. In the past 15 years, significant progress had been made in implementing the Convention at the national level, through the development of infrastructure projects for the environmentally sound management of hazardous waste. She noted that the tragic incident of dumping of toxic wastes in Côte d'Ivoire in 2006 demonstrated the existing problems with enforcement of the Convention and she affirmed the need to focus efforts in that area.
4. She went on to outline the main issues on the agenda at the current session and noted that, given the heavy workload, the Working Group might wish to consider mandating the continuation of some work intersessionally to ensure that all tasks were completed in time for the ninth meeting of the Conference of the Parties. She stressed the need for adequate financing and concrete action at the national level to implement the Nairobi ministerial declaration on the environmentally sound management of electronic and electrical waste, and the importance of mobilizing resources to ensure that the regional centres realized their potential.
5. She welcomed the progress being made in the establishment of public-private partnerships, including under the new partnership initiative on the environmentally sound management of used and end-of-life computing equipment. On the issue of resource mobilization and sustainable financing, she pointed out that contributions for the current biennium were insufficient to fund implementation of all mandated activities and therefore appealed to all Parties and other stakeholders to make the necessary contributions as a matter of urgency. She suggested that in its discussions on that issue and in its

recommendations to the Conference of the Parties, the Working Group should consider the financial resources that would be required to make implementation of the Convention more effective.

6. She reported that consultations on the arrangements for the ninth meeting of the Conference of the Parties were proceeding satisfactorily and thanked the Government of Indonesia for its efforts in that regard. Concluding, she endorsed the view expressed by the Executive Director of the United Nations Environment Programme (UNEP), Mr. Achim Steiner, that rather than being a phase of environmental crisis and doom, the twenty-first century would provide a new window of opportunity.

7. Following her opening remarks, many participants congratulated Ms. Kummer Peiry on her appointment to the post of Executive Secretary.

## **II. Adoption of the agenda**

8. The Working Group adopted the following agenda, on the basis of the provisional agenda (UNEP/CHW/OEWG/6/1/Rev.1), as amended at the current session:

1. Opening of the session.
2. Adoption of the agenda.
3. Organization of the session.
4. Admission of observers.
5. Dumping of toxic wastes in Abidjan, Côte d'Ivoire.
6. Basel Convention regional and coordinating centres:
  - (a) Review of the operation of the Basel Convention regional and coordinating centres;
  - (b) Consideration of the proposal for the establishment of a regional centre for South Asia in the South Asia Cooperative Environment Programme.
7. Technical matters:
  - (a) Technical guidelines on environmentally sound management:
    - (i) Revised technical guidelines on environmentally sound management of used tyres;
    - (ii) Review of other selected technical guidelines pursuant to decision VIII/17, e.g., on incineration on land (D10), specially engineered landfill (D5), and wastes collected from households (Y46);
    - (iii) Persistent organic pollutants;
    - (iv) Stockholm Convention revised draft guidelines on best available techniques and provisional guidance on best environmental practices;
  - (b) Classification and hazard characterization of wastes:
    - (i) Review of work on the guidance papers on H10 and H11 pursuant to decision VIII/21;
    - (ii) Review of cooperation with the World Customs Organization and its Harmonized System Committee pursuant to decision VIII/20;
    - (iii) Amendments of entries related to persistent organic pollutants;
  - (c) Review or adjustment of the lists of wastes contained in Annexes VIII and IX of the Basel Convention;
  - (d) Harmonization and coordination;
  - (e) National classification and control procedures for the import of wastes contained in Annex IX.
8. Legal and compliance matters:
  - (a) Illegal traffic: review of the outline of an instruction manual for the legal profession;

- (b) Review of the 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;
  - (c) Protocol on liability and compensation: review of options for meeting the requirement of insurance, bonds or other financial guarantees;
  - (d) Addressing the interpretation of paragraph 5 of Article 17 of the Convention.
- 9. Dismantling of ships:
  - (a) Environmentally sound management of ship dismantling;
  - (b) Abandonment of ships on land or in ports.
- 10. Cooperation and coordination:
  - (a) Cooperation and coordination between the Basel Convention, 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;
  - (b) Cooperation between the Basel Convention and the International Maritime Organization;
  - (c) Cooperation with the World Trade Organization.
- 11. Strategic partnerships:
  - (a) Basel Convention Partnership Programme: progress on the implementation of the 2007–2008 workplan;
  - (b) Mercury;
  - (c) Asbestos.
- 12. E-waste:
  - (a) Review of the guidance document on environmentally sound management of used and end-of-life mobile phones;
  - (b) Mobile Phone Partnership Initiative;
  - (c) Partnership on used and end-of-life computing equipment and regional partnerships on e-waste;
  - (d) Workplan for 2009–2010.
- 13. Resource mobilization and sustainable financing: review of the implementation of decision VIII/34.
- 14. Financial matters.
- 15. Work programme of the Open-ended Working Group for 2009–2010.
- 16. Preparation of draft decisions for consideration by the Conference of the Parties at its ninth meeting.
- 17. Organization of the ninth meeting of the Conference of the Parties.
- 18. Other matters.
- 19. Adoption of the draft decisions and the report of the session.
- 20. Closure of the session.

### III. Organization of the session

9. The session was attended by representatives of the following Parties to the Convention: Albania, Algeria, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belgium, Benin, Bolivia, Brazil, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, European Community, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lebanon, Libyan Arab

Jamahiriya, Madagascar, Malaysia, Maldives, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, Saudi Arabia, Serbia (Republic of), Singapore, Slovak Republic, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the Former Yugoslav Republic of Macedonia, Trinidad and Tobago, Togo, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Yemen.

10. The following States not party to the Convention were represented: Iraq, Suriname and United States of America.

11. Observers from the following United Nations bodies, specialized agencies and intergovernmental organizations were also present: International Atomic Energy Agency, International Labour Organization, International Maritime Organization, United Nations Economic Commission for Europe, United Nations Environment Programme, United Nations Industrial Development Organization, United Nations University and World Trade Organization.

12. The following intergovernmental organizations were represented: Organization for Economic Cooperation and Development, Organization for the Prohibition of Chemical Weapons, Permanent Delegation of the League of Arab States, South Asia Cooperative Environment Programme.

13. The following non-governmental organizations, private sector organizations and others were represented: Asociacion de Industriales de Fibro Cemento, Basel Action Network, Beveridge and Diamond, Bureau of International Recycling, Cembureau, Community Police Initiative, Electronic Industries Alliance, EMPA Research Institute, Ex Corporation, Greenpeace International, IMPEL-TFS, Institute of Scrap Recycling Industries, International Company for Petroleum Waste, International POPs Elimination Network, International Precious Metals Institute, Japanese Ship Owner's Association, Japan Ship Centre (JETRO), Mercury Policy Project, NGO Platform on Shipbreaking, North American Ship Dismantling Association, Tosoh Corporation, Umicore Precious Metals Refining, Veolia, WE2C – Waste and Environment Cooperation Centre and World Chlorine Council.

14. Representatives of the Basel Convention regional centres located in the following countries also attended: Argentina, China, Egypt, Indonesia, Iran (Islamic Republic of), Nigeria, Senegal, Slovak Republic, Trinidad and Tobago and Uruguay.

15. The Bureau, as appointed at the eighth meeting of the Conference of the Parties, was constituted as follows:

- Co-Chairs: Mr. Peeter Eek (Estonia) (technical)
- Mr. Abdul Mohsin Mahmood al-Mahmood (Bahrain) (legal)
- Vice-Chairs: Ms. Consolata Kiragu (Kenya) (legal)
- Ms. Kerstin Stendahl-Rechardt (Finland) (technical)
- Rapporteur: Ms. Alexandra Segura (Costa Rica)

16. The Working Group decided to meet in plenary from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. each day and to establish such drafting and other subsidiary groups as it deemed necessary. In the light of the heavy workload at the current session, the Working Group agreed to establish contact groups on the following themes:

- (a) Basel Convention regional centres (chaired by Mr. Mohsen Esperri (Islamic Republic of Iran) and Mr. Nicholas Kiddle (New Zealand))
- (b) Legal matters (chaired by Ms. Consolata Kiragu (Kenya));
- (c) Ships (chaired by Mr. Roy Watkinson (United Kingdom of Great Britain and Northern Ireland));
- (d) Technical matters (chaired by Mr. Mohammed Khashashneh (Jordan) and Ms. Stendahl-Rechardt (Finland));
- (e) Review of the implementation of decision V/32 (chaired by Ms. Gordana Petkovic (Republic of Serbia)).

17. The Working Group also agreed that it would not meet in plenary on the afternoon of Tuesday, 4 September, in order to give the contact groups sufficient time to achieve their objectives.

18. There was general support for the notion that, in order to strengthen the brand of the public-private partnerships operating under the Convention and to facilitate Internet searches for them, it was useful to refer to them by their acronyms. The Working Group therefore agreed that, it would refer to the partnerships by their acronyms, as appropriate, in its official documents, including the reports of its sessions.

#### **IV. Admission of observers**

19. The Working Group took up the item at its 1st plenary meeting, on the morning of Monday, 3 September 2007. The representative of a group of Parties noted that United Nations security personnel had denied several representatives of a non-governmental organization entry to the Working Group's current session. He requested an explanation for that prohibition, noting that, in his view, the rules of procedure provided that it was for the Parties to the Convention to decide on the participation of observers at its sessions. He added that it was particularly unfortunate that the representatives in question had not been informed in advance that they would be denied entry.

20. The representative of the Secretariat explained that the United Nations Security and Safety Section in Geneva had advised the Secretariat that the members of the non-governmental organization in question could not be accredited to participate at the current session because their accreditation documents had not been issued by a Member State of the United Nations. She said that the Secretariat had been surprised by that decision, as that rule had never been applied previously and the non-governmental organization had made useful contributions at earlier meetings on the issue of e-waste. She added that the rules of procedure did not specifically deal with the matter of accreditation and that United Nations practice therefore applied. She explained that the Secretariat would follow up on the matter with the competent entities of the United Nations.

21. One representative said that because UNEP was a specialized agency of the United Nations, the United Nations rules concerning accreditation should be followed.

#### **V. Dumping of toxic wastes in Abidjan, Côte d'Ivoire**

22. The Working Group took up the item at its 1st plenary meeting, on the morning of Monday, 3 September 2007. In considering the item, the Working Group had before it a note by the Secretariat on decision VIII/1 (UNEP/CHW/OEWG/6/2), which contained in its annex a report on the Secretariat's technical mission to Côte d'Ivoire in November 2006, and a report on the joint mission of the Secretariat and UNEP to Abidjan in August 2007 (UNEP/CHW/OEWG/6/INF/25).

23. The representative of the Secretariat introduced the item, summarizing the reports on the two missions to Côte d'Ivoire. He said that in partnership with UNEP and in consultation with the International Maritime Organization (IMO), the Secretariat was now preparing a first group of activities to start in early 2008, focusing on development of a hazardous waste management plan in the district of Abidjan, strengthening the port of Abidjan's capacity to manage waste generated at sea in accordance with the provision and standards of the Basel Convention, and development of a regional capacity-building programme. Responding, the representative of Côte d'Ivoire thanked the international community for its help in the aftermath of such a terrible ecological crime, urging it to contribute generously to the special trust fund for Côte d'Ivoire established by the Executive Director of UNEP.

24. In the ensuing discussion, several representatives emphasized the need for the establishment of an efficient financial mechanism to respond to such disasters, rather than relying on voluntary contributions. Some representatives urged that the proposed capacity-building programme should be extended to landlocked countries, not just to those with a sea coast, and emphasized that enhanced training for customs officials was crucial. Several representatives stressed the need to clarify the relevant legal authority applicable to the issue. Other representatives called for an examination of which of the Convention's provisions had worked and which had not. The incident had also highlighted the need for closer surveillance and enhanced enforcement efforts, as well as for coordinated implementation among the Basel, Rotterdam and Stockholm Conventions. One representative noted that the report of the Secretariat's technical assistance mission to the district of Abidjan indicated that those involved in the mission could only access second-hand information on the chemical composition of the waste and its environmental and health impact. Another noted that while decision VIII/1 had invited the

Executive Director of UNEP to keep Parties informed of progress in the mobilization of resources, the Working Group had not, at the current session, been presented a report on the amount in the trust fund or on which countries had contributed.

25. The representative of the Netherlands gave an update on his Government's intensive investigations into the disaster, which had revealed inconsistency in the definitions used in the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) and in the European Union directive on port reception facilities. The Netherlands had requested the European Commission to react on legal imperfections and stressed the need for clarification. The Netherlands made a donation of one million euros to the UNEP trust fund. The representative of France reported that the waste had been shipped from Côte d'Ivoire to France, where it was currently being incinerated.

26. The representative of a non-governmental organization expressed great disappointment with the Basel Convention response to the tragedy in Côte d'Ivoire. He said that the financial contributions called for at the eighth meeting of the Conference of the Parties had been insufficient to remediate the damage done and to assist Côte d'Ivoire in building capacity to manage waste. He stated that the shipment had been illegal under the Convention and should never have left the Netherlands because the European Union had ratified the amendment contained in decision III/1 and had implemented it within its jurisdiction. The disaster showed that customs officials and operators of port facilities needed greater training in order to understand international controls on waste better. He expressed disappointment that only one country had ratified the amendment since the tragedy had occurred, noting that 40 Parties from Africa, 19 from Asia and 21 from Latin America and the Caribbean had not yet done so. Finally, he called for increased financial assistance and urgent ratifications to achieve the earliest possible entry into force of the amendment.

27. The representative of the Secretariat clarified that the purpose of the technical assistance mission in Abidjan in November 2006 had been to look into medium-term measures to ensure that such a disaster never happened again. It would be beyond the remit of the Secretariat to determine the legality or illegality of the importation, which was a matter for the Parties and not for that mission.

28. At its 7th plenary meeting, on the afternoon of Thursday, 7 September 2007, the Working Group considered and adopted a draft decision that had been prepared by the European Union and Côte d'Ivoire and circulated in a conference room paper. Decision OEWG-VI/1 on Côte d'Ivoire, as adopted, is contained in annex I to the present report.

29. The representative of Côte d'Ivoire reiterated his country's thanks for the support and assistance that his country had received.

## **VI. Basel Convention regional and coordinating centres**

### **A. Review of the operation of the Basel Convention regional and coordinating centres**

30. The Working Group took up the sub-item at its 2nd plenary meeting, on the afternoon of Monday, 3 September 2007. It had before it a note by the Secretariat on the issue (UNEP/CHW/OEWG/6/3); a compilation of views on the objectives and scope of the review (UNEP/CHW/OEWG/6/INF/2) and a status report by the regional and coordinating centres themselves (UNEP/CHW/OEWG/6/INF/3). The representative of the Secretariat introduced the sub-item, summarizing the information set out in document UNEP/CHW/OEWG/6/3.

31. In the ensuing discussion, there was general agreement that the regional and coordinating centres made a vital contribution to the implementation of the Convention and its Strategic Plan and that any review of their operation, therefore, should seek to strengthen the centres. Some representatives urged that any review of the centres should aim, in the words of decision VIII/4, "to enhance the combined effectiveness and capacity of the Basel Convention centres and the Secretariat". Several representatives suggested, however, that the regional centres' work might need to be more strategically structured in order to match Parties' priorities. The review, therefore, should aim to set the parameters for the future work of the regional and coordinating centres and their financial sustainability.

32. One representative noted that the issues set out in paragraph 7 of UNEP/CHW/OEWG/6/3 only partially reflected the views compiled in document UNEP/CHW/OEWG/6/INF/2. Notably, several of the points made by developing countries seemed to have been omitted. Other representatives affirmed the need for enhanced financial resources to support the centres, particularly because many were located

in developing countries or countries with economies in transition, which were facing increasing difficulty in bearing the cost of the centres. It was also suggested that synergies might be achieved through the establishment of joint centres, sharing their activities and resources with other multilateral environmental agreements.

33. The Working Group resumed its consideration of the sub-item at its 3rd plenary meeting, on the morning of Tuesday, 4 September 2007. One representative expressed concern that the centres generally were operational only when working on a specific project and were less active in between projects. A vision and strategy were therefore required to ensure the long-term sustainability of the centres and the network. On that basis, the possibility of Basel Convention centres also becoming regional Stockholm Convention centres was welcomed. One representative also highlighted the positive step taken by one centre in implementing a Global Environment Facility project. Several representatives stressed that capacity-building and the successful transfer of technology were also crucial for ensuring the sustainability and for enhancing the effectiveness of the network.

34. One representatives of a group of Parties said that, given the work involved in reviewing the operation of the centres and compiling a comprehensive report, it was important that the objectives and scope of the review be agreed on at the current session to enable the Secretariat to conduct the review in time to submit it to the ninth meeting of the Conference of the Parties. It was suggested that the outcome of discussions of the ad hoc joint working group on enhanced cooperation and coordination among the Basel Stockholm and Rotterdam Conventions should be taken into account when preparing the review.

35. Following the initial discussion, the Working Group agreed to refer the issues under the present sub-item to the contact group on the Basel Convention regional centres for further consideration.

