

Basel and Waigani Conventions

Inter-linkages among Chemicals and
Hazardous Waste-Related Conventions

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I. Introduction

The shortage of land and limited resources for safe disposal of hazardous wastes make the pollution prevention and the environmentally sound management of hazardous wastes a critical issue for the Pacific Islands Countries. Limited land area can make the option of landfill disposal unsustainable in the long term while affecting the health of the people as well as the environment and ineluctably the sustainable development of Pacific Countries.

Generation of hazardous wastes produced domestically is still growing, just to mention the issues of used oils or medical wastes. Also previously imported, industrial equipment containing hazardous chemical substances



Some caption text here for this Photo (Source: SPREP, 2001)

(PCBs, Pesticides) need to be managed safely, upon reaching the end of their life cycle.

Therefore, Pacific Islands Countries will have to export hazardous wastes where there is a lack of capacity to manage such wastes such as PCBs and pesticides in an environmentally sound manner. The construction of disposal facilities would not be cost effective for the small quantity of wastes produced.

Pacific Islands Countries have a special interest in minimising the generation of hazardous wastes and therefore call for the need to have access to environmentally sound technologies and the development of indigenous technologies. Also, of crucial importance

is the development of recycling and recovering schemes.

The Waigani and Basel Conventions are key frameworks to promote regional and global cooperation in the field of environmentally sound management of hazardous wastes. In becoming Parties, countries have committed themselves to effectively protect their population and their environment from the adverse effects of hazardous wastes and to help each other to solve problems arising in the environmentally sound management of hazardous wastes.

II. Why the Conventions were Adopted?

The Basel and Waigani Conventions were respectively adopted in response to concerns by Governments related to:

The risk of damage to human health and the environment posed by the generation of hazardous wastes, their disposal by environmentally unsound methods and the transboundary movement thereof;
The need to develop recycling and recovery schemes as well as to minimise the generation of hazardous wastes.

The Government of the Pacific Region further recognised the need to address:

The dangers posed by radioactive wastes to the people and the environment of the Pacific;
The threat resulting from the attempts made by numerous unscrupulous foreign wastes dealers for the importation into and disposal within the Pacific Region of hazardous and radioactive wastes;
The lack of expertise and technology in Pacific Islands Countries to dispose such wastes in a sound and environmentally friendly manner.

III. Objectives of the Basel and Waigani Conventions

The Basel and Waigani Conventions have two pillars: the control of transboundary movements and the environmental management of hazardous wastes. In serving their purpose, they assist with the prohibition of the inflow of hazardous wastes into the region. Also, they tend to ensure that wastes in the region are safely managed to reduce health and environ-

Table 1: Some text here describing the table below. (Source: SPREP, 2001)

CONVENTIONS	WAIGANI CONVENTION	BASEL CONVENTION
Name of the Conventions:	Convention to Ban the Importation in Forum Islands Countries of Hazardous Wastes and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region	Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal
Date and Place of Adoption	16 September 1995, Waigani, Papua New Guinea	22 March 1989, Basel Switzerland
Date of entry into force of the Conventions	21 October 2001	5 May 1992
SPREP Members Governments that are Parties to the Conventions	Australia; Cook Islands; Federated States of Micronesia; Fiji; Kiribati; New Zealand, Papua New Guinea; Samoa; Solomon Islands; Tuvalu	Australia; Federated States of Micronesia; France; Kiribati; Nauru; New Zealand; Papua New Guinea; Samoa (of the 151 Parties as of 1 July 2002)
Scope of the Conventions	Pacific Region	Global
Secretariat of the Conventions	South Pacific Regional Environment Programme (SPREP), P.O Box 240, Apia, Samoa Tel: (685) 20 231 Fax: (685) 20 231 Email: sprep@sprep.org.ws	Secretariat of the Basel Convention, 15 Chemin des Anemones, Geneva 1219 Tel: (4122) 91 78218 Fax: (4122) 79 73454 Email: sbc@unep.ch
Other related Instruments		Basel Protocol on Liability and Compensation (13 Signatories)

mental risks from the handling and disposal of hazardous wastes within a country.

In particular, both Conventions are aimed at:

- Reducing the transboundary movement of hazardous wastes to a minimum (and other wastes subject to the Basel Convention) consistent with their environmentally sound management;
- Preventing and minimising their generation;
- Treating and disposing hazardous wastes as close as possible to their source of generation in an environmentally sound way;
- Actively promoting the transfer and use of cleaner technology.

The Waigani Convention has also the objective to prohibit the importation of hazardous and radioactive wastes into Pacific Islands Developing Parties.



Some caption text here for this Photo (Source: SPREP, 2001)

IV. Control System

The Basel and Waigani Conventions have set up a very strict control system, based on the prior written consent procedure of the notification of transboundary movement of hazardous wastes (or other wastes subject to the Basel Convention).

