



HAZARDOUS WASTE

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

In force from May 5, 1992, **ratified by** 148 countries (as of August 7, 2001)

The ban amendment is ratified by 26 countries and the European Community (as of August 7, 2001)

The Protocol on Liability and Compensation for Damages Resulting From the Transboundary Movements of Hazardous Wastes and Their Disposal is signed by 13 countries (as of August 7, 2001)



ozone depletion

hazardous waste

prior informed consent

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persistent organic pollutants

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trade and environment

multilateral agreement

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Problem

During the 1980s, an increasing amount of hazardous waste produced in industrialised countries was illegally dumped to developing countries, which could not monitor their entry, and had no technical infrastructure to dispose it safely. While generation of hazardous wastes continued unabated in the North, their generators were finding it increasingly expensive to dispose off their wastes in their regions. It was simply cheaper to get rid of their wastes in poorer countries where disposal was possible with minimal costs and regulation. When Southern countries became aware of being poisoned via this illegal trade, the calls for a global treaty to regulate international movements of hazardous wastes began.

The convention

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was adopted in 1989 and entered into force on May 5, 1992. In the run-up to the convention, the key debate was whether to completely ban trade of hazardous waste (as the developing countries wanted), or simply introduce control mechanisms. Negotiators settled for the easier option, and the final convention allowed trade under restrictions. The main principles of the convention are: transboundary movements of hazardous wastes should be reduced to a minimum consistent with their environmentally sound management hazardous wastes should be treated and disposed of as close as possible to their source of generation, and hazardous waste generation should be reduced and minimised at source.

Environmentalists and developing countries did not find the Basel Convention strong enough and insisted on a complete ban of the shipment of hazardous waste on an international scale. African nations, in particular, refused to sign on when the convention was adopted. Instead, they began negotiations for a separate agreement that would address their specific concerns more comprehensively. Such an agreement was adopted in 1991 in Bamako, Mali. This so-called Bamako Convention is by far the strongest control measure on wastes ever passed.

The Amendment

Pushed steadfastly in the Basel forum by environmentalists and some developing countries, the convention was finally amended in September 1995 to ban the export of hazardous wastes destined for final disposal from members of the Organisation for Economic Cooperation and Development (OECD) to non-members. It also called for the phasing out of export of wastes destined for recovery or recycling operations. However, only 26 countries have so far



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ratified the ban amendment (as of August 2001), while 62 are needed to bring it into effect.

Although there is general accord that trade for disposal purposes should stop, some industrialised and developing countries oppose the ban because it also covers hazardous wastes which are recycled and used for various industrial purposes.

The protocol

While the ban amendment awaits ratification, the convention adopted a Protocol on Liability and Compensation for Damage resulting from Transboundary Movements of Hazardous Wastes and their Disposal for Damages incurred during Transboundary Movements of Wastes in 1999. Although this is considered a landmark in the history of the Basel Convention, it fails to address the role of waste generators within its liability scheme.

Challenges ahead

During its first decade, the Basel Convention has certainly helped to push the issue of hazardous wastes trade and its implications to human health and the environment on the international agenda. It has further led to national laws in the EU and many developing countries, and sent out a clear message to the world that in no uncertain terms were developing countries going to be dumping grounds of the world. Still, there are questions to be addressed.

- The role of developing countries is important because their large numbers are needed for ratification. On the other hand, in spite of the resentment towards the ban amendment by key industrialised countries such as Australia, Canada and the US, their cooperation is crucial if the Basel system is to work effectively.
- If the ban amendment gets ratified, there is a likelihood of encountering problems in the forum of the World Trade Organisation (WTO). Industry and the anti-ban countries argue that recyclable hazardous wastes are tradable 'resources' for them, as they feed lucrative industrial sectors in many countries.
- The effective implementation of the treaty depends on the resources that are available. The establishment of worldwide regional centres for training and technology transfer, supported by the convention's technical trust fund, has been rapid, with a total of 13 centres in place so far. But the effectiveness of the existing centres often is rather poor, the secretariat's limited resources so far have not allowed for much progress.



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