36. The co-chairs of the contact group reported back to the Working Group at its 5th plenary meeting, on the afternoon of Wednesday, 5 September 2007. They said that the contact group had worked constructively and had reached agreement on all elements of the debate. The Parties had agreed on the important role of the centres in implementing the Convention. They had noted the work under way in the ad hoc joint working group on cooperation and coordination among the Stockholm, Rotterdam and Basel Conventions. They had also discussed guidance to the Secretariat on its report on the functioning of the centres to the Conference of the Parties at its ninth meeting, emphasizing their desire for that report to respond to the overarching objectives contained in decision VI/3, particularly those on the enhancement, strengthening and financial sustainability of the centres. A key message was the distinction between the report that was to be written by the Secretariat and the subsequent review, which was rightfully the responsibility of the Conference of the Parties.

37. The co-chairs stressed that adoption of a draft decision on the matter would enable the Secretariat to begin the task of preparing the report and make it available on the Convention website on 15 December 2007. Parties, signatories and regional centres would then have the opportunity to comment on it until 31 January 2008. Any comments received would be forwarded, together with the report itself, to the Conference of the Parties for consideration at its ninth meeting.

38. At its 6th plenary meeting, on the morning of Thursday, 6 September 2007, the Working Group adopted the draft decision on the review of the operation of the Basel Convention regional and coordinating centres, as proposed in a conference room paper submitted by the contact group on Basel Convention regional centres. Decision OEWG-VI/2 is contained in annex I to the present report.

## **B. Consideration of the proposal for the establishment of a regional centre for South Asia in the South Asia Cooperative Environment Programme**

39. The Working Group took up the sub-item at its 4th plenary meeting on the morning of Wednesday, 5 September 2007. The Working Group had before it a note by the Secretariat on the progress to date (UNEP/CHW/OEWG/6/4) and the executive summary of the South Asia Cooperative Environment Programme's proposal (UNEP/CHW/OEWG/6/INF/24). The representative of the Secretariat said that by decision VIII/3, the Conference of the Parties had mandated the Working Group to consider, on the basis of a feasibility study, a proposal for the establishment of a regional centre for South Asia at the secretariat of the South Asia Cooperative Environment Programme in Colombo. The Secretariat had received the full proposal on 17 August 2007 and the feasibility study had not yet been carried out. Owing to its late submission, the proposal had not been reviewed by the Secretariat.

40. The representative of the South Asia Cooperative Environment Programme introduced the proposal, stressing the importance of such a centre for the South Asia region in the light of the region's booming economies and rapidly growing shipping activity. If it was not possible to consider the matter

at the current session, the representative asked for the matter to be forwarded to the Conference of the Parties for consideration at its ninth meeting. The representative of Sri Lanka emphasized the value of establishing the centre at the secretariat of the South Asia Cooperative Environment Programme, noting that, as an intergovernmental organization, it already had many of the necessary structures and mechanisms in place. He said that his Government would do all that it could to support the new centre.

41. While some representatives expressed support for the establishment of the centre, others suggested that enough centres already existed in the region. One speaker said that she considered that the Conference of the Parties at its seventh meeting had concluded that the network would not be expanded any further. Several representatives said that owing to the proposal's late submission, more time was needed before deciding on the establishment of a new centre. Some preferred to wait for the results of the feasibility study. Others argued that it was not a matter for the Working Group to discuss and that the Secretariat should merely review the proposal and feasibility study for submission to the Conference of the Parties. The representative of the Secretariat confirmed that such a review would be prepared and submitted to the Conference of the Parties at its ninth meeting.

## VII. Technical matters

### A. Technical guidelines on environmentally sound management

#### 1. Revised technical guidelines on environmentally sound management of used tyres

42. The Working Group took up the sub-item at its 2nd plenary meeting, on the afternoon of Monday, 3 September 2007. In considering the sub-item, the Group had before it notes by the Secretariat on technical guidelines on environmentally sound management (UNEP/CHW/OEWG/6/5) and revised technical guidelines on environmentally sound management of used tyres (UNEP/CHW/OEWG/6/INF/6).

43. The representative of the Secretariat said that although the first draft of the revised technical guidelines on environmentally sound management of used tyres prepared by Brazil had been posted for comment on the Convention website, no feedback had been received to date from any stakeholders. The representative of Brazil also gave a brief introduction of the draft revised guidelines.

44. Several representatives thanked Brazil for leading the review of the guidelines and said that their failure to submit comments was due not to a lack of interest in the document but rather to insufficient time to analyse it in detail. The representative of a group of Parties said that further consideration was needed of what activities constituted environmentally sound management for the purposes of the guidelines and suggested that the title of the document should be amended to "technical guidelines on the environmentally sound use of waste pneumatic tyres", in order to reflect the language used in the Convention. He said that it was not realistic to expect the guidelines to be adopted by the Conference of the Parties at its ninth meeting and that the preparation of a draft decision on the matter would therefore be premature.

45. The Working Group agreed to refer the issues arising under the present sub-item to the contact group on technical matters for further consideration.

46. At its 6th plenary meeting, on the morning of Thursday, 6 September 2007, the Working Group adopted the draft decision on the revision of the technical guidelines on environmentally sound management of used tyres, based on the text proposed by the contact group on technical matters, as orally amended. Decision OEWG-VI/3 is contained in annex I to the present report.

#### 2. Review of other selected technical guidelines pursuant to decision VIII/17, e.g., on incineration on land (D10), specially engineered landfill (D5), and wastes collected from households (Y46)

47. The Working Group took up the sub-item at its 2nd plenary meeting, on the afternoon of Monday, 3 September 2007. In considering the sub-item, the Group had before it a note by the Secretariat on technical guidelines on environmentally sound management (UNEP/CHW/OEWG/6/5).

48. The representative of the Secretariat said that no comments or proposals had been received from Parties or other stakeholders on the review of other selected technical guidelines pursuant to decision VIII/17. He therefore invited comments from those Parties and stakeholders that had indicated at the eighth meeting of the Conference of the Parties that further review should be conducted. The representative of a group of Parties said that developing countries' level of interest in the guidelines would be a key determinant of the way forward.



49. The Working Group agreed to refer the issues arising under the present sub-item to the contact group on technical matters for further consideration.

50. At its 6th plenary meeting, on the morning of Thursday, 6 September 2007, the Working Group considered and adopted the draft decision on the review of other selected technical guidelines pursuant to decision VIII/17, based on the text proposed by the contact group on technical matters. Decision OEWG-VI/4 is contained in annex I to the present report.

### **3. Persistent organic pollutants**

51. The Working Group took up the sub-item at its 4th plenary meeting on the morning of Wednesday, 5 September 2007. In his introduction, the representative of the Secretariat recalled that by decision VIII/16, the Conference of the Parties had invited Parties and others to submit comments to the Secretariat on the issues mentioned in sub-paragraphs 7 (a) and (b) of that decision. As of 30 June 2007, only Norway, Pakistan and the European Community and its member States had submitted comments, which were reproduced in annex I to document UNEP/CHW/OEWG/6/5. A late submission by Japan had not been received in time to be included in the annex but had instead been posted on the Basel Convention website.

52. Summarizing his country's comments, one representative noted that information on plasma waste converter technology had been included in the initial draft of the technical guidelines on the environmentally sound management of persistent organic pollutants during the fourth session of the Open-ended Working Group in August 2004. It had been deleted from the final draft, however, as there were no commercial plants using the technology at that time. The technology could now be verified, however, and his Government was raising the issue again in view of its potential to contribute to the environmentally sound management of persistent organic pollutants.

53. Several representatives stressed the need to develop further guidance on the disposal of persistent organic pollutants and to review the present levels of low persistent organic pollutant content, particularly with regard to materials that might enter the soil and thus the food chain. One representative outlined the measures taken by his country, including the development of a national management plan, to deal with persistent organic pollutants, detailing the particular steps pertaining to polychlorinated biphenyl and dichlorodiphenyltrichloroethane.

54. There was general consensus that the issue in general and the submission by Japan in particular needed to be looked at in greater detail. The Working Group therefore agreed to refer the issues under the sub-item to the contact group on technical matters for further consideration.

55. At its 6th plenary meeting, on the morning of Thursday, 6 September 2007, the Working Group adopted the draft decision on environmentally sound management of persistent organic pollutants, as proposed by the contact group on technical matters. Decision OEWG-VI/5 is contained in annex I to the present report.

### **4. Stockholm Convention revised draft guidelines on best available techniques and provisional guidance on best environmental practices**

56. The Working Group took up the sub-item at its 4th plenary meeting, on the morning of Wednesday, 5 September 2007. The Working Group had before it a note by the Secretariat on Stockholm Convention decision SC-3/5 (UNEP/CHW/OEWG/6/6). The representative of the Secretariat said that on 6 June 2007 the Secretariat had received a submission from Germany on behalf of the European Community and its member States related to decision SC-3/5 of the Conference of the Parties to the Stockholm Convention on guidelines on best available techniques and draft guidance on best environmental practices. The submission had been published on the Secretariat website and was reproduced in the annex to document UNEP/CHW/OEWG/6/6. The Secretariat had also circulated a communication from the Secretariat of the Stockholm Convention on Persistent Organic Pollutants regarding relevant issues from Stockholm Convention decisions on best available techniques and provisional guidance on best environmental practices (UNEP/CHW/OEWG/6/INF/26, annex).

57. The representative of a group of Parties presented its submission, commenting on the waste-related contents of the revised draft guidelines on best available techniques and provisional guidance on best environmental practices, as well as on best available techniques and best environmental practices with respect to the processes for the destruction and irreversible transformation of the persistent organic pollutant content in wastes. He highlighted the deficiency of the provisional definition of levels of destruction and irreversible transformation in areas where there were no corresponding guidelines on best available techniques and guidance on best environmental practices.

58. The Working Group agreed to refer the issues under the sub-item to the contact group on technical matters for further consideration.

59. At its 9th plenary meeting, on the morning of Friday, 7 September 2007, the Working Group considered a draft decision prepared by the contact group. Responding to a query from one Party, the representative of the Secretariat confirmed that the small intersessional working group referred to in the draft decision was open to all experts, Parties, signatories, non-governmental organizations, industry representatives and other interested parties.

60. The Working Group adopted the draft decision on Stockholm Convention decision SC-3/5 on guidelines on best available techniques and provisional guidance on best environmental practices. Decision OEWG-VI/6, as adopted, is contained in annex I to the present report.

## **B. Classification and hazard characterization of wastes**

### **1. Review of work on the guidance papers on H10 and H11 pursuant to decision VIII/21**

61. The Working Group took up the sub-item at its 4th plenary meeting, on the morning of Wednesday, 5 September 2007. In considering the sub-item, the Group had before it notes by the Secretariat on the classification and hazard characterization of wastes (UNEP/CHW/OEWG/6/8) and on a proposal submitted by the United States of America on hazard characteristic H11 (UNEP/CHW/OEWG/6/INF/5). The representative of the Secretariat introduced the sub-item, recalling that by its decision VIII/21, the Conference of the Parties had invited Parties to contribute to the revision of the guidance papers on H10 and H11. To date, the only submission received by the Secretariat had been the proposal for de minimis values for hazard characteristic H11, prepared by the United States of America.

62. The representative of the United States of America introduced the proposal, summarizing its salient points. Referring to the work on the guidance paper on H10, one representative expressed support for the proposed action set out in UNEP/CHW/OEWG/6/8 but suggested that work in that area should be terminated at the ninth meeting of the Conference of the Parties if no progress had been achieved by then. He said that more time was required to consider the proposal in detail and invited other Parties to submit comments to be reflected in the draft decision.

63. The Working Group agreed that the contact group on technical matters would prepare a revised draft decision incorporating comments on the United States of America's proposal on the basis of the draft contained in the Secretariat's note.

64. The Working Group resumed its consideration of the sub-item at its 6th plenary meeting, on the morning of 6 September, 2007. The representative of the United States of America announced that his country wished to take the lead in finalizing the guidance paper on H11. The Working Group adopted the draft decision on the review of work on the guidance papers on H10 and H11 pursuant to decision VIII/21, based on the text proposed by the contact group on technical matters, as orally amended. Decision OEWG-VI/7, as adopted, is contained in annex I to the present report.

### **2. Review of cooperation with the World Customs Organization and its Harmonized System Committee pursuant to decision VIII/20**

65. The Working Group took up the sub-item at its 4th plenary meeting, on the morning of Wednesday, 5 September 2007. In considering the sub-item, the Group had before it a note by the Secretariat on the classification and hazard characterization of wastes (UNEP/CHW/OEWG/6/8).

66. Two representatives requested the Secretariat to make available to participants on the Convention website the two documents referred to in paragraph 11 of UNEP/CHW/OEWG/6/8 and any other outcome documents arising from current work between the Secretariat and the World Customs Organization.

67. The Working Group adopted the draft decision on the review of cooperation with the World Customs Organization, as orally amended, on the basis of the draft contained in the Secretariat's note. Decision OEWG-VI/8, as adopted, is contained in annex I to the present report.

### **3. Amendments of entries related to persistent organic pollutants**

68. The Working Group took up the sub-item at its 4th plenary meeting, on the morning of Wednesday, 5 September 2007. In considering the sub-item, the Group had before it notes by the Secretariat on the classification and hazard characterization of wastes (UNEP/CHW/OEWG/6/8) and technical guidelines on environmentally sound management, (UNEP/CHW/OEWG/6/5), which

contained in an annex the comments received from Parties on the matter pursuant to paragraph 8 of decision VIII/16.

69. Two representatives summarized the comments that they had submitted, as contained in UNEP/CHW/OEWG/6/5. The representative of a group of Parties encouraged other Parties also to make submissions.

70. In view of the support expressed by speakers for further discussion on the issue and the preparation of a draft decision for submission to the tenth meeting of the Conference of the Parties, the Working Group agreed to refer the issues under the sub-item to the contact group on technical matters for consideration.

71. At its 9th plenary meeting, on the morning of Friday, 7 September 2007, the Working Group adopted the draft decision on the amendment of entries relating to persistent organic pollutants. Decision OEWG-VI/9, as adopted, is contained in annex I to the present report.

### **C. Review or adjustment of the lists of wastes contained in Annexes VIII and IX of the Basel Convention**

72. The Working Group took up the sub-item at its 4th plenary meeting, on the morning of Wednesday, 5 September 2007. In considering the sub-item, the Working Group had before it a note by the Secretariat on the review or adjustment of the list of wastes contained in Annexes VIII and IX of the Basel Convention (UNEP/CHW/OEWG/6/9). The representative of the Secretariat outlined the content of the Secretariat's note, which included in its annex the comments received from Pakistan, the only Party to have made a submission on the item. He also noted that the Secretariat had received a letter from Canada during the past week on proposed corrections to the French versions of Annexes VIII and IX, which was supported by the Working Group on Waste Prevention and Recycling of the Organization for Economic Cooperation and Development (OECD). That letter had been posted on the Convention website.

73. One representative provided the Working Group with an update on her Party's collaboration with another Party and OECD on reviewing the proposed corrections to the French version of the lists of wastes. She clarified that one submission contained entries agreed by the Conference of the Parties at its seventh meeting in decision VII/21 and that another, with some revised and new proposed corrections to the French version of the lists of waste, would be made to the depositary in the coming weeks, and the Parties duly informed.

74. In the ensuing discussion, one representative drew the Working Group's attention to a number of examples of incongruence in the Spanish version of the lists of wastes and offered to work with the Secretariat to resolve the issue. Other Parties were invited to comment on inconsistencies in the other language versions. Several representatives stressed the importance of harmonizing the lists of wastes contained in Annexes VIII and IX and those compiled by the European Union and OECD, as the current lack of concordance between the three caused significant difficulties for importers, exporters and customs officers, among others. The representative of OECD suggested that an institutional mechanism, made up of representatives of the Basel Convention, the European Commission and OECD, could be established to ensure the necessary harmonization and consistency among language versions. Another speaker emphasized the importance of information exchange among Parties on their national policies for the environmentally sound management of hazardous waste.

75. The Working Group agreed to refer the issues under the item to the contact group on technical matters for further consideration.

76. At its 9th plenary meeting, on the morning of Friday, 7 September 2007, the Working Group considered and adopted the draft decision on the review or adjustment of the lists of wastes contained in Annexes VIII and IX of the Basel Convention, based on the text proposed by the contact group on technical matters, as orally amended. Decision OEWG-VI/10, as adopted, is contained in annex I to the present report.

### **D. Harmonization and coordination**

77. The Working Group took up the item at its 4th plenary meeting, on the morning of Wednesday, 5 September 2007. In considering the item, the Working Group had before it a note by the Secretariat on the working relationship between the Open-ended Working Group and the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of

Chemicals (UNEP/CHW/OEWG/6/10). The representative of the Secretariat introduced the item, noting that the Group might wish to consider the future role of the Joint Correspondence Group established pursuant to decision OEWG-IV/13, in view of the limited progress it had made to date.