This means that transboundary movements of hazardous wastes (or other wastes subject to the Basel Convention) can take place only upon prior written approval of the Competent Authorities of the State of import and transit (if appropriate) permitting the transboundary movement of hazardous wastes.

Furthermore each shipment of hazardous wastes (or other wastes subject to the Basel Convention) shall be accompanied by a movement document from the point at which a transboundary movement begins to the point of disposal.

V. SPREP as a Regional Centre for the Joint Implementation of the Basel and Waigani Conventions?

Under the Basel, according to the specific needs of different regions, Regional Centres Training and Technology Transfers regarding the management of hazardous wastes and the minimisation of their generation should be established.

The Basel Convention Regional Centres (BCRCs) for Training and Technology Transfer constitute a cornerstone for strengthening capacities at regional level of developing countries and countries with economies in transition to manage their hazardous wastes in an environmentally sound way and to minimise their generation. They carry out programmes that support international, regional, national and local initiatives for the hazardous waste minimization as well as their hazardous waste management in an environmentally sound way. The BCRCs give technical and legal assistance in the respective regions as well as maintaining an active information and resource pooling function.

Ministers of the Pacific Region have already endorsed in principle the establishment of a joint Regional Centre for Training and Technology Transfer for the Basel and Waigani Conventions wastes integrating within SPREP for their implementation.

This approach, particularly beneficial, has the potential to enhance the work of the Centre by among others preventing duplication of efforts, by strengthening cooperation (consultations, exchange of information and data, programming and implementation of activities, joint training workshops, etc). and by the sharing of the expenses related to premises, equipment, maintenance and supporting services.

So far, the BCRCs for Training and Technology Transfer have been established in twelve countries.

Africa

Nigeria was selected as coordinating centre with three sub-regional centres: Egypt for Arabic-speaking countries, South Africa for English-speaking countries and Senegal for French-speaking countries.

Asia and the Pacific

China and Indonesia were selected as regional centres.

Central and Eastern Europe

The Slovak Republic was selected for Central European sub-region and the Russian Federation for the Eastern European sub-region.

Latin America and the Caribbean

Uruguay was selected as coordinating centre with three sub-regional centres: Argentina for South America; El Salvador for Central America including Mexico and Trinidad and Tobago for the Caribbean.

VI. Tools Existing under the Basel Convention

The Secretariat of the Basel Convention has prepared several useful tools assisting its Parties in implementing the Convention such as:

- Model legislation to be used by the Parties in the preparation of their national legislation for the implementation of the Basel Convention (adopted at Basel COP 3);
- Manual for implementation, i.e. the Instruction Manual and its accompanying Notification and Movement Document to be used on the control system;
- Technical guidelines to assist countries, interested organisations, private companies, industries and other stakeholders to dispose their wastes in an environmentally sound way.

The following guidelines are available:

- Hazardous waste from the production and use of organic solvents
- Waste oils from petroleum origins and sources
- Wastes comprising or containing polychlorinated biphenyls (PCBs), polychlorinated terphenyls (PCTs) and polybrominated biphenyls (PBBs)
- Wastes collected from households

- Specially Engineered Landfill
- Incineration on Land
- Used Oil Re-refining or other Re-uses of previously Used Oil
- Technical guidelines on physico-chemical treatment and biological treatment
- Technical guidelines on the identification and management of used tyres



- Technical guidelines for identification and environmentally sound management of plastic waste and their disposal
- Technical guidelines on environmentally sound management of biomedical and health care waste
- Technical guidelines on full or partial dismantling of ships
- Technical guidelines on environmentally sound management of waste lead-acid batteries

Some caption text here for this Photo (Source: SPREP, 2001)

Many of the documents and tools needed for the implementation of the Waigani Convention could be based on existing tools that were developed by the Secretariat of the Basel Convention.

The first Meeting of the Conference of Parties to the Waigani Convention has already endorsed in principle, a number of tools developed under the Basel Convention, in the manner they need to be adapted.

COP1 one also adopted the "Rules of Procedures for meetings of the Conference of Parties" and "Financial Rules for the Administration of the Convention"

VII. The Importance of the Conventions and Advantages of Being a Party

The Convention provides an adequate framework for the sustainability of actions and cooperation toward the building up of capacities of Parties to manage hazardous wastes in an environmentally sound manner (reduction of production of wastes, treatment of hazardous wastes as close as possible to their source of generation implying the reduction of their movement, proper packaging and storage of hazardous wastes) as an important health benefit for the Community.

States Parties to the Conventions are eligible for legal and technical assistance as well as financial support for representation at meetings of the Conventions. Access to funding for the implementation of activities under the Conventions will also be facilitated.

The necessary training will be provided to key government personnel involved in the management of hazardous wastes.

The Conference of the Parties and other meetings allows Parties to identify and prioritise actions required to implement the Convention. They also identify areas of concern to the Parties, including where assistance may be needed, help in the sharing of information and expertise and help to build the capacity of Parties in negotiation processes. The projects that are set up in the Regional biennial work programmes will also strengthen the Pacific Regional position in global fora as greater influence can be exerted on the Conference of the Parties of global Conventions.

