

SUMMARY REPORT OF THE GLOBAL WORKSHOP ON THE FACILITATION OF THE ENTRY INTO FORCE ON THE BAN AMENDMENT TO THE BASEL CONVENTION

18 -19 February, 2014

Venue: Burgers Park Hotel
Cnr Lillian Ngoyi and Minnaar Road
Pretoria, South Africa

Organized by the Secretariats of the Basel, Rotterdam and Stockholm Convention in association with the Africa Institute (Basel Convention Regional Centre for the English-Speaking African countries in South Africa/Stockholm Convention Regional Centre in South Africa)

Opening of the workshop

1. The workshop was opened at 9.18 am by **Dr. Taelo Letsela the Executive Director for the Africa Institute** (Basel Convention Regional Centre for the English-Speaking African countries in South Africa/Stockholm Convention Regional Centre for Capacity Building and the Transfer of Technology in South Africa). He welcomed all to South Africa and hoped the workshop would be fruitful in supporting the ratification of the Ban Amendment by the countries present.
2. **Ms. Noluzuko Gwayi Policy Analyst, International Relations – Department of Environmental Affairs** then welcomed participants, indicating that South Africa was honoured to be hosting the workshop and thanked the Africa Institute and the Secretariat. Ms. Gwayi indicated that the Ban Amendment is a critical issue to non-OECD countries. She highlighted the particular importance to African countries as some, such as Nigeria and Ivory Coast, had experienced cases of dumping of wastes. She underlined that no Party would wish for such situations to arise in their territory. Ms. Gwayi confirmed that South Africa, through the Minister of Environment is already taking steps to ratify the Ban Amendment and the process will soon be going to Parliament. She urged participants to share their knowledge and understanding so as to reinforce collaboration with and between various stakeholders. She concluded by expressing her hope that the workshop would result in more ratifications so that the Ban Amendment would enter into force.
3. **Mr. Masa Nagai, Acting Deputy Director, UNEP Division of Environmental Law and Conventions (DEL/C)**, explained that when the Ban Amendment was adopted in 1995, it was an important initiative and it was now time to make it a reality. The Ban Amendment was adopted with good intentions – to take into account the different capacities of developing countries and protect those that may be vulnerable. For a number of reasons, however, it has not yet entered into force. Mr. Nagai underlined that protection of human health and the environment remains the main objective of

this Amendment, although different capacities of countries to manage wastes in another manner are being recognized. Due to these different capacities, he considered that ratification of the Ban Amendment would serve to strengthen implementation of the Basel Convention. The Ban Amendment and its objectives are already being implemented through the Bamako Convention and the European Union regulations, but the hope is that this becomes a global norm. Mr. Nagai also expressed his hope that this two-day workshop would equip participants with a better understanding of what the Ban Amendment means and how it could impact their countries.

4. **Mr. Nelson Sabogal - Secretariats of the Basel Rotterdam and Stockholm Convention (BRS)** highlighted that the presence of countries from all over the world as a demonstration of the international aspect of this topic. Following the successful outcome of the tenth meeting of the Conference of the Parties (COP10) in Cartagena, Colombia in 2010, the entry into force of the Ban Amendment was again brought to the fore. Like Ms. Gwayi and Mr. Nagai, Mr. Sabogal drew attention to the intention expressed by Parties in 1995 to prevent the illegal dumping of hazardous waste and other wastes. He thanked the government of South Africa for its warm hospitality, and the regional centre in South Africa for the co-organization of the Global workshop and invited participants to freely share their experiences of the Ban Amendment and wished all participants a fruitful meeting.