78. Several representatives expressed concern that the Joint Correspondence Group had not yet commenced work and therefore suggested that the draft decision contained in the Secretariat's note should be amended to include an invitation for nominations for a chair from Parties or the Subcommittee of Experts on the Globally Harmonized System as a first step towards the Correspondence Group fulfilling its mandate. The next priority would be to prepare a work programme.

79. The Working Group adopted the draft decision on harmonization and coordination on the basis of the draft contained in the Secretariat's note, as orally amended. Decision OEWG-VI/11, as adopted, is contained in annex I to the present report.

## **E. National classification and control procedures for the import of wastes contained in Annex IX**

80. The Working Group took up the item at its 4th plenary meeting, on the morning of Wednesday, 5 September 2007. In considering the item, the Working Group had before it a note by the Secretariat on national classification and control procedures for the import of wastes contained in Annex IX (UNEP/CHW/OEWG/6/11). The representative of the Secretariat introduced the item, explaining that the Secretariat's note contained a status report on Parties' submissions on national classification and control procedures, provided pursuant to decision VIII/22.

81. One representative drew the Working Group's attention to inconsistencies in the Parties' submissions pursuant to decision VIII/22 and those provided in response to a European Commission questionnaire related to the regulation on the export of non-hazardous waste to non-OECD countries. He therefore urged Parties to provide consistent responses under both processes.

82. The Working Group considered and adopted the draft decision on national classification and control measures for the import of wastes contained in Annex IX, as contained in the note by the Secretariat. Decision OEWG-VI/12, as adopted, is contained in annex I to the present report.

## **VIII. Legal and compliance matters**

### **A. Illegal traffic: review of the outline of an instruction manual for the legal profession**

83. The Working Group took up the sub-item at its 7th plenary meeting, on the afternoon of Thursday, 6 September 2007. It had before it a note by the Secretariat on the topic (UNEP/CHW/OEWG/6/12) and one containing comments on the draft illegal traffic instruction manual (UNEP/CHW/OEWG/6/INF/7).

84. The representative of the Secretariat summarized the provisions of decision VIII/24 relating to the roles of the Parties, the Secretariat and the Working Group in preparing an instruction manual for the legal profession on the prosecution of illegal traffic. She noted that no funding had in fact been received for preparation of the manual and that while the work done so far had been undertaken using the Secretariat's own resources, any further work would require financial or in kind contributions.

85. In the ensuing discussion, several representatives welcomed the draft instruction manual, describing it as a very useful tool for the enforcement of the Convention. One representative suggested that the manual should give guidance on making fines commensurate with the severity of the offence committed, in terms of ecological damage, taking into account economic factors. It was suggested that the manual should make a distinction between generic issues and those specific to the Basel Convention. Some representatives drew attention to the need for the manual to be produced in languages other than English, for use in their countries and regions.

86. The representative of the Secretariat pointed out that if the draft instruction manual were to be submitted to the Conference of the Parties for its approval, it would in any event be translated into all six United Nations languages. There was also some discussion on the cost of producing the manual. The cheapest form would be an Internet-based version, the most expensive an interactive CD-ROM.

87. The Working Group considered and adopted the draft decision on illegal traffic: review of the outline of an instruction manual for the legal profession, on the basis of the draft decision contained in

the note by the Secretariat, as orally amended. Decision OEWG-VI/13, as adopted, is contained in annex I to the present report.

## **B. Review of the 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**

88. The Working Group took up the sub-item at its 5th plenary meeting, on the afternoon of Wednesday, 5 September 2007. In considering the sub-item, the Working Group had before it a note by the Secretariat on the topic (UNEP/CHW/OEWG/6/13).

89. The representative of the Secretariat recalled that the Open-ended Working Group had transmitted a draft decision on the review of the implementation of decision V/32 to the Conference of the Parties at its eighth meeting but that, owing to a lack of time, the Conference had agreed to refer consideration of the matter to the Open-ended Working Group. As such, the Working Group's work programme for 2007–2008, adopted by the Conference of the Parties at that session, required the Working Group to provide guidance to the Secretariat on steps to be taken. The Conference of the Parties had also agreed that the Working Group should commence its consideration on the basis of the text of the draft decision that had been presented to the Conference of the Parties. Extracts from a proposed draft decision on a strategic plan to strengthen the capacity of Parties to respond to emergencies were available to the Working Group at its current session in the annex to document UNEP/CHW/OEWG/6/INF/15.

90. One representative requested that consideration be given to the request from his country's ministry of the environment for assistance in clearing up the effects of the oil spill that had resulted from the military action of a neighbouring State. Responding, the representative of the Secretariat suggested that the matter be pursued through consultations between the representative and the Secretariat, which would provide whatever assistance it could.

91. The Working Group agreed, in the light of the complexity of the matter, to refer the issues under the sub-item to the contact group on the review of the implementation of decision V/32 for further consideration.

92. At its 10th plenary meeting, on the afternoon of Friday, 7 September 2007, the Working Group considered and adopted the draft decision on review of the implementation of decision V/32, on the basis of the draft decision presented by the contact group, as orally amended. Decision OEWG-VI/14, as adopted, is contained in annex I to the present report.

## **C. Protocol on liability and compensation: review of options for meeting the requirement of insurance, bonds or other financial guarantees**

93. The Working Group took up the sub-item at its 7th plenary meeting on the afternoon of Thursday, 6 September 2007. In considering the sub-item, the Group had before it notes by the Secretariat on the subject (UNEP/CHW/OEWG/6/14) and on comments received pursuant to decision VIII/25 (UNEP/CHW/OEWG/6/INF/8). The representative of the Secretariat introduced the sub-item, highlighting the salient points of the Secretariat's note and drawing attention to the examples provided of national, regional and international mechanisms and the reasoning behind the action proposed in the note. She noted that only two Parties had submitted comments pursuant to decision VIII/25.

94. Several representatives welcomed the valuable information contained in the note but one stressed that the examples cited were for information purposes only and did not constitute an endorsement of those mechanisms. One speaker said that his country would not support a proposal to consider the development of an international fund for the purposes of meeting the requirements of Article 14 of the Protocol.

95. The Working Group adopted the draft decision on the Basel Protocol on Liability and Compensation: insurance, bonds or other financial guarantees under the Protocol on Liability and Compensation, based on the text contained in the Secretariat's note, as orally amended. Decision OEWG-VI/15, as adopted, is contained in annex I to the present report.

## **D. Addressing the interpretation of paragraph 5 of Article 17 of the Convention**

96. The Working Group took up the sub-item at its 3rd plenary meeting, on the morning of Tuesday, 4 September 2007. In considering the sub-item, it had before it notes by the Secretariat on addressing

the interpretation of paragraph 5 of Article 17 of the Basel Convention (UNEP/CHW/OEWG/6/15), on comments received pursuant to decision VIII/30 on interpretation of paragraph 5 of Article 17 (UNEP/CHW/OEWG/6/INF/9) and on abstracts of advice from the United Nations Office of Legal Affairs on addressing the interpretation of paragraph 5 of Article 17 (UNEP/CHW/OEWG/6/INF/9/Add.1 and Corr.1) and a conference room paper submitted one Party.

97. The representative of the Secretariat recalled that paragraph 5 of Article 17 provided that “amendments adopted in accordance with paragraph 3 or 4 above shall enter into force between Parties having accepted them on the ninetieth day after the receipt by the Depositary of their instrument or ratifications, approval, formal confirmation or acceptance by at least three-fourths of the Parties who accepted them”. She also recalled that decision VIII/30 urged all Parties to make every effort to facilitate the early resolution of an interpretation of the expression “who accepted them” and requested the Working Group to address the issue of interpretation taking account of the perception of ambiguity held by many Parties, and to develop a draft decision to reach 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. She went on to describe the interpretations available under the “current-time” and “fixed-time” approaches, as set out in UNEP/CHW/OEWG/6/15.

98. In the ensuing discussion, some representatives expressed support for continuing work on the interpretation of the phrase “who accepted them” to facilitate early entry into force of the amendment contained in decision III/1. The representative of a group of Parties recalled that, pursuant to the Vienna Convention on the Law of Treaties, ultimate power to agree on an interpretation of the Convention rested with the Parties. He noted that the interpretations of the Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar Convention) and the Convention on International Trade in Endangered Species could serve as useful precedents to guide the process. He advocated interpreting “who accepted them” as “who adopted them”, stating that the interpretation had received much support at the eighth meeting of the Conference of the Parties.

99. The Working Group agreed to refer the issues arising under the present sub-item to the contact group on legal matters for further consideration.

100. The chair of the legal contact group reported back to the Working Group at its 9th plenary meeting on the morning of Friday, 7 September 2007. She said that the contact group had had a productive exchange of views. The contact group had agreed that further intersessional work was required to continue to develop a draft decision for consideration by the ninth meeting of the Conference of the Parties, and that in order to be effective, a face-to-face meeting should be held, subject to the receipt of sufficient funding from voluntary contributions. She noted that one Party had already indicated its willingness to contribute to the meeting, and she urged others to do the same. If insufficient funds were forthcoming, the proposal was to transmit the annex to the draft decision, as it currently stood, to the ninth meeting of the Conference of the Parties. She noted that the submission of more views on the issue would greatly assist intersessional work.

101. In the ensuing discussion, several representatives expressed support for the establishment of the intersessional working group and indicated their willingness to participate in its work. Others, however, expressed concern that it was not yet clear whether such a group would actually ever meet. One representative pointed out that some delegations had been deterred from participating in the work of the legal contact group at the current session because its meetings had been conducted in English only, and she therefore requested the Secretariat to ensure that that was not the case for the intersessional working group. In response to a question from a representative on the proposed composition of the working group, the Secretariat clarified that its membership would be open-ended.

102. One representative highlighted that most interpretations of paragraph 5 of Article 17 tended to overlook the reference to entry into force for Parties other than those “having accepted them”. Several representatives stressed the particular importance of early entry into force of the Ban Amendment for developing countries. The Working Group debated the substance and format of the annex to the draft decision at some length. Given the wide divergence of views on that topic, it was agreed that the representatives of other interested Parties would consult informally with a view to agreeing on a revised draft decision to be referred to the plenary for consideration.

103. At its 10th plenary meeting, on the afternoon of Friday, 7 September 2007, the Working Group considered and adopted the draft decision on addressing the interpretation of paragraph 5 of Article 17 of the Basel Convention, on the basis of the draft decision presented by the contact group, as orally amended. Decision OEWG-VI/16, as adopted, is contained in annex I to the present report.

104. The representative of Denmark announced that her Government would contribute 200,000 Danish kroner to finance half the cost of the intersessional open-ended working group's meeting. She also called on other Parties to co-sponsor the event.

## **IX. Dismantling of ships**

### **A. Environmentally sound management of ship dismantling**

### **B. Abandonment of ships on land or in ports**

105. In view of the interrelated nature of the two sub-items, the Working Group agreed to consider them together, at its third plenary meeting, on the morning of Tuesday, 4 September 2007. The Working Group had before it notes by the Secretariat on the environmentally sound management of ship dismantling (UNEP/CHW/OEWG/6/16); development of the draft International Convention for the Safe and Environmentally Sound Recycling of Ships – assessment in the context of decisions VII/26 and VIII/11 (UNEP/CHW/OEWG/6/INF/4); the report of the Working Group on Ship Recycling established by the Marine Environment Protection Committee of IMO (UNEP/CHW/OEWG/6/INF/10); environmentally sound management of ship dismantling – comments received pursuant to decision VIII/11 (UNEP/CHW/OEWG/6/INF/11); and abandonment of ships on land or in ports – comments and information pursuant to decision VIII/13 (UNEP/CHW/OEWG/6/INF/12).

106. The representative of the Secretariat recalled that, by decision VIII/11, the Conference of the Parties had requested Parties to provide comments to the Secretariat on issues such as roles and responsibilities in the draft ship recycling convention being developed under the auspices of IMO and those relevant to the Basel Convention, including the possibilities for effective short- and medium-term measures. The Conference of the Parties had also requested the Open-ended Working Group to address those issues and requested the Secretariat to forward the Working Group's report to IMO.

107. The representative of the Secretariat also recalled that, at its eighth meeting, the Conference of the Parties had also adopted decision VIII/13, which recognized the need for guidance on how best to deal with ships that had been abandoned on land or in ports to be developed on the basis of the relevant information submitted to the Secretariat by the Parties. Accordingly, it had invited Parties to contribute appropriately to such guidance, in particular by submitting to the Secretariat information on examples of best practices from their national experience. The Secretariat had compiled the contributions for consideration by the Working Group.

108. There was general consensus in the Working Group that the environmentally sound dismantling of ships was a pressing issue and that the development of the draft international convention was an important step towards addressing the problem. Two representatives highlighted the efforts undertaken by some Parties, which included capacity-building efforts and national strategies. Several said, however, that their Governments needed more time to study the draft convention in detail and to look into the respective levels of control and enforcement before discussing the matters in depth.

109. The Working Group agreed to refer the issues arising under the present sub-items to the contact group on ships for further consideration.

110. The chair of the contact group reported back to the Working Group at its 5th plenary meeting, on the afternoon of Wednesday, 5 September 2007. He said that the contact group had considered three main issues:

- (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 recycling convention in its entirety and its comparison with (a);
- (c) An exploration and discussion of the possibilities for effective short- and medium-term measures.

111. The chair said that a number of participants in the contact group had noted that while negotiations on the draft International Convention on the Safe and Environmentally Sound Recycling of Ships were continuing and further time was needed to enable Parties to provide comments as requested in decision VIII/11, Parties might be invited to provide their comments on the matter by 21 January 2008. Given the desire for the information contained in those comments to be brought to the attention of

IMO in time for the fifty-seventh session of the Marine Environment Protection Committee, it had been agreed that each comment should be prefaced with a short executive summary. The Secretariat would compile the summaries and forward them for the consideration of that Committee. While the Conference of the Parties at its eighth meeting had specifically sought comments from Parties, that did not preclude other stakeholders from making comments on the matter.

112. He said that with respect to effective short- and medium-term measures for the environmentally sound management of the dismantling of ships, a number of participants had informed the contact group of their experience of national and regional-level activities. In Bangladesh, a simplified training manual had been developed for workers and yard owners in ship-breaking yards; training cells had been set up at each yard, led by workers trained as trainers; and safety tools had been distributed to workers. The Government of Bangladesh was in the process of drafting national guidelines and a policy on ship breaking. The European Commission had developed a Green Paper on better ship dismantling, which was open for consultation by all stakeholders until 30 September 2007, though the representative of India expressed the view that that was outside the ambit of the Convention. The representative of Denmark had drawn attention to the draft pocket manual on ship dismantling on the Basel Convention website and invited further comments on the manual to assist in its development. A number of other representatives had informed the contact group of developments at the national level with respect to ship dismantling and technical assistance activities in which their countries had participated.

113. He said that the Secretariat had informed the contact group about the activities that it had undertaken to promote the application of the Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships. The representative of the International Labour Organization had informed the group of his organization's collaboration with the Secretariat in such activities and had also provided information on the status of its technical assistance project in Bangladesh. The contact group recognized the continuing work of the Secretariat, pursuant to decision VIII/11, to continue to implement those activities and to report on them to the Conference of the Parties at its ninth meeting. The contact group had also recalled that the Conference of the Parties, at its eighth meeting, had called upon Parties and other stakeholders in a position to do so to make financial or in-kind contributions to the implementation of such activities.

114. Finally, the contact group had considered the issue of the abandonment of ships on land or in ports, with regard to decision VIII/13. Based on the information received, the group had drafted an information note for approval by the Open-ended Working Group at its current session, to be placed on the Convention website.

115. Following the report of the chair of the contact group, the representative of Turkey said that her country had made a proposal to IMO to carry out a pilot project in 2008, by which two ships would be dismantled in accordance with the provisions of the draft International Convention on the Safe and Environmentally Sound Recycling of Ships, in order to evaluate the draft convention's practicability.

116. The Working Group resumed its consideration of the sub-item at its 9th plenary meeting on the morning of Friday, 7 September 2007. Responding to a query, the representative of the Secretariat confirmed that Parties' comments on the matter provided to the Secretariat would be displayed in full on the Basel Convention website. The Working Group adopted the draft decision on the environmentally sound management of ship dismantling and the abandonment of ships on land or in ports, as orally amended. Decision OEWG-VI/17, as adopted, is contained in annex I to the present report.

## **X. Cooperation and coordination**

### **A. Cooperation and coordination between the Basel Convention, 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**

117. The Working Group took up the sub-item at its 7th plenary meeting on the afternoon of Thursday, 6 September 2007. The representative of the Secretariat recalled that, by its decision VIII/8 the Conference of the Parties had agreed to contribute to the establishment of an ad hoc joint working group to consider cooperation and coordination between the Basel, Rotterdam and Stockholm Conventions. The first meeting of the ad hoc joint working group had been held from 26 to 28 March 2007 in Helsinki; the meeting report was reproduced in document UNEP/CHW/OEWG/6/INF/13.