Some caption text here for this Photo (Source: SPREP, 2001)



Furthermore, the Waigani Convention constitutes a strong front to prevent and protect Parties from the importation of hazardous and radioactive wastes while it regulates and facilitates the shipment and disposal of hazardous wastes out of the Pacific Islands Developing Countries. New Zealand and Australia are also banned from exporting such wastes into Forum Islands and Territories.

VIII. Obligations of being a Party to the Waigani Convention

In order to meet the obligations under the Waigani Convention, the Parties are required to take a number of actions:

Develop laws and administrative procedures to Ban the Import of Hazardous and Radioactive wastes from non-Parties. Such legislation, as for the Basel Convention, should also prevent, punish and monitor illegal traffic of hazardous wastes. It shall further ensure that any transboundary movement of hazardous wastes generated within the region meets the requirement under the Convention;

As for the Basel Convention, ensure adequate treatment and disposal facilities for hazardous wastes within the country and if not possible, cooperate with other countries for the proper treatment and disposal of such hazardous wastes;

Report to the Secretariat on transboundary movement of hazardous wastes, measures taken to implement the Convention, definition of hazardous wastes, accident during shipment, treatment and disposal of hazardous wastes, illegal traffic, etc. The burden related to reporting under both Conventions will be eased as Waigani COP1 endorsed with the necessary amendments the reporting form developed under the Basel Convention to meet the reporting obligations under the Waigani Convention.

Contribute to the Trust Fund. It is the intention to have the contributions to be made by Parties of the Pacific Islands minimal but as an important element constituting an incentive for the identification of substantive funds. The scale of contributions by the Parties for the budget of the Basel Convention is based on the United Nations scale of assessment with

no country paying more than 25% of the total annual budget approved. Countries contributing less than 0.1% of the United Nations will not be required to pay an assessed contribution to the Trust Fund of the Basel Convention. Therefore, there is no financial contribution to be paid by Pacific Island Developing Countries Parties to the Basel Convention.

IX. Cooperation between the Secretariats of the Basel and Waigani Conventions

The Basel and Waigani Conventions have a similar scope while the latter gives due consideration to the specific situation and needs of Pacific Islands Countries

As the regional instrument for the implementation of aims shared with the Basel Convention at the regional level, the Waigani Convention has also the potential to similarly develop synergies at a regional level with other related chemical and waste Conventions. This would include the Stockholm Convention on Persistent Organic Pollutants and the Rotterdam Convention on the Prior Informed Consent. From cooperative activities, the following can be mentioned:

- A Memorandum of Understanding concluded on the 12th of February 1995 between the Secretariat of the Basel Convention (SBC) and SPREP in which both Secretariats agreed to cooperate in providing technical and legal assistance to Parties to fully implement their obligations under both the Basel and Waigani Conventions. This was confirmed by another MOU signed on 3 March 2000 between UNEP and SPREP.
- August 1999, assessment of the Secretariat of SPREP to become the Secretariat of the Waigani Convention carried out by the SBC.
- Mutual attendance at meetings. SPREP attended the SBC fifth meeting of the Conference of the Parties (1999) and the Technical Working and Legal Working Groups in January 2002. SBC actively participated at the Sub-Regional Awareness Raising Workshop on the Prior Informed Consent Procedure, Persistent Organic Pollutants, and the Basel/Waigani Conventions, Cairns, Australia April 2001. In addition SBC and SPREP organised

jointly a workshop for the implementation and promotion of the ratification/accession to the Basel Convention/Protocol on Liability and Compensation and the Waigani Convention by the Small Island States of the Pacific Region (10-14 June 2002).

- The Officer-in-Charge of the SBC visited the South Pacific Region in 1999 to promote the Waigani and Basel Conventions.
- A SPREP staff member visited the SBC and discussed a number of areas of collaboration and assistance: preparatory workshops of the first meeting of the Conference of Parties of the Waigani Conventions, training workshop on the control procedure; project on waste oil; development of a CD Handbook on the Basel, Rotterdam, Stockholm and Waigani Conventions; development of a booklet on the Basel and Waigani Conventions.
- In the future it is paramount that both Secretariats further explore ways to strengthen their working relations, in light of the increasing number of SPREP Member Countries becoming Party to the Basel Convention, in light of the expertise available within the Basel Convention and in light of the existing documents and tools developed under the Basel Convention including the technical guidelines.
- Finally, the great potential for cooperation by using the SPREP facilities as the Joint Centre for the implementation of the Basel and Waigani Conventions requires identical membership between the two Conventions to provide ideal circumstances for cooperation between the respective Secretariats towards the operation of the Centre.
- Becoming a Party to the Basel Convention and its Protocol as well as to the Waigani Convention would ensure the total compatibility of the Parties of both Conventions for the implementation and compliance of both Waigani and Basel Conventions.

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