Objectives of the workshop

5. The specific objectives of the workshop were to:
- Provide information about decisions on the **Indonesian-Swiss Country-Led Initiative (CLI)** to improve the effectiveness of the Basel Convention and follow up (decisions BC-11/1 and BC-10/3), including as specifically relates to the Ban Amendment;
 - Encourage participants to **exchange information and their experiences** on the effects of the entry into force of the Ban Amendment;
 - **Assist Parties** in relation to the Ban Amendment – identify difficulties they may have faced in ratifying; respond to their requests for assistance;
 - Brainstorm on **procedural and substantive issues of ratification of the Ban Amendment**, including discussion of the possible economic, environmental and social impacts of the prohibition of transboundary movements of hazardous and other wastes, and brainstorm on its implementation;
 - Discuss **challenges and barriers** leading to ratification and possible **solutions** that may be of assistance to Parties in the way forward;
 - Identify elements for a **National Roadmap** towards the ratification of the Ban Amendment

Proceedings of the workshop

Overview of the Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention (decisions BC-11/1 and BC-10/3)

6. Mr. Sabogal explained the background of the Ban Amendment, including the decision adopted by the second meeting of the Conference of the Parties to the Basel Convention (COP 2) in 1994, to prohibit transboundary movements from OECD to non-OECD States and subsequent adoption of decision III/1 as an amendment to the Convention by COP 3 in 1995. Since then, there had been deadlock about the

requirements for entry into force of amendments to the Basel Convention. The debate about the entry into force continued until COP 9 in Indonesia. Following a statement by the President of that meeting, the Indonesian and Swiss governments launched a country-led initiative to improve the effectiveness of the Basel Convention (CLI). This process was intended to reaffirm the objectives of the Ban Amendment and explore means by which these could be achieved.

Mr. Sabogal also briefed participants about a number of activities that took place under the CLI before COP 10, including:

- Analyzing the movements of hazardous waste, including quantities of wastes moved, reasons for the movements and consequences of mismanagement; and
- Developing proposals for promoting environmentally sound management of wastes (ESM), including through better control over movements and better management of hazardous wastes.

Three physical meetings were also organized in Indonesia and Switzerland to address various issues. At COP10, an historic agreement was reached that ended the deadlock on the issue of entry into force of amendments, with a decision adopted by the COP on the CLI. Subsequently, a number of follow up activities were undertaken and, most recently, decision BC 11/1 on the follow up to the Indonesian-Swiss Country-led initiative was adopted at the eleventh meeting of the Conference of the Parties (COP11). This decision comprised of three sections on:

- Facilitation of the entry into force of the Ban Amendment;
- Developing guidelines on ESM;
- Providing further legal clarity.

Specifically relating to the first section of decision BC-11/1, the following activities were available to assist Parties:

- Workshops;
- Activities tailored to Parties' needs;
- Direct contact, advice and assistance from BRS Secretariat staff or other stakeholders e.g. depositary, Basel Convention Regional Centres (BCRCs), bilateral from other Parties or multilateral assistance;
- Provision of documents from the Secretariat and the depositary.

A number of tools had been produced to assist Parties facing difficulties in ratifying the Ban Amendment. Participants were invited to make full use of the Secretariat and the BCRCs for any assistance that they may require.

In response to a question from participants, the Secretariat informed the workshop of other ongoing activities in relation to ESM, including development of practical documents such as fact sheets and work related to certification and pilot projects. This work is being undertaken within the mandate of the expert working group on ESM, established under the second section of decision BC-11/1 and further reports will be made to the ninth meeting of the Open-ended Working Group (OEWG9) and COP12.

How to become a Party to a Multilateral Environmental Agreement: A practical guide step by step

7. Ms. Yvonne Ewang-Sanvincenti gave an overview of the status of ratifications to the three Conventions, outlining the interlocking scope and coverage that provided a

“cradle to grave” approach to management of hazardous chemicals and wastes. Explaining that the focus of the presentation would be on processes and procedures relating to the Ban Amendment, Ms. Ewang-Sanvincenti outlined the process of becoming a Party. She explained the need to express consent to be bound by a convention or its amendment, outlining convention specific steps as well as general steps. The presentation also suggested some steps that could be undertaken prior and up to the deposit of an instrument of ratification, acceptance, approval or accession. The importance of depositing the instrument with the depositary for it to become effective was also highlighted, as many Parties transmit their instruments to the Secretariat instead of to the depositary. Any official statement concerning the status of ratification, acceptance, approval or accession or any amendments is solely within the competence of the Depositary of the Convention in New York (based on the provisions of the Convention). In this context, the decision adopted by the Parties relating to the interpretation of the Convention’s provisions on amendments was transmitted to the depositary, who - guided by the Convention’s provisions - has the authority to decide when requirements for entry into force are met.