118. The representative of the Secretariat explained that the work of the ad hoc joint working group was Party-driven: the group comprised 45 Parties and most papers for the second meeting were being prepared by the Parties themselves. The next meeting of the ad hoc joint working group was tentatively scheduled for December 2007 and almost all the required funds had been received in voluntary contributions to enable the meeting to take place. The three secretariats could now begin logistical preparations.

119. The representative of the Secretariat briefed the Working Group on the development of activities on persistent organic pollutants waste and obsolete stocks of pesticides and on other activities carried out under the Basel Convention in cooperation and coordination with the executive bodies of the Rotterdam and Stockholm Conventions. He said that the Secretariat would receive funding from the World Bank to undertake a project for the coordinated implementation of the Basel Convention technical guidelines for the environmentally sound management of persistent organic pollutants as waste and the Stockholm Convention guidelines on best available techniques and best environmental practices. The GEF-funded project on the demonstration of a regional approach for the environmentally sound management of polychlorinated biphenyls in West Africa was under way, with the Basel Convention Regional Centre in Dakar serving as the executing agency for the project.

120. He said that the Secretariat had been consulted on the formulation of new project proposals for the environmentally sound management of polychlorinated biphenyls and discussions were under way for the involvement of the Basel Convention regional centres in Argentina and Egypt in two important regional programmes aimed at States in their regions. Discussions were also under way with the secretariats of the Rotterdam and Stockholm Conventions on the development of a joint programme for the coordinated implementation of the three conventions in the area of monitoring and control of transboundary movements of hazardous waste and chemicals. The Secretariat hoped that such collaboration could materialize in the context of the implementation of a regional capacity-building programme that was being prepared with UNEP in West Africa in the aftermath of the dumping of hazardous waste in Abidjan in August 2006.

121. Several representatives emphasized the importance of developing cooperation between the three conventions, enhancing implementation of each by avoiding duplication of work and allocation of resources. Some representatives supported the work of the ad hoc joint working group. In response to a request for further information on and transparency in the work of the ad hoc joint working group, the representative of the Secretariat clarified that the ad hoc joint working group already had a dedicated website on which it posted any new developments and an e-mail address to which Parties could send comments. Nevertheless, as the group's deliberations were still in their early stages, the group preferred to hold closed meetings.

122. The Working Group took note of the report of the ad hoc joint working group on enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions.

## **B. Cooperation between the Basel Convention and the International Maritime Organization**

123. The Working Group took up the sub-item at its 5th plenary meeting, on the afternoon of Wednesday, 5 September 2007. It had before it a report by the Secretariat on the topic (UNEP/CHW/OEWG/6/17), as well as comments received from the International Maritime Organization (UNEP/CHW/OEWG/6/INF/14).

124. The representative of the Secretariat recalled that by its decision VIII/9 the Conference of the Parties had requested Parties and invited the secretariat of the International Maritime Organization to provide information and views to the Secretariat of the Basel Convention on 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; any gaps between those instruments; and any option for addressing those gaps. By the same decision, the Conference of the Parties had requested 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.

125. The Working Group agreed to refer the matter to the contact group on ships for consideration.

126. The chair of the contact group reported back to the Working Group at its 9th plenary meeting on the morning of Friday, 7 September 2007. He said that the contact group had had a productive first exchange of views and had identified some key points that would be of value in analysing the

instruments under consideration. There was a need to consider the substances and processes controlled or not controlled by MARPOL 73/78 and the Basel Convention in order to identify where gaps might exist and any discrepancies between the two systems. It was also necessary to clarify some definitions, such as the meaning of “normal operations of a ship”. One member of the contact group had identified a need for the establishment of possible longer-term mechanisms for cooperation between the two organizations on that matter, a topic which could be considered by the Conference of the Parties.

127. The chair of the contact group said that the group had agreed that it would be inappropriate to establish an intersessional process at present. Nevertheless, it was important to obtain additional information on the matter, which could be considered by the secretariat of the International Maritime Organization and assist deliberations at the next meeting of the Conference of the Parties.

128. The contact group presented a revised version of the draft decision in document UNEP/CHW/OEWG/6/17 in the form of a conference room paper. The Working Group adopted the draft decision on cooperation between the Basel Convention and the International Maritime Organization. Decision OEWG-VI/18, as adopted, is contained in annex I to the present report.

## **C. Cooperation with the World Trade Organization**

129. The Working Group took up the sub-item at its 5th plenary meeting, on the afternoon of Wednesday, 5 September 2007. One representative drew attention to several decisions of the Conference of the Parties which called on the Secretariat to seek observer status with the World Trade Organization’s Committee on Trade and Environment meeting in Special Session. He sought an explanation for the continued failure to acquire observer status, particularly in view of the fact that other international organizations had readily granted that status to the Basel Convention.

130. The representative of the Secretariat confirmed that the request for observer status, submitted in January 2003, remained pending, although the Convention was invited to meetings as an observer on an ad hoc basis. She noted, however, that the Basel Convention was not being singled out: it appeared that all applications for observer status remained pending. She noted that at the eighth meeting of the Conference of the Parties, the Secretariat had sought a new mandate to apply for observer status to the Committee on Trade and Environment, noting that it was a permanent body, whereas the Committee on Trade and Environment in Special Session was a temporary entity. The Secretariat had submitted a request for observer status in accordance with the new mandate.

131. One representative of a group of Parties welcomed the attention being given to the issue, which had been a matter of concern for some time. Noting that there was not always coherence between decisions taken by the Parties to the Basel Convention and those taken by the same countries as members of the World Trade Organization, she called on representatives to talk to their counterparts to seek to move forward the issue of observer status for the Basel Convention.

132. The representative of the Secretariat said that it would seek further information on the status of its request for observer status.

## **XI. Strategic partnerships**

### **A. Basel Convention Partnership Programme: progress on the implementation of the 2007–2008 workplan**

133. The Working Group took up the sub-item at its 4th plenary meeting, on the morning of Wednesday, 5 September 2007. In considering the item, the Working Group had before it a note by the Secretariat on the progress of the Basel Convention Partnership Programme (UNEP/CHW/OEWG/6/18). The representative of the Secretariat introduced the progress report, noting that the Mobile Phone Partnership Initiative and the partnership on the environmentally sound management of used and end-of-life equipment had been taken up under agenda item 12 on e-waste. After providing the Working Group with an update on progress, the representative of the Secretariat noted that additional extra-budgetary contributions would be required if the post of Senior Programme Officer was to continue.

134. In the discussion on the sub-item, some representatives expressed concern that funding for the Senior Programme Officer post was guaranteed only for a limited period. The representative from Japan indicated that his Party was reviewing the situation with respect to the post of Senior Programme Officer and requested further information on the matter. One representative drew the Group’s attention

to activities undertaken under the Partnership Programme in Africa since the eighth meeting of the Conference of the Parties, including a pilot project implemented in Burkina Faso and Senegal for the environmentally sound management of used oils. It was noted that the question of whether the partnership on mercury waste would be maintained under the Basel Convention Partnership Programme would be put to the Conference of the Parties for a decision at its ninth meeting.

135. At its 6th plenary meeting, on the morning of Thursday, 6 September 2007, the Working Group considered and adopted the revised draft decision presented by the Secretariat. Decision OEWG-VI/19, as adopted, is contained in annex I to the present report.

## **B. Mercury**

136. The Working Group took up the sub-item at its 2nd plenary meeting, on the afternoon of Monday, 3 September 2007. In considering the sub-item, the Working Group had before it notes by the Secretariat on decision VIII/33, as it related to the environmentally sound management of mercury wastes (UNEP/CHW/OEWG/6/22) and on draft technical guidelines on the environmentally sound management of mercury wastes (UNEP/CHW/OEWG/6/INF/16).

137. The representative of the Secretariat recalled that, by its decision VIII/33, the Conference of the Parties had adopted the programme and budget for the 2007–2008 biennium and agreed to include a new Strategic Plan focus area on mercury and asbestos wastes. Pursuant to that decision, the Secretariat, with the funding of the Chemicals Branch of the UNEP Division of Technology, Industry and Economics (UNEP Chemicals), had commissioned the Japanese Institute for Global Environmental Strategies to prepare draft technical guidelines on the environmentally sound management of mercury wastes. The first draft of the guidelines had been posted on the Convention's website for comment and a number of submissions had been received, on which basis the current draft had been prepared. He invited further comments and guidance on how to finalize the document for possible adoption by the Conference of the Parties at its ninth meeting. A representative of UNEP Chemicals added that the elaboration of mercury waste guidelines was a particularly valuable process and that his branch therefore stood ready to support the process and would be willing to pilot the guidelines once they were finalized.

138. In the ensuing discussion, some representatives expressed support for continued collaboration between the Secretariat and UNEP Chemicals and welcomed the work carried out to date on the draft guidelines. One representative raised the concern that the draft guidelines appeared to exceed the scope set out in document UNEP/CHW/OEWG/6/18 on coordination with UNEP in a partnership on mercury waste, which indicated that work under the Basel Convention would address end-of-life mercury products and the environmentally sound management of medical wastes. The representative of a group of Parties suggested that instead of the proposed action set out in UNEP/CHW/OEWG/6/22, the Working Group should simply take note of the work carried out and consider whether the draft guidelines should be included in the 2009–2010 work programme. The representative of Norway said that his Government attached great importance to the environmentally sound management of mercury wastes and would therefore provide financial support for future work in that area.

139. The Working Group agreed to refer the issues arising under the present sub-item to the contact group on technical matters for further consideration.

140. At its 6th plenary meeting, on the morning of 6 September 2007, the Working Group adopted the draft decision on the environmentally sound management of mercury wastes, as proposed by the contact group on technical matters. Decision OEWG-VI/20 is contained in annex I to the present report.

## **C. Asbestos**

141. The Working Group took up the sub-item at its 4th plenary meeting, on the morning of Wednesday, 5 September 2007. It had before it a note by the Secretariat which included a proposed workplan and budget for the sound management of asbestos waste with emphasis on measures to be taken in disaster-prone areas (UNEP/CHW/OEWG/6/23). The representative of the Secretariat recalled that, by its decision VIII/33, the Conference of the Parties had adopted the programme and budget for the 2007–2008 biennium and agreed to include a new Strategic Plan focus area on mercury and asbestos wastes.

142. Introducing her Party's proposals for amendments to the proposed workplan on the sound management of asbestos wastes, which were circulated as a conference room paper, one representative spoke at length about the need to strengthen the international community's efforts to ensure the sound

management of asbestos waste, including through membership of key international instruments and improved cooperation among relevant agencies and bodies. While acknowledging the need to identify best possible practices to safeguard against asbestos exposure, she suggested that there was currently insufficient information on the effects of the alternatives and substitutes referred to in the draft workplan. She said that bound asbestos was not necessarily hazardous, a view supported by some other representatives, and that it therefore arguably fell outside the remit of the Convention. In order to attain a better understanding of the issue, she proposed that the Secretariat undertake a statistical analysis of the asbestos waste transboundary movements based on the annual reports of the Parties. She said her Party was willing to be involved in any initiatives to research safety measures on asbestos containing wastes disposal effectiveness.

143. Several representatives expressed their support for those comments. One informed the Working Group that her country was conducting an epidemiological study on asbestos and wished to wait until the results of that study were available, in 2008, before continuing discussion of the list of alternatives and substitutes in the workplan. The representative of a group of Parties recalled that the process of developing and implementing a workplan for asbestos waste was being funded by the Basel Convention Trust Fund to Assist Developing Countries and other Countries in Need of Technical Assistance and suggested that the Open-ended Working Group was therefore not mandated to take action on the matter. Another speaker questioned the relationship between the workplan and the Partnership Programme, saying that, if the two were related, it would be necessary to define not only the workplan but also the scope of the proposed partnership and workplan objectives. She also said that her country opposed the inclusion of the promotion of safe alternatives in the proposed workplan and that priority should be given to the environmentally sound management of asbestos waste.

144. Several representatives requested assistance in dealing with asbestos waste or highlighted uses that should be given more attention. One representative stressed the importance to be attached to the import of used vehicles in Africa and another highlighted problem of asbestos in disaster and post-war reconstruction efforts or in used cars in particular in Africa. One representative reported that his Government had developed a substantial body of information on many aspects of asbestos following recent post-disaster clean-up operations. He therefore offered to share his country's experience, technical resources, training material and other information, as appropriate, as part of Basel Convention efforts to deal with the problem of asbestos waste. In addition, an industry representative offered the services of an expert in the field of asbestos for future consultation work.

145. On the basis of the Parties' discussion of the matter and the explanations provided by the Secretariat, the Working Group agreed that it should not make any decisions on asbestos at its current session. In view of the fact that several representatives had expressed strong views against the workplan and budget in its current form and the fact that developing countries had made several requests for assistance in that context, it was agreed that work in the area would be carried out in accordance with decision VIII/33 by the Secretariat, in partnership with other organizations, based on voluntary contributions.

## **XII. E-waste**

### **A. Review of the guidance document on environmentally sound management of used and end-of-life mobile phones**

146. The Working Group took up the sub-item at its 1st plenary meeting, on the morning of Monday, 3 September 2007. In considering the sub-item, it had before it a note by the Secretariat on the Mobile Phone Partnership Initiative guidance document on the environmentally sound management of used and end-of-life mobile phones (UNEP/CHW/OEWG/6/7).

147. Introducing the sub-item, the representative of the Secretariat recalled that by decision VIII/6 the Conference of the Parties had provisionally adopted the guidance document on the environmentally sound management of used and end-of-life mobile phones and had requested the Open-ended Working Group, at the current session, to review the document further, in particular with respect to transboundary movement of mobile phones. The Expanded Bureau of the eighth meeting of the Conference of the Parties had recommended that the guidance document be sent to focal points along with the document entitled "Chairman's paper on issues raised during the discussion of the guidelines on transboundary movement of used and end-of-life mobile phones" and a renewed invitation for Parties to participate in the Mobile Phone Partnership Initiative. Although the request was made in April 2007, no comments had been received.

148. The Working Group agreed to refer the issues arising under the present sub-item to the contact group on technical matters for further consideration.

149. In the light of the links between the issues arising under the present sub-item and those under sub-item XII B on the Mobile Phone Partnership, which it had also been asked to consider, the contact group on technical matters decided that it would be more efficient to consider the two sets of issues together. It therefore drafted a single decision for the consideration of the Working Group. The Working Group's consideration and adoption of that decision is addressed in paragraph 155 below.

## **B. Mobile Phone Partnership Initiative**

150. The Working Group took up the sub-item at its 2nd plenary meeting, on the afternoon of Monday, 3 September 2007. In considering the item, it had before it a note by the Secretariat on the Mobile Phone Partnership Initiative (UNEP/CHW/OEWG/6/19/Rev.1), which contained in its annexes a progress report by the Chair of the Mobile Phone Working Group; the chairman's paper on issues raised during the discussion of the guidelines on transboundary movement of used and end-of-life mobile phones; and elements of the 2007–2008 work programme. Mr. Marco Buletti, Chair of the Mobile Phone Working Group, outlined the status and future activities of the Initiative, summarizing in detail the information set out in the note by the Secretariat.

151. In the ensuing discussion there was general support for the work of the Mobile Phone Working Group. Representatives drew attention to the need for a more tailored approach to non-traditional waste streams that did not fit clearly into hazardous or non-hazardous categories; the relevance of the Group's work to the broader problem of dealing with e-waste; and the value of initiatives that approached such problems innovatively, for example through public-private partnerships. Several representatives noted that the work on mobile phones could have broader implications for the application of the Basel Convention, particularly with respect to the chairman's paper mentioned above. The representative of a non-governmental organization expressed concern that the voluntary notification procedure set out in chapter 4 of the overall guidance document on environmentally sound management of used and end-of-life mobile phones might have an impact on the movement of used mobile phones for reuse under the guise of recycling.

152. Responding to some of the issues raised, the Chair of the Mobile Phone Working Group noted that the number of pilot projects was limited by the funding available. He also indicated that the chairman's paper reflected the challenge of achieving consensus on the complex issue of e-waste; it was for the Open-ended Working Group to decide whether the issues raised in the chairman's paper merited further discussion. Regarding the Mobile Phone Working Group's suggestions for addressing transboundary movement of phones destined for reuse, he said that there was no intention to interpret the Convention. Instead, the aim had been to clarify uncertainties in many countries' national regulations or legislation on the management of mobile phones destined for reuse. The suggested options aimed to improve the current situation rather than offer a definitive solution.

153. The Working Group agreed to refer the issues arising under the present sub-item to the contact group on technical matters for further consideration.

154. At its 9th plenary meeting, on the morning of Friday, 7 September 2007, the Working Group considered a draft decision set out in a conference room paper prepared by the contact group on technical matters. The draft decision on the Mobile Phone Partnership Initiative was adopted, as orally amended. Decision OEWG-VI/21, as adopted, is contained in annex I to the present report.

155. One representative said that his delegation took note of the progress made so far by the Mobile Phone Partnership Initiative and that, based on his country's experience of increasing awareness of the risks posed to human life and the environment by shorter-lifespan products such as used mobile phones, it viewed with concern the short time available for a deep analysis by the Parties of chapter 4 of the guidance document on the environmentally sound management of used and end-of-life mobile phones, dealing with their transboundary movements. His country considered that some of the suggested arrangements in the document might threaten the legal integrity of the Basel Convention and have serious systemic impacts on other processes. As the document had already been provisionally adopted by Parties, his country believed that Parties should have enough time for testing the document and appropriately assessing its consequences for the future of the Convention before its final adoption.

### **C. Partnership on used and end-of-life computing equipment and regional partnership on e-waste**

156. The Working Group took up the sub-item at its 2nd plenary meeting, on the afternoon of Monday, 3 September 2007. In considering the sub-item, the Working Group had before it notes by the Secretariat on the implementation of decisions VIII/2 and VIII/5 on strategic partnerships for electrical and electronic wastes and used and end-of-life computing equipment (UNEP/CHW/OEWG/6/20 and UNEP/CHW/OEWG/6/21), which contained proposals for the establishment of two partnerships, provisionally named the “Partnership for Action on Computing Equipment” and the “e2e Partnership”.

157. Introducing the proposed Partnership for Action on Computing Equipment, the representative of the Secretariat said that a consultation of stakeholders on the matter had taken place on 28 and 29 June 2007 in Geneva, chaired by Mr. Osvaldo Alvarez-Pérez (Chile). The outcomes of the June consultation had been discussed at a preparatory meeting held on Sunday, 2 September, prior to the sixth session of the Open-ended Working Group. The preparatory meeting had been co-chaired by Mr. Marco Buletti (Switzerland) and Mr. Alvarez-Pérez. Reporting on the outcomes of that preparatory meeting, Mr. Alvarez-Pérez said that the consultation process had involved a wide range of participants and good progress had been made on some difficult issues. A mission statement had been developed and discussions led to a short list of potential priority activities for the first phase of the partnership. The reports of the process had been placed on the Convention website and comments from interested Parties were encouraged.

158. The representative of the Secretariat introduced a concept for a partnership on e-waste, drawing particular attention to regional programmes, under which activities were already under way, for example the Basel Convention Partnership on the Environmentally Sound Management of Electrical and Electronic Wastes for the Asia-Pacific region, launched in November 2005, and the Inventory of Electronic Wastes in the South American region.

159. The Working Group agreed to refer the issues arising under the present sub-item to the contact group on technical matters for further consideration.

160. At its 8th plenary meeting, on the evening of Thursday, 6 September 2007, the Working Group considered a draft decision on the basis of a conference room paper prepared by the contact group on technical matters, as amended by the Parties. The Working Group adopted the draft decision on the Partnership for Action on Computing Equipment (PACE), as orally amended. Decision OEWG-VI/22, as adopted, is contained in annex I to the present report.

### **D. Workplan for 2009–2010**

161. The Working Group took up the item at its 2nd plenary meeting, on the afternoon of Monday, 3 September 2007. In considering the item, it had before it a note by the Secretariat on the implementation of decision VIII/2 on creating innovative solutions through the Basel Convention for the environmentally sound management of electrical and electronic wastes (UNEP/CHW/OEWG/6/21). The representative of the Secretariat introduced the item. In response to a query, it was confirmed that in refining the workplan, the Secretariat would take full account of other organizations’ work in the area of environmentally sound management of e-waste, including activities undertaken and documents and guidelines developed.

162. In the ensuing discussion, there was general interest in the concept of a forum to undertake the proposed activities on e-waste but some representatives thought that the establishment of a global partnership on e-waste might not be justified. The representative of a group of Parties commented that further information on the proposals and options for the body would be needed before the concept could be considered further at the ninth meeting of the Conference of the Parties.

163. The Working Group agreed to refer the issues arising under the present sub-item to the contact group on technical matters for further consideration at the ninth meeting of the Conference of the Parties.

164. At its 8th plenary meeting on the evening of Thursday, 6 September 2007, the Working Group considered a draft decision submitted by the contact group on technical matters. One representative said that implementation of phase one of a project on the environmentally sound management of e-waste in his country under the Asia-Pacific e-waste programme had been entrusted to a non-governmental organization and that his Government had not been consulted at any stage of the process. He stressed the importance of Parties being kept informed of the implementation of such projects and requested that

the report of phase one be reviewed by his Government before it was submitted to the Secretariat. He also requested that the views of his Government be taken into consideration before further extensions of the project and during its implementation.

165. In response, the representative of the Secretariat said that the Secretariat had previously explained the situation to the non-governmental organization in question, which had expressed its intention to consult his Government on the report and that the report would be sent for review by his Government before its acceptance by the Basel Secretariat. The Secretariat would also ensure that the Government was involved in before extension of the second and third phases and during its future implementation.

166. The Working Group adopted the draft decision on e-waste: workplan for 2009–2010, based on the text proposed by the contact group on technical matters, as orally amended. Decision OEWG-VI/23, as adopted, is contained in annex I to the present report.

### **XIII. Resource mobilization and sustainable financing: review of the implementation of decision VIII/34**

167. The Working Group took up the item at its 6th plenary meeting on the morning of Thursday, 6 September 2007. In considering the item, the Working Group had before it notes by the Secretariat on the review of the implementation of decision VIII/34 (UNEP/CHW/OEWG/6/24), which contained in its annexes a progress report on implementation of decision VIII/34 and proposed work elements for 2007–2008; climate change and Basel Convention linkages to the clean development mechanism and carbon trading (UNEP/CHW/OEWG/6/INF/20); and the role of the Basel Convention (UNEP/CHW/OEWG/6/INF/17), which contained a generic funding rationale, drafted pursuant to decision OEWG-V/5.

168. The representative of the Secretariat said that it was necessary to be more systematic in applying for funding and to reduce the number of ad hoc requests to donors. A framework for analysing the costs and benefits of environmentally sound management and implementation of the Convention, including the costs of inaction and savings derived from implementation, would also be advantageous for Parties and the Secretariat in negotiations with donors. At present there were few or no economic data available on the implementation of the Convention. It had therefore been suggested that PhD students could be engaged as interns to research the matter and develop a framework, at minimal cost to the Secretariat. In addition, the process had already been discussed with the Economics and Trade Branch of the UNEP Division of Technology, Industry and Economics.

169. In view of the positive experience of the regional workshop on resource mobilization held in Nairobi from 3 to 7 December 2006 for the English-speaking Africa region, many representatives expressed interest in the holding of further workshops for French-speaking African countries and countries of the Asia and Pacific region and the Latin American and Caribbean region. The representative of the Secretariat explained that consultations had taken place with the Rotterdam and Stockholm Conventions on the possibility of holding joint workshops, possibly in the Latin American and Caribbean region.<sup>1</sup> She said that all materials used at the Nairobi workshop were available on the Basel Convention website.

170. One representative suggested that for activities that would be beneficial to implementation of both the Basel and Stockholm Conventions, countries might also apply for funding from the Stockholm Convention.

171. There was broad agreement on the importance of resource mobilization and support for the work undertaken by the Secretariat to date. The Secretariat welcomed the suggestion that in its progress report on implementation of decision VIII/34 to the Conference of the Parties at its ninth meeting, it should demonstrate how each of the activities undertaken related to the elements set out in the decision.

172. Some representatives noted that the Conference of the Parties had not mandated the development of a work programme and that the term “workplan” should therefore be used. There was broad support for the work to date and the direction of the workplan. The Working Group therefore agreed that the Secretariat would prepare a revised draft decision to address the concerns raised and present it to the Group for consideration.

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<sup>1</sup> Discussed in document UNEP/CHW/OEWG/6/INF/18

173. At its 8th plenary meeting, on the evening of Thursday, 6 September 2007, the Working Group adopted the draft decision on resource mobilization and sustainable financing: review of the implementation of decision VIII/34, as orally amended. Decision OEWG-VI/24, as adopted, is contained in annex I to the present report.

## **XIV. Financial matters**

174. The Working Group took up the item at its 6th plenary meeting, on the morning of Thursday, 6 September 2007. In considering the item, it had before it notes by the Secretariat on a proposed format for the programme budget for the biennium 2009–2010 (UNEP/CHW/OEWG/6/25); utilization of funds from the reserve and fund balance of the Basel Convention Trust Fund (UNEP/CHW/OEWG/6/26); and information on financial matters (UNEP/CHW/OEWG/6/INF/19).

175. Introducing the item, the representative of the Secretariat outlined the provisions of decision VIII/33 relating to the presentation of information on the core programme to the Conference of the Parties. She explained that the format proposed by the Secretariat was organized according to the activities of the Secretariat; for each section, relevant objectives, expected accomplishments, indicators of achievement, activities and outputs would be provided. The format would help establish the link to the resources needed to implement the decisions of the Conference of the Parties.

176. She noted that by decision VIII/33 the Conference of the Parties had also requested the Open-ended Working Group to monitor the status of payment of arrears and, if sufficient payments were received to cover it, to allow an increase up to \$75,000 in total for temporary staff, staff travel and consultancy budget lines. By the end of August 2007, \$3.5 million in contributions had been received. The total paid contributions for 2007 stood at \$3.1 million, 81.3 per cent of the contributions agreed by the Parties for that year. The level of unpaid contributions for 2006 and prior years had been reduced but remained high; 46 Parties were in arrears for that period, their contributions totalling \$582,869. The Secretariat would continue to make efforts to encourage those Parties to settle their unpaid contributions. Finally, she drew attention to relevant information on the status of the Basel Convention Trust Fund and the Technical Cooperation Trust Fund.

177. In the ensuing discussion, there was broad appreciation for the efforts of the Secretariat in moving towards results-based budgeting and support for the measures proposed. Several representatives said that the proposed format would improve accountability, facilitate resource mobilization and allow improved evaluation of performance and others said there was still room for improvement in the definition of output indicators and baseline benchmarking. One representative stressed the need to ensure consistency between the manner in which the programme of work and the programme budget were presented. Others raised queries on the process of consultation with other conventions; the modalities for intersessional work; the stage reached in the appointment of the two new posts within the Secretariat; and the payment of arrears. One representative informed the Working Group that his Government was undertaking measures to regularize its contributions with various international organizations and bodies, including the Basel Convention.

178. In response to queries from several representatives regarding consultation with the Rotterdam and Stockholm secretariats, the representative of the Basel Secretariat said that both those secretariats had been consulted during drafting of the financial documents before the Working Group, and that, while those conventions did not yet use a results-based budgetary format, both had been required by their conferences of the Parties to pursue harmonization. The Basel Secretariat would continue to pursue the matter intersessionally. Responding to a query about intersessional work, she said that the Secretariat would typically organize meetings with the representatives of permanent missions to consult on various issues and that the dates, venue, agenda and supporting documents of the meetings were posted on the Convention website. Interested Parties were encouraged to provide comments on the preparation of the budget directly to the Secretariat; the website presented the opportunity for the exchange of information electronically.

179. Regarding the two new posts being created, another representative of the Secretariat said that the recruitment process was continuing and that a shortlist had been compiled and was being reviewed. In response to a query about payment of arrears, the representative of the Secretariat confirmed that collections in 2007 for 2006 and prior years totalled \$321,839, while collections during 2006 for 2005 and prior years totalled \$400,007. Those amounts were sufficient to allow a drawdown of up to \$75,000 from the reserve but the Secretariat would continue to monitor the reserve balance, given that the payment rate for the current year was below 100 per cent.



180. The Working Group adopted the draft decision on the proposed format for the programme budget for the biennium 2009–2010, based on the draft contained in UNEP/CHW/OEWG/6/25, as amended. Decision OEWG-VI/25, as adopted, is contained in annex I to the present report.

181. The Working Group also adopted the draft decision on the utilization of funds from the reserve and fund balance of the Basel Convention Trust Fund, based on the draft contained in UNEP/CHW/OEWG/6/26, as amended. Decision OEWG-VI/26, as adopted, is contained in annex I to the present report.

## **XV. Work programme of the Open-ended Working Group for 2009–2010**

182. The Working Group took up the item at its 6th plenary meeting, on the morning of Thursday, 6 September 2007. It had before it a note by the Secretariat on the Work Programme of the Open-ended Working Group (UNEP/CHW/OEWG/6/27). The representative of the Secretariat introduced the item briefly.

183. The Working Group adopted the draft decision on the work programme of the Open-ended Working Group, as contained in the Secretariat's note. Decision OEWG-VI/27, as adopted, is contained in annex I to the present report.

## **XVI. Preparation of draft decisions for consideration by the Conference of the Parties at its ninth meeting**

184. No matters were raised for discussion under the present item.

## **XVII. Organization of the ninth meeting of the Conference of the Parties**

185. The Working Group took up the item at its 10th plenary meeting on the afternoon of Friday, 7 September 2007. The representative of Indonesia, the host of the ninth meeting of the Conference of the Parties, to be held in Bali from 23 to 27 June 2008, gave a presentation on the geography and culture of her country and on the facilities at the conference centre chosen for meeting.

186. The Executive Secretary explained that the theme for meetings of the Conference of the Parties was usually developed by the Expanded Bureau in close consultation with the host country, taking into account the views of Parties. She said that during the current session Indonesia had conducted some consultations on possible ideas. She explained that the possibility of a review conference was being explored and she asked the Working Group to share its views on that matter, reminding them that the organization of a full review conference would entail a more formal process of consultation. She also solicited other ideas for themes for the meeting.

187. Several representatives said that although a review conference would be appropriate and desirable, they were concerned that there was insufficient time to prepare sufficiently before June 2008.

188. Some representatives suggested other possible themes for the meeting, including "Enforcement of the Basel Convention"; "Basel 2020 – past success, forward vision"; "Aim 2020 – environmentally sound management of waste globally, our common responsibility"; "Waste and climate change"; "Waste – a resource"; "Environmental and social impacts of waste worldwide, e.g., on education and health care"; "Pillars of implementation, such as environmentally sound management of waste in developing countries"; and "New alliances for the Basel Convention, with a focus on partnerships and relations with other conventions and international organizations".

189. Concluding the discussion on the item, the Executive Secretary said that the Working Group's comments would be forwarded to the Expanded Bureau to assist it in its deliberations.

## **XVIII. Other matters**

### **A. Strategic Plan for the Implementation of the Basel Convention (to 2010)**

190. The Working Group took up the sub-item at its 7th plenary meeting, on the afternoon of Thursday, 6 September 2007. In considering the sub-item, it had before it a note by the Secretariat on the developments and obstacles in the implementation of the Strategic Plan for the Implementation of the Basel Convention (UNEP/CHW/OEWG/6/28). The representative of the Secretariat provided a brief introduction of the sub-item, outlining the background and substance of the Strategic Plan.

191. During the ensuing debate, several representatives said that, rather than establishing an intersessional working group, the Secretariat should prepare the progress report and draft decision on the Strategic Plan to be presented to the Conference of the Parties at its ninth meeting. The importance of linking the review of the Strategic Plan with the continuing work of the Basel Convention regional centres and the Partnership Programme was stressed.

192. At its 9th plenary meeting, on the morning of Friday, 7 September 2007, the Secretariat presented a draft decision based on the one contained in the Secretariat's note, as amended in the light of comments from Parties. The Working Group adopted the draft decision on developments and obstacles in the implementation of the Strategic Plan for the implementation of the Basel Convention. Decision OEWG-VI/28, as adopted, is contained in annex I to the present report.

### **B. Publications, information materials and website**

193. The Working Group took up the sub-item at its 7th plenary meeting, on the afternoon of Thursday, 6 September 2007. In considering the sub-item, it had before it a note by the Secretariat on the new Basel Convention website and publications, as well as information material issued since the eighth meeting of the Conference of the Parties (UNEP/CHW/OEWG/6/INF/22).

194. The representative of the Secretariat provided an update on the media used by the Secretariat to disseminate information, including leaflets, CD-ROMs, newsletters, the Convention website, press releases and publications. As part of the efforts to strengthen synergies between the Basel, Stockholm and Rotterdam Conventions, the secretariats were pursuing initiatives to harmonize the communication and outreach activities of the conventions.

195. The Working Group took note of the report of the Secretariat.

### **C. UNEP Governing Council decision 24/5**

196. At its 9th meeting, on the morning of Friday, 7 September 2007, the Working Group considered a conference paper, presented by the representative of a group of Parties, containing UNEP Governing Council decision 24/5 on waste management. He said that it was of relevance to the Working Group and contained a request for the Executive Director of UNEP to prepare, in consultation with the Secretariat of the Basel Convention and others, a report on aspects of waste management for consideration at the tenth special session of the Governing Council.

197. The representative of the Secretariat said that the Secretariat had participated in the deliberations that led to the adoption of decision and would work closely with UNEP in drafting the requested report. The Secretariat would ensure that the outcomes of that process were reported to the Conference of the Parties at its ninth meeting.

198. The Working Group took note of the contents of the conference room paper.

## **XIX. Adoption of the draft decisions and the report of the session**

199. During the current session, the Working Group adopted various decisions under the items contained in the agenda for the session. The adoption of those decisions is described in the sections of the present report relating to the agenda items to which they pertain. The decisions as adopted are set out in annex I to the present report.