Case studies on the ratification of the Ban Amendment

8. Mr. James Mulolo gave a presentation on the experience of Zambia with ratification of the Ban Amendment. He explained that in Zambia the body that spearheads policy and multilateral environmental agreements (MEAs) is the Environmental Agency. It deals with day to day work and has some form of autonomy in relation to the Ministry of Environment. The set up in Zambia was to establish a Coordinating body for ratification of the Ban Amendment within the Environmental Agency. He told the participants that key points for success were to have a champion; to involve the political leadership; and engage them often from the onset otherwise the process could have become deadlocked.

A key message from this presentation was that the ratification process takes time - it took 7 years in Zambia - but with hard work and patience, ratification would become a reality.

Specific challenges or barriers to ratification: Plenary discussion

9. Discussion followed about specific challenges or barriers to ratification and the current status in each of the participating countries. The following key points arose:
 - The workshops on facilitation into entry into force of the Ban Amendment organised by the Secretariat have facilitated a number of countries in ratifying the Ban Amendment and demonstrated the need to continue raising awareness and ratification;
 - Many participants highlighted that there was no difficulty with the Ban Amendment per se and that national processes towards ratification are ongoing in their countries;
 - One Party considered it important to participate in this workshop to support the entry into force of the Ban Amendment and to provide support to other Parties wishing to take a similar course of action;
 - Several Parties present explained that even though they have not ratified the Ban Amendment, they nonetheless implement it under national rules and laws

through export/import prohibitions. As such, ratification of the Ban Amendment would not be a problem.

- High staff turnover in government departments and misconceptions about the Ban Amendment still pose difficulties for Parties, especially in ensuring ‘champions’ for the ratification process as referred in some presentations;
- One participant requested more tools to support technocrats in their discussions to convince superiors within government departments of the benefits of consent to be bound by the Ban Amendment. Another felt a technical guideline on implementation of the Ban Amendment is needed, in particular as to how this relates to List B wastes under Annex IX.
- The Secretariat suggested that in relation to implementation of the Convention, some existing documents may assist Parties, such as *Guide to the Control System*, which is available on the Basel website and was provided to all workshop participants. In addition, the follow up to the CLI process is aiming to provide clarification e.g. through the development of short, practical materials that could also prove useful to implementation of the Ban Amendment.
- On entry into force of the Ban Amendment, it will not be binding on existing Parties that have not consented to be bound by it. The Amendment will be binding on (i) existing Parties that have consented to be bound; and (ii) new Parties that become Parties to the Convention as amended unless otherwise indicated. In accordance with the general law of treaties, any State which becomes a party to the Convention after the entry into force of the amendment shall, failing an expression of a different intention by that State:
 - (a) Be considered as a Party to the Convention as amended; and
 - (b) Be considered as a Party to the unamended Convention in relation to any Party to the Convention not bound by the amendment.
- It was noted that the EU and the OECD have implemented measures that restrict the export of hazardous waste to non-EU and non-OECD member states respectively. Discussion also ensued on the need to take into account national capacity to manage wastes, which would not necessarily depend on the origin of the wastes in question. In this respect, it was important to consider the possible benefits of utilizing the Ban Amendment in conjunction with prohibitions or restrictions on transboundary movements of wastes.

Procedural and substantive issues related to consent to be bound by Ban Amendment

10. The first break out session involved a simulation exercise on procedures and processes regarding consent to be bound by the Ban Amendment. Participants discussed in working groups (Annex 2), followed by reports back and discussions in plenary.
 - Participants exchanged experiences and concrete examples of how differences in national legislation could affect a national road map towards ratification or how each Party considers the Ban Amendment;

- It is important that the designation and responsibilities of the Focal Point and Competent Authority(-ies) are clear at the national level;
- It is important to involve all relevant agencies in discussions so that decisions taken at the COP are translated into action and to support the ratification process;
- Policy makers understanding the basics of the Ban Amendment is cardinal to the process moving forward at the national level;
- To facilitate ratification, there needs to be more consideration given to the economic drivers, which are frequently given priority over environmental drivers. Politicians often consult with ministries of industry and if it is felt that there will be a negative economic impact, this will be decisive as to whether the country ratifies the amendment;
- If there are concrete proposals for assistance needed in relation to the issue of the Ban Amendment, the Secretariat may be able to facilitate linking Parties to donors and donor agencies.