200. Several draft decisions were considered in English only, because the documents were not yet available in all official languages. While agreeing to proceed in that fashion in order to ensure a timely

conclusion of the Working Group's business, several representatives said that it was contrary to the Group's rules of procedure and should in no way be seen as a procedural precedent.

201. The Working Group adopted the present report at its 10th plenary meeting, on the afternoon of Friday, 7 September 2007, on the basis of the draft report contained in documents UNEP/CHW/OEWG/6/L.1, Add.1, Add.2 and Add.3, as orally amended, on the understanding that the finalization of the report would be entrusted to the Secretariat, working in consultation with the Co-Chairs and the Rapporteur.

## **XX. Closure of the session**

202. Following the customary exchange of courtesies, the fifth session of the Open-Ended Working Group of the Basel Convention for the Control of Transboundary Movements of Hazardous Wastes and their Disposal was declared closed at 6.30 p.m. on Friday, 7 September 2007.

## Annex I

### Decisions of the Open-ended Working Group at its sixth session

#### OEWG-VI/1: Decision VIII/1 on Côte d'Ivoire

##### *The Open-ended Working Group*

1. *Takes note* of the information provided by the Secretariat on the activities of the Secretariat and other bodies in response to the environmental emergency precipitated by the dumping of hazardous waste in Abidjan in August 2006;
2. *Supports and encourages* the collaboration between the Secretariat, the relevant United Nations Environment Programme entities and international specialized agencies in this matter;
3. *Invites* donors and partners to contribute financially and technically to the trust fund for Côte d'Ivoire established by the Executive Director of the United Nations Environment Programme and to the Technical Cooperation Trust Fund of the Basel Convention to assist Côte d'Ivoire and West African countries in implementing the provisions of the Basel Convention, taking into account the funds already pledged or received by Côte d'Ivoire in connection with the emergency;
4. *Requests* the Secretariat to report any progress in this matter to the Conference of the Parties at its next meeting.

#### OEWG-VI/2: Review of the operation of the Basel Convention regional and coordination centres

##### *The Open-ended Working Group,*

*Recognizing* the role of the Basel Convention regional and coordinating centres in the implementation of the Basel Convention and its Strategic Plan,

*Acknowledging* with gratitude the work done by the Basel Convention regional and coordinating centres to date in implementing the Basel Convention, its Strategic Plan and the related chemicals conventions,

*Noting* that the review decided upon by the Conference of the Parties at its eighth meeting will be conducted with the objective of enhancing and strengthening the combined effectiveness and capacity of the centres and the Secretariat,

1. *Requests* the Secretariat to prepare a report in accordance with the terms of reference contained in annex I to the present decision, which must include:
  - (a) An assessment of the achievements made and obstacles faced by regional and coordinating centres in fulfilling their functions, as contained in appendices I and II of decision VI/3, which are reproduced in annex II to the present decision;
  - (b) Recommendations with a focus on the long-term sustainability of the centres, in particular in relation to governance, institutional arrangements, operating budgets, regional involvement and project resource mobilization;
  - (c) Recommendations on the development of a financial strategy to be approved by the Parties to move the centres toward financial sustainability;
2. *Requests* the Secretariat to publish the report mentioned in paragraph 1 above on its website by 15 December 2007 for the consideration of the Parties, Signatories and the regional and coordinating centres;
3. *Invites* the Parties, Signatories and regional and coordinating centres to submit comments on the report by 31 January 2008;
4. *Requests* the Secretariat to submit the report, including the comments submitted by the Parties, Signatories and regional and coordinating centres, and a draft decision on the issue to the Conference of the Parties at its ninth meeting for its consideration.

## **Annex I to decision OEWG-VI/2**

### **Terms of reference for the report on the operation of the Basel Convention regional and coordinating centres**

1. The report should cover all regional and coordinating centres and incorporate self-assessments by the centres on the basis of a format to be provided by the Secretariat.
2. The report should:
  - (a) Assess the achievements made and obstacles faced by regional and coordinating centres in fulfilling their functions, as set out in appendices I and II of decision VI/3;
  - (b) Assess the extent to which the activities and achievements of the centres are having a positive impact on implementation of the Convention at national and regional levels;
  - (c) Make recommendations with a view to developing a set of indicators to measure performance and impediments in relation to functions and impacts;
  - (d) Assess the strengths, weaknesses and opportunities of the different governance, institutional and financial models used in various centres and, in particular, the extent to which these models have contributed to regional involvement and financial and institutional sustainability;
  - (e) Assess the level of support of host countries, countries served by the centres and other countries, including the provision of infrastructure, technology and personnel;
  - (f) Report on personnel matters, such as staff training in administration and accountancy, the number of full-time and part-time positions and consultants, the continuity of employment, and the Basel Convention secretariat staff resources dedicated to the Basel Convention regional and coordinating centres;
  - (g) Assess activities relevant to cooperation and coordination, taking into account the work of the ad hoc joint working group on cooperation and coordination among the Stockholm, Rotterdam, and Basel Conventions;
  - (h) Assess and comment on the current and potential activities and roles of centres in facilitating implementation of other international chemicals conventions and processes within their mandates (including the Strategic Approach to International Chemicals Management);
  - (i) Assess possibilities for and obstacles to expanding the functions of the centres to promote the integration of environmentally sound management of hazardous wastes in relevant mechanisms for international and regional cooperation, as well as the development of strategies that involve public-private partnerships;
  - (j) Assess the financial and institutional support that would be required in the short, medium and long term for centres to function optimally.

## **Annex II to decision OEWG-VI/2**

### **Appendices I and II to decision VI/3 on the establishment and functioning of the Basel Convention regional centres for training and technology transfer**

#### **Appendix I: Core functions of the Basel Convention regional centres**

The role of the Centres is to assist developing countries and countries with economies in transition, within their own region, through capacity-building for environmentally sound management, to achieve the fulfilment of the objectives of the Convention.

The description of the core functions of the Centres is as follows:

1. Training;
2. Technology transfer;
3. Information;
4. Consulting;

5. Awareness-raising.

The explanations of the core functions of the Centres are as follows:

- (a) Developing and conducting training programmes, workshops, seminars and associated projects in the field of the environmentally sound management of hazardous wastes, transfer of environmentally sound technology and minimization of the generation of hazardous wastes, with specific emphasis on training of trainers and the promotion of ratification and implementation of the Convention and its instruments;
- (b) Identifying, developing and strengthening mechanisms for the transfer of technology in the field of environmentally sound management of hazardous wastes or their minimization in the region;
- (c) Gathering, assessing and disseminating information in the field of hazardous wastes and other wastes to Parties of the region and to the secretariat;
- (d) Collecting information on new or proven environmentally sound technologies and know-how relating to environmentally sound management and minimization of the generation of hazardous wastes and other wastes and disseminating these to Parties of the region at their request;
- (e) Establishing and maintaining regular exchange of information relevant to the provisions of the Basel Convention, and networking at the national and regional levels;
- (f) Organizing meetings, symposiums and missions in the field, useful for carrying out these objectives in the region;
- (g) Providing assistance and advice to the Parties and non-parties of the region at their request, on matters relevant to the environmentally sound management or minimization of hazardous wastes, the implementation of the provisions of the Basel Convention and other related matters;
- (h) Promoting public awareness;
- (i) Encouraging the best approaches, practices and methodologies for environmentally sound management and minimization of the generation of hazardous wastes and other wastes, for example, through case studies and pilot projects;
- (j) Cooperating with the United Nations and its bodies, in particular the United Nations Environment Programme and the specialized agencies, and with other relevant intergovernmental organizations, industry and non-governmental organizations, and, where appropriate, with any other institution, in order to coordinate activities and develop and implement joint projects related to the provisions of the Basel Convention and develop synergies where appropriate with other multilateral environmental agreements;
- (k) Developing, within the general financial strategy approved by the Parties, the Centres' own strategy for financial sustainability;
- (l) Cooperating in mobilization of human, financial and material means in order to meet the urgent needs at the request of the Party(ies) of the region faced with incidents or accidents which cannot be solved with the means of the individual Party(ies) concerned;
- (m) Performing any other functions assigned to it by the decisions of the Conference of the Parties of the Basel Convention or by Parties of the region consistent with such decisions.

**Appendix II: Roles and functions of the coordinating centres of the Basel Convention in addition to the core functions**

- 1. Ensuring interaction, including exchange of information, between the secretariat of the Basel Convention and the Regional Centres, among the subregional centres, Parties and other related institutions;
- 2. Conveying regional consultation to identify priorities and formulate strategies;
- 3. Supporting and coordinating common tasks of the subregional centres in the field of policies, information, communication, technical and financial assessment;
- 4. Defining and executing programmes of regional scope in coordination with the subregional centres;

5. Identifying, promoting and strengthening the synergies and mechanisms of cooperation among the subregional centres and other stakeholders in environmentally sound management and the minimization of generation of hazardous waste and technology transfer in and outside the region;
6. Keeping a compilation system for information and making such information accessible to stakeholders.

### **OEWG-VI/3: Revised technical guidelines on environmentally sound management of used tyres**

*The Open-ended Working Group,*

*Welcoming* the work of Brazil on the revision of the technical guidelines on environmentally sound management of used tyres,

1. *Agrees* to establish a small intersessional working group, to be lead by Brazil, on the revision of the technical guidelines on environmentally sound management of used tyres that shall work by electronic means in particular;
2. *Invites* countries and other stakeholders to participate in the work of the small intersessional working group on the revision of technical guidelines on environmentally sound management of used tyres and to inform the Secretariat of their participation by 31 October 2007;
3. *Also invites* Parties and others to provide comments to Brazil and the Secretariat on the draft technical guidelines on environmentally sound management of used tyres by 31 January 2008;
4. *Requests* Brazil, in consultation with the small intersessional working group, to prepare a revised version of the technical guidelines by 31 March 2008;
5. *Requests* the Secretariat to make the revised version of the technical guidelines available on its website;
6. *Also requests* the Secretariat to transmit the revised version of the technical guidelines for consideration and possible adoption by the Conference of the Parties at its ninth meeting.

### **OEWG-VI/4: Review of other selected technical guidelines pursuant to decision VIII/17, e.g., on incineration on land (D10), specially engineered landfill (D5), and wastes collected from households (Y46)**

*The Open-ended Working Group,*

*Recalling* decision VIII/17 of the Conference of the Parties on technical guidelines on environmentally sound management,

1. *Invites* countries in a position to do so to take the lead in the review and updating of technical guidelines or to contribute financially to the process;
2. *Reiterates* the invitation to countries and other stakeholders to provide comments regarding the review and updating of technical guidelines, in particular on incineration on land (D10), specially engineered landfill (D5) and wastes from households (Y46), and on their experiences implementing the existing technical guidelines on the environmentally sound management of hazardous wastes by 30 March 2008;
3. *Requests* the Secretariat to prepare a compilation of comments received and to transmit that compilation to the Conference of the Parties at its ninth meeting for its consideration.

### **OEWG-VI/5: Technical guidelines on environmentally sound management of persistent organic pollutants**

*The Open-ended Working Group,*

*Recalling* decision VIII/16 of the Conference of the Parties on technical guidelines on persistent organic pollutants,

1. Invites Parties and others to submit to the Secretariat by 31 January 2008 comments on the issues referred to in subparagraphs 7 (a) and 7 (b) of decision VIII/16, namely:

(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;

2. *Requests* the intersessional working group on persistent organic pollutants to consider the issues referred to in subparagraphs 7 (a) and 7 (b) of decision VIII/16, taking into account, in particular, the comments received from Parties and others pursuant to paragraph 1 above;

3. *Requests* the Secretariat to prepare a report on the outcomes of the work of the intersessional working group described in paragraph 2 above for consideration by the Conference of the Parties at its ninth meeting.

### **OEWG-VI/6: Stockholm Convention revised draft guidelines on best available techniques and provisional guidance on best environmental practices**

#### *The Open-ended Working Group*

1. *Requests* the small intersessional working group established by decision OEWG-I/4 to consider, taking into account the discussions at the sixth session of the Open-ended Working Group and the comments received from Parties on Stockholm Convention decision SC-3/5,<sup>2</sup> the waste-related aspects of the revised guidelines on best available techniques and provisional guidance on best environmental practices,<sup>3</sup> in particular the section entitled “waste management considerations”, and to report the results of that work, through the Secretariat, to the Conference of the Parties for consideration and its ninth meeting;

2. *Invites* Parties and others to submit to the Secretariat by 29 February 2008 comments on the need to invite the appropriate bodies of the Stockholm Convention to develop, where not yet available, guidelines on best available techniques and guidance on best environmental practices with respect to the processes for the destruction and irreversible transformation of the persistent organic pollutant content in wastes contained in the updated general technical guidelines on the environmentally sound management of wastes consisting, containing or contaminated with persistent organic pollutants.

### **OEWG-VI/7: Review of work on the guidance papers on H10 and H11 pursuant to decision VIII/21**

#### *The Open-ended Working Group,*

*Recalling* decision VIII/21 on the classification and hazard characterization of wastes,

1. *Invites* Parties in a position to do so to take the lead in the finalization of work on the guidance papers on H10 and H11 or to contribute financially to the process;

2. *Also invites* Parties and other stakeholders, by 29 February 2008, to provide comments to the Secretariat on the guidance papers on H10 and H11 and, in particular, the proposal by the United States of America for a framework for developing de minimis values for hazard characteristic H11;<sup>4</sup>

3. *Requests* the Secretariat to prepare a compilation of comments received pursuant to the invitation in paragraph 2 above and to transmit that compilation to the Conference of the Parties at its ninth meeting for its consideration.

<sup>2</sup> UNEP/CHW/OEWG/6/6, annex.

<sup>3</sup> UNEP/POPS/COP.3/INF/4.

<sup>4</sup> UNEP/CHW/OEWG/6/INF/5.



## **OEWG-VI/8: Review of cooperation with the World Customs Organization and its Harmonized System Committee pursuant to decision VIII/20**

*The Open-ended Working Group*

Agrees to forward the following draft decision to the Conference of the Parties for consideration at its ninth meeting:

*“The Conference of the Parties,*

*“Taking note of the progress of work on separate identification in the Harmonized System of certain wastes in Annexes VIII and IX to the Basel Convention,*

*“1. Requests the Secretariat to pursue its cooperation with the World Customs Organization 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.”*

## **OEWG-VI/9: Amendment of entries relating to persistent organic pollutants**

*The Open-ended Working Group,*

*Recalling decision VIII/16 on technical guidelines on persistent organic pollutants,*

*1. Invites Parties and others to submit to the Secretariat by 29 February 2008, taking into account the comments received from Parties and others pursuant to paragraph 8 of decision VIII/16<sup>5</sup> and the discussions at the sixth session of the Open-ended Working Group, further comments on the consideration of the amendment of entry A4110 in Annex VIII of the Basel Convention, relating to polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans, and other relevant entries relating to pesticide persistent organic pollutants and 1,1,1-trichloro-2,2-bis- (4-chlorophenyl)ethane (DDT), in order to include a concentration level for those persistent organic pollutants;*

*2. Requests the Secretariat to publish these comments on its website and transmit them to Conference of the Parties for consideration at its ninth meeting.*

## **OEWG-VI/10: Review or adjustment of the lists of wastes contained in Annexes VIII and IX of the Basel Convention**

*The Open-ended Working Group,*

*Recalling decision VIII/15 on 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,*

*1. Invites Parties and others to submit comments to the Secretariat by 30 November 2007 with regard to a technical review of the wording of the entries in each of the six official language versions of Annexes VIII and IX of the Basel Convention, and particularly of entry B1030 in Arabic, Chinese, Russian and Spanish;*

*2. Invites Parties to inform the Depositary, through the Secretariat, of any corrections;*

*3. Requests the Secretariat to publish the comments received pursuant to paragraph 1 above on its website and, as appropriate, transmit them to Conference of the Parties for consideration at its ninth meeting.*

<sup>5</sup>

UNEP/CHW/OEWG/6/5, annex I.

**OEWG-VI/11: Harmonization and coordination***The Open-ended Working Group*

1. *Invites* the Joint Correspondence Group established pursuant to decision OEWG-IV/13 to fulfil its mandate as soon as possible;
2. *Welcomes*, as a first step to fulfilling its mandate, the nomination by interested Parties and the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals of individuals to assume the chair of the Joint Correspondence Group by 31 October 2007;
3. *Requests* the Secretariat to report on the outcome of the work of the Joint Correspondence Group to the Conference of the Parties at its ninth meeting.

**OEWG-VI/12: National classification and control procedures for the import of wastes contained in Annex IX***The Open-ended Working Group,*

1. *Encourages* those Parties experiencing difficulties with national classification or control procedures relating to the import of wastes contained in Annex IX that have not provided the Secretariat with any information on those difficulties to complete the questionnaire developed for that purpose and return it to the Secretariat, if possible, by 30 March 2008;
2. *Requests* the Secretariat to prepare a compilation of the replies received and to post the information on the website of the Basel Convention ([www.basel.int](http://www.basel.int)) and update that information on a continuous basis;
3. *Also requests* the Secretariat to prepare a consolidated report based on the new information received and to transmit that report to the Conference of the Parties at its ninth meeting for its consideration.

**OEWG-VI/13: Illegal traffic: review of the outline of an instruction manual for the legal profession***The Open-ended Working Group,*

1. *Requests* the Secretariat to develop, subject to the availability of funding, the draft instruction manual for the legal profession on the prosecution of illegal traffic, taking into account the discussions at the sixth session of the Open-ended Working Group;
2. *Requests* Parties and others to submit, by 31 January 2008, comments on the draft instruction manual, taking into account the discussions at the sixth session of the Open-ended Working Group;
3. *Calls upon* Parties and others to offer expertise and in-kind and pecuniary contributions for the preparation of the draft instruction manual and for the development and delivery of training seminars on illegal traffic;
4. *Also requests* the Secretariat, subject to the level of voluntary contributions received for these purposes:
  - (a) To submit the draft instruction manual for consideration and possible approval by the Conference of the Parties at its next meeting;
  - (b) To report to the Conference of the Parties at its next meeting on steps it has taken to develop and deliver training seminars on illegal traffic;
  - (c) To develop a draft decision on illegal traffic for consideration and possible adoption by the Conference of the Parties at its next meeting.

## **OEWG-VI/14: Review of the 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**

*The Open-ended Working Group,*

*Recalling* the Conference of the Parties to the Basel Convention's decision V/32 on the enlargement of the scope of the Technical Cooperation Trust Fund to assist developing and other countries in need of assistance in the implementation of the Basel Convention, its decision VI/14 on the interim guidelines for the implementation of decision V/32 and its decision VIII/10 mandating the Open-ended Working Group to take up work on these issues,

1. *Invites* Parties to submit to the Secretariat, before 31 January 2008:

(a) Responses to the revised questionnaire set forth in annex I to the present decision regarding incidents, as defined under article 2, paragraph 2 (h) of the Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal;

(b) Comments and suggestions on the draft standard form for requests for assistance under decision V/32, as set out in annex II to the present decision;

2. *Requests* the Secretariat:

(a) To finalize and transmit to the Conference of the Parties at its next meeting a draft standard form for requests for assistance under decision V/32, taking into account the comments and suggestions received from Parties;

(b) To report to the Conference of the Parties at its next meeting on the responses received to the questionnaire regarding incidents set forth in annex I to the present decision;

3. *Invites* Parties to provide to the Secretariat comments and suggestions on steps to be taken to review the implementation of decision V/32;

4. *Requests* the Secretariat to transmit to the ninth meeting of the Conference of the Parties for its consideration in the context of a review of the implementation of decision V/32:

(a) The comments and suggestions referred to in paragraph 3;

(b) Its lessons learned on any case for emergency assistance, such as that of Côte d'Ivoire, including on the adequacy of technical and financial assistance which may be provided under decision V/32;

5. *Urges* Parties to provide contributions to the Technical Cooperation Trust Fund to support the activities referred to in parts 1, 2 and 3 of the Interim Guidelines for the implementation of decision V/32.

### **Annex I to decision OEWG-VI/14**

#### **Questionnaire regarding incidents, as defined under article 2, paragraph 2 (h), of the Protocol on Liability and Compensation**

The term "incident", as used in this questionnaire, means any occurrence, or series of occurrences having the same origin that causes damage or creates a grave and imminent threat of causing damage.

The terms "hazardous wastes and other wastes", "transboundary movement" and "disposal" are used here according to their definitions in articles 1 and 2 of the Basel Convention. Transboundary movement includes illegal traffic.

Have you encountered any incidents arising from transboundary movements of hazardous and other wastes and their disposal...

<p>1. ... that have caused loss of life or personal injury?</p> <p style="text-align: center;"><input type="checkbox"/> <u>Yes.</u></p> <p><input type="checkbox"/> <u>No. Go to question 2.</u></p>	<p>If yes, how many of such incidents?</p> <p style="text-align: center;">.....</p> <p>Please attach, with regard to each incident, a factual description of what occurred and of the loss of life or personal injury. Please indicate also, with regard to each incident whether you applied for compensation under part 1 of the interim guidelines regarding emergency assistance, and to what extent loss of life or personal injury was not compensated for by the existing mechanism.</p>
<p>2. ... that have caused loss of or damage to property?</p> <p style="text-align: center;"><input type="checkbox"/> <u>Yes</u></p> <p><input type="checkbox"/> <u>No. Go to question 3.</u></p>	<p>If yes, how many of such incidents?</p> <p style="text-align: center;">.....</p> <p>Please attach, with regard to each incident, a factual description of what occurred, of the loss of or damage to property and of who owned the property lost or damaged (e.g. the importer, the exporter, the disposer, third parties...). Please indicate also, with regard to each incident whether you applied for compensation under part 1 of the interim guidelines regarding emergency assistance, and to what extent loss of or damage to property was not compensated for by the existing mechanism.</p>
<p>3. ... that have caused loss of income directly deriving from an economic interest in any use of the environment, incurred as a result of impairment of the environment?</p> <p style="text-align: center;"><input type="checkbox"/> <u>Yes.</u></p> <p><input type="checkbox"/> <u>No. Go to question 4.</u></p>	<p>If yes, how many of such incidents?</p> <p style="text-align: center;">.....</p> <p>Please attach, with regard to each incident, a factual description of what occurred and of the resulting loss of income. Please indicate also, with regard to each incident whether you applied for compensation under part 1 of the interim guidelines regarding emergency assistance, and to what extent there was loss of income (taking into account costs and savings as a result of the incident) not compensated for by the existing mechanism.</p>
<p>4. ... that have resulted in the taking or planned taking of measures for reinstatement<sup>6</sup> of the impaired environment?</p> <p style="text-align: center;"><input type="checkbox"/> <u>Yes.</u></p> <p><input type="checkbox"/> <u>No. Go to question 5.</u></p>	<p>If yes, How many of such incidents?</p> <p style="text-align: center;">.....</p> <p>Please attach, with regard to each incident, a factual description of what occurred and of the preventive measures taken. Please indicate also, with regard to each incident whether you applied for compensation under part 1 of the interim guidelines regarding emergency assistance, and to what extent there were costs resulting from these measures that were not compensated for by the existing mechanism.</p>

<sup>6</sup> "Measures of reinstatement" are any reasonable measures to assess, reinstate or restore damaged components of the environment (taken by whoever is entitled to do so under domestic law).

<p>5. ... that have resulted in the taking of preventive measures<sup>7</sup>?</p> <p><input type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. <u>You have finished this questionnaire.</u></p>	<p>If yes, how many of such incidents?</p> <p>.....</p> <p>Please attach, with regard to each incident, a factual description of what occurred and of the preventive measures taken. Please indicate also, with regard to each incident, whether you applied for compensation under part 1 of the interim guidelines regarding emergency assistance, and to what extent there were costs of these preventive measures, or loss or damage caused by the latter (provided the damage arises out or results from the hazardous properties of the waste involved), not compensated for by the existing mechanism.</p>
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<sup>7</sup> "Preventive measures" are any reasonable measures taken by any person in response to an incident to prevent, minimize or mitigate loss or damage, or to effect environmental clean-up.

**Annex II to decision OEWG-VI/14****Request for emergency assistance from the Technical Cooperation Trust Fund by developing and other countries in need of assistance**

Name and address of requesting authority, including contact name / focal point	
Bank details of requesting authority	
Date and place of the incident (please attach a map if possible)	
Specific details of incident	
Description of hazardous wastes or other wastes involved (name, origin, physical form, major constituents, typical contaminants, volume/quantity, waste code)	
Names and roles of States involved in the transboundary movements in question (e.g. state of origin, transit or destination)	
Names and addresses of persons involved in the transboundary movements in question (e.g., exporter, importer, notifier, carrier, disposer)	
Names and addresses of insurers, if any	
Measures taken in response to the incident, including requests for assistance from other countries involved in the incident	
Type and extent of damage that occurred or is likely to occur (e.g., dilution factors, dispersion problems, rate of spread)	
Preventive measures that are necessary in order to prevent or mitigate damage	
Type of emergency assistance required	

Signed: .....

Date: .....

Please submit this request to:

UNEP-SBC  
15, chemin des Anémones  
1219 Châtelaine (Geneva)  
Tel : +41 22 917 82 18  
Fax : +41 22 797 34 54  
Email : sbc@unep.ch

### **OEWG-VI/15: Basel Protocol on Liability and Compensation: insurance, bonds or other financial guarantees**

#### *The Open-ended Working Group*

1. *Requests* the Secretariat, subject to the 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;
2. *Also 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 1 of the present decision;
3. *Calls upon* States to provide voluntary funding for the organization of the consultations referred to in paragraph 1 above;
4. *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.

### **OEWG-VI/16: Addressing the interpretation of paragraph 5 of Article 17 of the Basel Convention**

#### *The Open-ended Working Group,*

*Recalling* decision VIII/30 addressing the interpretation of paragraph 5 of Article 17 of the Basel Convention,

*Desiring* to clarify the requirements for the entry into force of amendments to the Convention in paragraph 5 of Article 17 of the Basel Convention to facilitate their entry into force,

*Noting* the comments received from the United Nations Office of Legal Affairs,<sup>8</sup>

1. *Affirms* that Article 31 of the Vienna Convention on the Law of Treaties constitutes a sound basis for resolving issues of general interpretation;
2. *Agrees* that paragraph 5 of Article 17 of the Basel Convention presents some ambiguities as to the requirements for the entry into force of amendments to the Convention;
3. *Emphasizes* that the Parties to the Convention have the ultimate power to agree on the interpretation of the Convention;

<sup>8</sup>

UNEP/CHW/OEWG/6/INF/9/Add.1

4. *Agrees*, subject to the availability of resources from voluntary contributions, to convene a meeting of an intersessional open-ended working group to continue the development of a draft decision to reach an agreed interpretation of paragraph 5 of Article 17 of the Basel Convention in accordance with international law, taking into account the work of the Open-ended Working Group at its sixth session on this matter, including a non-exhaustive list of possible elements for a draft decision annexed to the present decision;

5. *Requests* the intersessional open-ended working group, if convened, to report on the outcome of its work and to submit a draft decision to reach an agreed interpretation, through the Secretariat, to the Conference of the Parties for consideration at its ninth meeting;

6. *Requests* Parties and others to submit to the Secretariat, by 30 November 2007, comments and views on the annex to the present decision as well as proposals on the development of a draft decision;

7. *Requests* the Secretariat to compile the submissions received in accordance with paragraph 6 above and transmit them to the intersessional open-ended working group, if such a group is convened, and to the Conference of the Parties for consideration at its ninth meeting;

8. *Agrees* that, if an intersessional open-ended working group is not convened, the annex to the present decision shall be transmitted by the Secretariat to the Conference of the Parties for consideration at its ninth meeting;

9. *Requests* the Secretariat of the Basel Convention, at the request of the intersessional open-ended working group or on its own initiative, as it deems it necessary, to seek further guidance from the United Nations Office of Legal Affairs.

## Annex to decision OEWG-VI/16

### **A non-exhaustive list of possible elements for a draft decision to reach an agreed interpretation of paragraph 5 of Article 17 of the Basel Convention for consideration by the Conference of the Parties at its ninth meeting**

#### *[The Conference of the Parties]*

1. *[Desiring* to clarify the requirements for the entry into force of amendments to the Convention in paragraph 5 of Article 17 of the Basel Convention to facilitate their entry into force;]

2. *[ [Agrees] [affirms]* that matters of substance relating to interpretation of treaties should be resolved in accordance with established practices of international law, including Article 31 of the Vienna Convention on the Law of Treaties;]

3. *[Agrees* that paragraph 5 of Article 17 of the Basel Convention [may] present[s] some ambiguities as to the requirements for the entry into force of amendments to the Convention [to some Parties];]

4. *[Emphasizes* that the Parties to the Convention have the ultimate power to agree on the interpretation [and application] of the Convention;]

5. *[Agrees* that any decision adopted by a Conference of the Parties would need to be adopted

**Alternative 1:** [in accordance with rule 40 of the rules of procedure of the Basel Convention

**Alternative 2:** [by consensus\*]

**Alternative 3:** [without opposition\*]

in order to validly serve as an aid to the interpretation of the paragraph 5 of Article 17 of the Basel Convention;]

6. *[Option 1: Resolves* that the conditions for entry into force of an amendment to the Convention, as set out in paragraph 5 of Article 17 of the Basel Convention, shall be deemed to have

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\* The intersessional open-ended working group will need to consider these alternatives and their definitions further.



been satisfied upon the ninetieth day after the receipt by the Depositary of the instrument of ratification, approval, formal confirmation or acceptance from:

**Alternative 1:** [at least three-fourths of the current Parties to the Convention]

**Alternative 2:** [at least three-fourths of the States and political and/or economic integration organizations that were party to the Convention on the date upon which the amendment was adopted]

**Alternative 3:** [a number of Parties equivalent to at least three-fourths of the number States and political and/or economic integration organizations that were party to the Convention on the date upon which the amendment was adopted]]

7. [Option 2: *Agrees* that in the application of paragraph 5 of Article 17 of the Basel Convention, three fourth of the Parties shall be calculated on the basis of those States and political and/or economic integration organizations that were Party to the Convention on the date upon which the amendment was adopted;]

8. [Option 3: *Agrees* that in the application of paragraph 5 of Article 17 of the Basel Convention, three fourths of the Parties shall be calculated on the basis of the number of Parties at the time of deposit of each instrument of ratification, approval, formal confirmation or acceptance of amendments;]

9. [*Determines* that this decision shall constitute a subsequent agreement in the sense used in Article 31, paragraph 3 (a), of the Vienna Convention on the Law of Treaties;]

10. [*Resolves* that this subsequent agreement shall enter into force ... [*Parties may wish to consider how and when such a subsequent agreement might enter into force*]]

## **OEWG-VI/17: Environmentally sound management of ship dismantling and the abandonment of ships on land or in ports**

### *The Open-ended Working Group*

1. *Encourages* Parties to respond, by 21 January 2008, to the invitation issued by the Conference of the Parties at its eighth meeting<sup>9</sup> 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 the findings of the assessment described in subparagraph 1 (a) above;

(c) Exploring and discussing the possibilities for effective short- and medium-term measures;

the comments are to be prefaced with a short executive summary of key points made;

2. *Requests* the Secretariat to compile the comments received pursuant to paragraph 1 above and submit them to the Conference of the Parties for consideration at its ninth meeting and transmit the summaries provided above to the International Maritime Organization for consideration by the Marine Environment Protection Committee at its fifty-seventh meeting;

3. *Approves* the information note set forth in the annex to the present decision, providing guidance on the abandonment of ships;

4. *Requests* the Secretariat to place this information note on the Basel Convention website, and *invites* Parties and others to supplement such information, as appropriate.

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<sup>9</sup> Decision VIII/11.

## Annex to decision OEWG-VI/17

### Guidance on dealing with abandonment of ships on land or in ports

The Conference of the Parties at its seventh meeting in Decision VII/27 requested submissions from Parties regarding the abandonment of ships on land or in ports. The responses made have been reviewed by the Conference of the Parties at its eighth meeting. The information contained in the submissions was considered to represent a reasonable cross section of the overall population and types of cases of abandoned ships. This information indicates that while a wide range of sizes of ships appears to be involved, small ships are the most dominant. Many of these appear to be ships involved in domestic trade. It is further noted that there is a wide variety of causes leading to abandonment, including: confiscation in response to illegal activities, abandonment due to financial difficulties and also abandonment following a maritime casualty.

Furthermore, the Conference of the Parties at its eighth meeting, by its Decision VIII/13, recognized the need for guidance on how best to deal with ships that are abandoned on land or in ports. This Decision also requested the information to be forwarded to the International Maritime Organization and the International Labour Organization for their consideration.

Accordingly the following points are noted:

(i) The Legal Committee of the International Maritime Organization has considered the issue of abandonment of ships in relation to decision VII/27 of the Basel Convention and the outcome of the first session of the ILO/IMO/BC Working Group on Ship Scrapping. The result of this consideration is found in document (LEG 91/11) of the Legal Committee a copy of which is on the Basel Convention website (*link to be inserted*). The general view expressed is that acts of abandonment of ships on land or in ports (internal waters of a State) should be addressed in the national laws of the State concerned.

(ii) The Nairobi International Convention on the Removal of Wrecks, 2007, which was adopted in May 2007, has relevance to some cases of abandoned ships. This Convention applies to wrecks, either posing a danger or impediment to navigation or which may be expected to result in major harmful consequences to the marine environment or damage to the coastline or related interests of one or more States. A wreck is defined as a sunken or stranded ship consequent to a maritime casualty. This Convention provides the legal basis for States to remove, or have removed, shipwrecks that may have the potential to affect adversely the safety of lives, goods and property at sea, as well as the marine environment and which are located beyond the territorial sea. It also includes an optional clause enabling State Parties to apply certain provisions to their territory, including their territorial sea. The Convention incorporates gross tonnage (GT) as the unit of measurement of ships required to maintain compulsory insurance. The figure of 300 GT was the agreed threshold for ships to be included under the compulsory insurance provisions. The Nairobi International Convention on the Removal of Wrecks may address some cases of abandoned ships at sea, when these ships are wrecks consequent to a maritime casualty and when they present an identifiable hazard. Furthermore, the wreck must be in the geographic area of application of the treaty, which under an opt-in provision of the Convention might extend to a State Party's territory, including its territorial sea.