Experience in becoming a Party to MEAs: Common obstacles and lessons learned

11. Mr. Nagai then briefed participants on some common obstacles and lessons learned, from the experience of UNEP DELC in supporting states in becoming Parties to various MEAs. He explained the processes for becoming a Party as related to the development of national policies and national laws, the need to allocate adequate human and financial resources to initiate and complete national processes and the related international procedures.

Some of the common obstacles he had observed included:

- i) *Policy obstacles*: lack of interest or attention; low priority in national policy agenda; lack of understanding of benefits; conflict of policies; difficulty in coordination;
- ii) *Legal obstacles*: lack of clarity in determining a course of action; lack of enabling national laws; incompatibility with existing laws; lack of clarity between authorities under relevant sectoral laws;
- iii) *Resource limitation*: both human and financial resources required; and
- iv) Issues related to *international procedures*.

In conclusion, he highlighted the following lessons learned:

- i) Manage the whole process in the *sequence of actions*;
- ii) *Inform and engage all relevant actors* throughout the process;
- iii) The *lead office* ('champion') should *pursue the whole process in coordination* with relevant actors;
- iv) Requisite *human and financial resources* need to be allocated and managed.

Challenges and Barriers linked to ratification and possible solutions: Brainstorming

12. A lively brainstorming session ensued on barriers and obstacles to ratification, as well as identifying possible solutions including as follows:

Impact on trade

- In several countries, Ministries of Trade and Industry seem concerned about the impact on trade of the Ban Amendment. One participant expressed concern about possible impacts on imports of certain scrap waste for recycling. Trade in hazardous waste is a big business and a number of industrial associations could have vested interests.

- Some expressed concerns about the consequence of ratification of the Ban Amendment in case of differing national definitions of hazardous waste in the exporting and importing Parties. This, it was felt, could have implications on whether transboundary movements of hazardous waste would be allowed. It was noted that this situation could arise even without the Ban Amendment and effective communication between Parties in such instances was paramount.

Prioritization / added value:

- Some Parties felt that given they were somehow implementing elements of the Ban Amendment made the ratification of the Ban Amendment not a priority and also became a difficult task to justify to policy makers in such countries.
- In response to a question about the added value of ratifying the Ban Amendment when a Party has already put in place national mechanisms, it was noted that ratification of the Ban Amendment accorded greater protection at the international level for Parties against illegal traffic or other unwanted shipments of hazardous wastes.

Use of notifications:

- Participants felt that the notification process, if used correctly would support efforts to prevent export of hazardous waste to countries without capacity to manage such waste in an ESM.

Relationship with Bamako Convention:

- Clarification was needed about the relationship between the Bamako Convention and Ban Amendment, to enable the participants to explain this to policy makers in their governments.
- Nothing in the Basel Convention prevents a Party from imposing additional requirements, including through the development of regional agreements. The Bamako Convention, which is such an agreement, is complementary to the Basel Convention.

Need for guidance:

- Parties supported the development of a step by step guidance for Parties to ratify and implement the Ban Amendment.

Other support to Parties:

- Some Parties identified difficulties due to the lack of resources to hold stakeholder meetings. The challenge was compounded by the fact that donors were reluctant to support such activities. Some discussion ensued about the need for Parties to demonstrate a commitment to the ratification process and that national consultations should be an activity organized by Parties without external support. However, it was agreed that Parties could still convey this need to the Secretariat and UNEP. Furthermore, if the Party could make a proposal for concrete activities, this would facilitate finding support for national efforts.
- The Secretariat highlighted support to Parties that had been provided in the past, including matching Parties to potential donors for activities, technical input to project activities e.g. in Côte d'Ivoire and awareness-raising of stakeholders. The Secretariat had organized a briefing for Permanent Missions in Geneva on the Ban Amendment, to support awareness-raising among Ministries of Foreign Affairs. It was recommended that the Secretariat

consider producing briefing packs to support awareness-raising for policymakers on the Ban Amendment.

Day 2

Presentation of status relating to Ban Amendment: information transmitted through national reports and notifications

13. Ms. Ewang-Sanvincenti presented a summary of information gathered from information transmitted by Parties through national reports, notifications of national definitions, import / export restrictions and other sources such as BCRCs. The trends from this information showed different levels of implementation, differences in management of transboundary movement of hazardous waste and difficulties in transmitting information.

In particular, information gathered from national reports seemed to demonstrate a trend for waste to be moved within rather than across regions¹. It was of note that all Parties present at the workshop seemed to have been involved in transboundary movement of hazardous waste, whether as a State of import, export or transit.

In addition, the information gathered in relation to national legislation showed that Parties present had taken steps to implement the Basel Convention in their national legal frameworks, including relating to the Ban Amendment for some. At least 3 Parties transmitted notifications of national definitions of hazardous waste and at least 4 Parties transmitted notifications of restrictions on export, import or transit. The Secretariat encouraged Parties present to continue transmitting notifications, to support any decisions made by them in relation to restrictions.

It was clarified that Parties may implement and transmit notifications of export, import or transit restrictions despite not ratifying or in addition to ratifying the Ban Amendment. Participants agreed on the importance of national measures and notifications to support implementation of the Ban Amendment, particularly given the apparent trend for wastes to move within the same region rather than from OECD and EU member states to other States. It was noted that such movements would not be affected by the Ban Amendment.

Practical exercises on the application of the Basel Convention and the Ban Amendment: discussion

14. Participants broke into groups for practical exercises on the application of the Basel Convention and the Ban Amendment. After the group work, there were reports back and presentation in plenary (Annex 2), which can be summarized as follows:
- Basel Convention remains inadequate in handling all streams of hazardous waste from the life cycle approach;
 - Despite the good intentions of the Convention, ESM remains a challenge for Parties;

¹ Waste without frontiers : Global trends in generation and transboundary movements of hazardous wastes and other wastes (Analysis of the data from national reporting to the Secretariat of the Basel Convention for the years 2004 – 2006) - published 2010

- The Basel Convention technical guidelines provide information on actions to improve the ESM and reducing hazardous waste streams to a minimum as the technical guidelines on e-waste;
- In order to ensure transboundary movements in accordance with the Convention, more needs to be done to ensure the availability of adequate disposal facilities for the ESM of hazardous wastes and other wastes;
- National legislation in most Parties was inadequate to handle take back of cases of illegal traffic of hazardous waste;
- Transboundary movements of hazardous waste required cross-border communication and cooperation between national authorities to ensure accordance with the provisions of the Basel Convention and the Ban Amendment.

Working groups on the identification of elements for the National Roadmap towards the ratification of the Ban Amendment

16. Participants also prepared elements for their national roadmaps towards ratification of the Ban Amendment. Common elements identified included:
- Identification of relevant stakeholders to drive the process of ratification of the Ban Amendment was important, especially identification of a “champion”;
 - Assessment of training needs at national level was key to a successful implementation of the Ban Amendment;
 - Internal consultations to check any potential conflicts with existing legislation and other measures was cardinal, which could be linked with consultation with national stakeholders;
 - Preparation of information notes for the Minister was essential to ensure understanding by decision-makers and secure their support;

Conclusions and next steps and closure of the workshop

17. Participants agreed on conclusions and next steps, which it was hoped would move forward the process toward ratification and entry into force of the Ban Amendment:
- Ban Amendment was **one way to strengthen implementation** of the Basel Convention;
 - Ban Amendment is a **critical issue** although it had often not **been** accorded **priority**;
 - The Parties represented at the workshop **did not have any fundamental opposition** to the Ban Amendment, although clarification of the Amendment’s **added value was critical**;
 - Many participating Parties were implementing the Ban Amendment, although they may not have yet ratified it;
 - Parties were facing different **realities** – some already had taking **significant steps** to ratification, others were just beginning the process
 - The Ban Amendment appeared to be **consistent with existing and proposed national legislation and other measures** e.g. import prohibitions
 - **The exchange of concrete examples and experiences** on the effects of the entry into force of the Ban Amendment was useful