This information note may be updated from time to time as new information becomes available.

### OEWG-VI/18: Cooperation between the Basel Convention and the International Maritime Organization

#### *The Open-ended Working Group,*

1. *Encourages* Parties and others, in response to the invitation issued by the Conference of the Parties at its eighth meeting in decision VIII/9, to coordinate at the national level between their International Maritime Organization and Basel Convention representatives and to submit to the Secretariat, by 31 January 2008, information and views 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 options for addressing those gaps; and
- (d) Any other relevant information;

2. *Requests* the Secretariat to compile the information received for consideration by the Conference of the Parties at its next meeting;

3. *Requests* the Secretariat to place the information received on the website of the Basel Convention, as it is received;

4. *Requests* the Secretariat to forward the information received to the secretariat of the International Maritime Organization for its response.

## **OEWG-VI/19: Basel Convention Partnership Programme**

*The Open-ended Working Group,*

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

*Also welcoming* the extrabudgetary funding provided by Germany, the Netherlands and the United Kingdom of Great Britain and Northern Ireland to support the Basel Convention partnerships and the resource mobilization programme;

*Encourages* Parties, signatories and stakeholders to participate in the partnerships contained in the Basel Convention Partnership Programme and to provide financial and in-kind support to the Partnership Programme and funding to the post of Senior Programme Officer for Partnerships and Resource Mobilization as a means to support and facilitate implementation of the Partnership Programme;

## **OEWG-VI/20: Environmentally sound management of mercury wastes**

*The Open-ended Working Group*

1. *Welcomes and encourages* the collaboration between the Secretariat and the Chemicals Branch of the United Nations Environment Programme's Division of Technology, Industry and Economics and the contribution and support of Parties and other stakeholders to the environmentally sound management of mercury wastes;

2. *Takes note* of the draft technical guidelines on the environmentally sound management of mercury wastes;<sup>10</sup>

3. *Encourages* Parties and others to contribute to the further development of the draft technical guidelines;

4. *Agrees* that at its ninth meeting, the Conference of the Parties should consider whether further development of the draft technical guidelines should be included in the work programme of the Open-ended Working Group for the next budget cycle;

5. *Encourages* the further development of the capacity-building and technical assistance programme to reduce and prevent pollution from mercury waste that is being prepared by the Secretariat in accordance with decision VIII/33 of the Conference of the Parties to the Basel Convention;

6. *Invites* donors and partners to contribute financially and technically to the capacity-building and technical assistance programme to reduce and prevent pollution from mercury wastes;

7. *Requests* the Secretariat to report to the Conference of the Parties at its next meeting on progress in the development of the draft technical guidelines for the environmentally sound management of mercury wastes and the capacity-building and technical assistance programme to reduce and prevent pollution from mercury wastes.

<sup>10</sup>

## OEWG-VI/21: Mobile Phone Partnership Initiative

### *The Open-ended Working Group*

1. *Takes note* of the report on progress made by the Mobile Phone Partnership Initiative, as presented by the chair of the Mobile Phone Working Group established by decision VI/31 of the Conference of the Parties, including the information contained in the document entitled, “Chairman's paper on issues raised during the discussion of the guideline on transboundary movement of used and end-of-life mobile phones”;<sup>11</sup>
2. *Welcomes* the elements of the Mobile Phone Partnership Initiative 2007–2008 workplan;<sup>12</sup>
3. *Encourages* Parties, Signatories and stakeholders to participate actively in the testing of the Mobile Phones Partnership Initiative guidelines and in raising awareness about the information contained therein;
4. *Invites* Parties and others to submit comments to the Secretariat on:
  - (a) The guidance document on the environmentally sound management of used and end-of-life mobile phones,<sup>13</sup> based on their experiences and needs, in particular comments on chapter 4 of the document, which concerns the transboundary movement of used and end-of-life mobile phones by 31 January 2008;
  - (b) The chairman's paper on issues raised during the discussion of the guideline on transboundary movement of used and end-of-life mobile phones by 31 March 2008;
5. *Requests* the Secretariat to transmit comments received pursuant to paragraph 4 (a) above to the Mobile Phone Working Group for revising the document, as appropriate, taking into account those comments;
6. *Requests* the Secretariat to:
  - (a) Submit the revised guidance document to the Conference of the Parties at its ninth meeting for its consideration;
  - (b) Submit a compilation of comments received on the chairman's paper to the Conference of the Parties at its ninth meeting for its consideration;
  - (c) Report to the Conference of the Parties at its ninth meeting on progress in the activities undertaken by the Mobile Phone Partnership Initiative;
  - (d) Prepare a draft decision on the Mobile Phone Partnership Initiative for consideration by the Conference of the Parties at its ninth meeting;
  - (e) Present the guidance document to the Conference of the Parties at its ninth meeting, as requested by decision VIII/6;
7. *Invites* Parties, Signatories, partners and other stakeholders to provide financial and in kind support to the Mobile Phone Partnership Initiative.

## OEWG-VI/22: Partnership for Action on Computing Equipment (PACE)

### *The Open-ended Working Group,*

*Recalling* decision VIII/5 on the Basel Convention Partnership Programme, including its recognition of the need for greater engagement of the Basel Convention regional and coordinating centres in future partnership work, and its encouragement to Parties, signatories and stakeholders to provide financial support to the Programme, including in-kind support,

*Acknowledging* the ongoing discussions among all stakeholders who have expressed an interest in partnerships and other activities under the auspices of the Basel Convention related to the environmentally sound management of used and end-of-life computing equipment,

<sup>11</sup> UNEP/CHW/OEWG/6/19/Rev.1, annex II.

<sup>12</sup> UNEP/CHW/OEWG/6/19/Rev.1, annex III.

<sup>13</sup> UNEP/CHW.8/2/Add.3\*.

*Welcoming* the progress made by the preparatory group of experts on the public-private partnership for the environmentally sound management of used and end-of-life computing equipment,

1. *Welcomes* the establishment of an interim group on the Partnership for Action on Computing Equipment (hereinafter “the Partnership”) in the period between the sixth session of the Open-ended Working Group and the ninth meeting of the Conference of the Parties;
2. *Invites* Parties, signatories and all stakeholders, including manufacturers, recyclers, refurbishers, academia, non-governmental organizations and intergovernmental organizations, to nominate participants to the interim group on the Partnership to the Secretariat no later than 19 October 2007, having regard to the specific expertise and experience required for the activities of this Group;
3. *Welcomes* the fact that the interim group on the Partnership will develop recommendations for consideration by the Conference of the Parties at its ninth meeting, including:
  - (a) A draft work plan for the 2009–2010 biennium;
  - (b) Terms of reference, including an outline for the proposed structure of the Partnership;
  - (c) A declaration of commitment for members of the Partnership, containing a limited time frame of membership, as agreed by members;
  - (d) Identification of other activities relevant to the work of the Partnership that build on lessons learned and avoid duplication;
4. *Takes note* that the interim group on the Partnership will:
  - (a) Identify, encourage and, if possible, facilitate balanced and diverse participation of private sector and other stakeholders in the Partnership;
  - (b) Explore mechanisms for providing sustainable and predictable financial support for the Partnership;
5. *Notes* that the Secretariat will facilitate the work of the interim group on the Partnership, including through the provision of relevant information and data and in the organization of consultations, preferably through electronic media or, if needed, through face-to-face meetings;
6. *Requests* that progress by the interim group on the Partnership be reported to the Conference of the Parties at its ninth meeting for its consideration.

## **OEWG-VI/23: E-waste: workplan for 2009–2010**

*The Open-ended Working Group,*

*Welcoming* the progress made in developing partnerships and programmes of activities on the environmentally sound management of e-waste,

*Also welcoming* the financial support provided to date by Parties and others to the Basel Convention on e-waste,

1. *Requests* the Secretariat, in consultation with the relevant groups under the Basel Convention Partnership Programme and taking into account the discussions at the sixth meeting of the Open-ended Working Group and relevant initiatives on e-waste, to develop further the proposed workplan on e-waste for 2009–2010, containing the following elements, for consideration and possible adoption by the Conference of the Parties:
  - (a) The Mobile Phone Partnership Initiative, if appropriate;
  - (b) Programmes of activities for the environmentally sound management of e-waste in Africa, Asia-Pacific and South America;
  - (c) Programmes of activities for the global partnership on used and end-of-life computing equipment, which should include the development of guidelines;
  - (d) Monitoring of developments in the environmentally sound management of e-waste;
2. *Invites* Parties and others to submit proposals on any additional elements of the workplan on e-waste to the Secretariat, by 30 November 2007;

3. *Requests* the Secretariat to include in the proposed workplan, information on activities proposed, voluntary funding required, the length of time needed and the means of implementation;
4. *Also requests* the Secretariat, based on the input from Parties and others, to prepare a summary of the status of activities on e-waste worldwide that are relevant to the workplan on e-waste, in order to avoid duplication of efforts, for consideration by the Conference of Parties at its ninth meeting;
5. *Further requests* the Secretariat, in consultation with the Basel Convention regional and coordinating centres and relevant stakeholders, to elaborate options to improve the coordination of e-waste activities and programmes.

## **OEWG-VI/24: Resource mobilization and sustainable financing: review of the implementation of decision VIII/34**

### *The Open-ended Working Group*

1. *Welcomes* the progress achieved in the implementation of decision VIII/34 on resource mobilization and sustainable financing;
2. *Takes note* of the proposed elements of a workplan for resource mobilization and sustainable financing for 2007 and 2008,<sup>14</sup> bearing in mind that some of the elements will require implementation over the longer term;
3. *Requests* the Secretariat to report to the Conference of Parties at its ninth meeting on progress made in the implementation of decision VIII/34;
4. *Requests* the Secretariat to prepare a draft decision on resource mobilization and sustainable financing for submission to the Conference of Parties at its ninth meeting for its consideration;
5. *Encourages* Parties, Signatories and stakeholders to provide:
  - (a) Financial and in kind support to programmes under the Basel Convention to assist developing countries and countries with economies in transition and the Basel Convention regional and coordinating centres to implement the Strategic Plan for the Implementation of the Basel Convention to 2010;
  - (b) Funding for the post of Senior Programme Officer for Partnerships and Resource Mobilization as a means to support resource mobilization activities.

## **OEWG-VI/25: Proposed format for the programme budget for the biennium 2009–2010**

### *The Open-ended Working Group,*

*Recalling* decision VIII/33, on financial matters, adopted by the Conference of the Parties at its eighth meeting,

*Noting* the information on financial matters provided by the Secretariat in accordance with the aforementioned decision,

1. *Requests* the Executive Secretary to seek comments from the Parties on the proposed format for the programme budget for the biennium 2009–2010, as set out in the annex to the present decision, and invites Parties to submit those comments to the Secretariat before 15 January 2008;
2. *Also requests* the Executive Secretary to undertake intersessional consultations with interested Parties on the draft programme budget for the biennium 2009–2010 and to report on the progress made to the Expanded Bureau at its second meeting;

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<sup>14</sup> See document UNEP/CHW/OEWG/6/24.

## Annex to decision OEWG-VI/25

### Proposed template for the presentation of the programme budget for the biennium 2009–2010\*\*

FIELD: A4 Knowledge management and outreach

#### Outreach and Public Affairs Unit

##### Mandates:

1. Promotion of the Basel Convention among various target audiences (Governments (Parties and non-Parties), civil society, industry, youth, media, general public, etc.)
2. Promotion of the implementation of the Basel Convention through increased public awareness.

##### Objectives:

- Ease of access to information (printed, audiovisual, web) about the Basel Convention and its programmes by all target audiences
- Increased awareness of the Basel Convention, its programmes and hazardous waste issues on the part of all target audiences
- Increased understanding of the technical, legal and scientific aspects of the Basel Convention and its programmes, facilitating implementation
- Increased number of Parties to the Basel Convention (steady growth in the number of Parties)

##### Indicators of achievement:

- Timeliness of material production
- Timeliness of material distribution
- Qualitative feedback on material and events (for example, comments from users and surveys)
- Quantitative feedback on material and events (for example, an increase in the readership of the Basel Convention Newsletter, an increase in the number of information requests)
- Number of educational institutions that have included the topic of hazardous waste in their educational activities
- An increase in the number of non-governmental organizations participating in Basel Convention meetings (including through the network of Basel Convention regional centres)
- Frequent and increasing numbers of written articles and audiovisual media programmes about the Basel Convention
- Implementation of programmes for awareness-raising at regional, national and local levels, including through the regional centres

Estimates of the resources required for the implementation of activities within the field is provided below. The costs provide for both staff and non-staff items: the cost of each staff member is shared between all the activities to which he or she contributes, whereas non-staff items comprise both direct and indirect costs of output delivery. Direct costs refer, inter alia, to consultants, contractual services and services provided under memorandums of understanding, travel, meetings, workshops, training and publications. Indirect costs refer, inter alia, to operational expenses such as rent, communications, supplies, materials and equipment and will be shown separately as stand-alone items.

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\*\* Based on the programme structure and fields in the programme budget for 2007–2008.

Activity	Expected outputs	Internal / external implementation	2009		2010	
			Staff costs	Non-staff costs	Staff costs	Non-staff costs
1. Production and dissemination of printed and audiovisual information material about the Convention and its programmes, maintenance of the Convention website.	(a) Timely availability and dissemination of leaflets, posters, brochures, the Basel Convention Newsletter, educational packages and exhibition material to their target audiences; (b) Ease of access to Basel Convention information; (c) Increased awareness of the Basel Convention and its implementation requirements.	Internal and external				
2. Production and dissemination of publications.	Timely availability and dissemination of texts of the Convention, technical guidelines, training manuals, guidance documents, national reporting documents and workshop reports to their target audiences.	Internal and external				
3. Liaison with the media about the Basel Convention and its programmes.	(a) Timely availability of press releases and information material; (b) Increased reporting about the Basel Convention in the media.	Internal and external				
4. Liaison and organization of special projects with and for non-governmental organizations.	Increased cooperation with non-governmental organizations and increased participation of such organizations in Basel Convention meetings.	Internal and external				
5. Contribution to the process of enhancing cooperation and coordination between the Basel, Stockholm and Rotterdam conventions in public awareness and outreach.	(a) Joint public awareness material, press releases and briefings; (b) Increased awareness among various target audiences of the three conventions and of the process of synergies.	Internal and external				



## **OEWG-VI/26: Utilization of funds from the reserve and fund balance of the Basel Convention Trust Fund**

*The Open-ended Working Group,*

*Noting* the information on financial matters provided by the Secretariat in accordance with decision VIII/33,<sup>1</sup>

*Welcoming* progress made by Parties in clearing arrears in contributions,

*Authorizes* the Executive Secretary to utilize an amount not exceeding \$75,000 in the biennium 2007–2008 from the reserve and fund balance of the Basel Convention Trust Fund to meet expenditures for temporary staff, staff travel and consultancy provided that the working capital reserve of \$620,000 is maintained at the end of each of those two years.

## **OEWG-VI/27: Work programme of the Open-ended Working Group**

The Open-ended Working Group

1. *Requests* the Secretariat to prepare a draft work programme for the Open-ended Working Group for 2009–2010, taking into account discussions at the sixth meeting of the Open-ended Working Group and subsequent activities;
2. *Also requests* the Secretariat to circulate the draft work programme of the Open-ended Working Group for 2009–2010 for comments by Parties and others four months prior to the ninth meeting of the Conference of the Parties;
3. *Further requests* the Secretariat to prepare draft decisions on relevant matters and transmit them to the Conference of the Parties at its ninth meeting for consideration and possible adoption.

## **OEWG-VI/28: Developments and obstacles in the implementation of the Strategic Plan for the implementation of the Basel Convention**

*The Open-ended Working Group,*

*Recalling* the Strategic Plan for the implementation of the Basel Convention to 2010,

1. *Recommends* that the Conference of the Parties initiate a review of the Strategic Plan to take place between its ninth meeting in 2008 and its tenth meeting in 2010;
2. *Requests* the Secretariat to prepare a report on the implementation of the Strategic Plan, with recommendations as appropriate, for submission to the Conference of the Parties at its ninth meeting for its consideration, taking into account the review of the operation of the Basel Convention regional and coordinating centres pursuant to decision VIII/4 of the Conference of the Parties and the role of the Basel Convention Partnership Programme;
3. *Invites* Parties to provide comments to the Secretariat by 1 February 2008 on the developments and obstacles in the implementation of the Strategic Plan;
4. *Requests* the Secretariat to post the comments received from Parties and others on its website pursuant to the invitation in paragraph 3 above as soon as they are available and to compile and transmit those comments to the ninth meeting of the Conference of the Parties.

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<sup>1</sup> UNEP/CHW/OEWG/6/INF/19, annexes I and II.