Participants, in their discussions, also underscored key elements in the way forward to ratification of the Ban Amendment as:

- **Maintain the current momentum;**
- **Secure the buy-in of stakeholders** as a key to ratification, implementation and enforcement;
- **Have:**
 - **Champions** (individual or institution)
 - **Patience**
 - **Persistence**

18. In his concluding remarks Mr. **Nelson Sabogal from the Secretariat of the Basel, Rotterdam and Stockholm Convention**, thanked all participants for the active participation, their willingness to share experiences and engage in practical exercises. He hoped that, after this workshop, it could be reported at the next meeting of the Conference of the Parties that several more Parties had ratified the Ban Amendment. He called on participants use this optimism and momentum to promote cooperation at local, national and regional levels, confirming that they could count on continuing support of the Secretariat.

Dr. Taelo Letsela, from the Africa Institute, commended the participants for the highly interactive and informative meeting and trusted that this was not just a talk shop. He expressed his wish that all the countries present would ratify the Ban Amendment as a resounding message to the world. Following concluding remarks, the workshop was closed at 3.30 p.m.

Annex 1

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Annex 2

OUTCOMES OF WORKING GROUP EXERCISES

Exercise 1: Brainstorming exercise on procedural and substantive issues of the Ban Amendment ratification and implementation solutions

Group 1

- ID stakeholders: importers of wastes/secondary goods (burden of near end of life), NGOs in environmental sector, informal businesses and street traders (complex as difficult to identify wastes or traders), exporters and generators of waste and generators not affected by existing restrictions, waste management sector (reusers, recovery facilities, treatment facilities) as they would be impacted by the results of Ban Amendment
- Part B (steps to take): to communicate when you identify problems of non-compliance with the countries where this is coming from and initiate mechanisms on how take back occurs, proof submitted that the waste is not hazardous waste hiding as general waste, assess whether existing legislation is sufficient for the BA, assess where current TBM of wastes are coming from /going to – where the problems lie. Training and capacity building for officials at port of entry (where waste moving in and out), to convince all role players what brings them together could be costs of inaction so need to make them aware of these costs to make them do their part, ID who will do what in assessment of what we have done above
- Responsibilities: MOE; Review of docs submitted (environmental affairs), assessment of legislation and institutional measures is MOE and MOJ; do current waste movements strengthen controls – Environmental affairs, capacity building – environmental affairs. ID costs of inaction is all stakeholders

Group 2

- Role played. MOE and MOFA convinced others
- Involve industry, groups of entrepreneurs with interests in the matter. Stakeholders to be involved vary from country to country. Need to bring to the discussion the other ministries and institutions that have a role in that. NGOs that may be interested in that. Next step is ratification and country would have to assess if something else is needed – monist vs dualist systems. Some countries need additional measures to implement international legislation. Stakeholders need to work together. How to make them do what they have to do? All should abide by the law but not always the case so awareness raising and other measures needed. What we need is roadmap to get to ratification of the Ban Amendment
- Key to convincing opponents was the guarantee that there was a difference between waste and raw materials so Ministry of Trade should not be worried about impact on private sector as import of raw material would be protected from new obligation

Exercise 2: Practical exercises on application of the Basel Convention and Ban Amendment

Group 1

- BC itself remains inadequate in some situations. Whole idea of e-waste remains a problem
- Despite Convention's good intentions, Art. 9.a. needs to be read in an open mind so as to take into account business objectives
- Answered yes to the first and second questions, agreed could call it waste even just from pictures
- As Party you should have tried to implement so there should be national legislation defining wastes as hazardous
- As Annex VII and non-Annex VII there should not be TBM, for other movements, these could only take place within the confines of the Convention i.e. notification and consent, facilities exist etc. all understood
- Non coordinated efforts and each stakeholder not knowing where each role ends leads to problems with shipments being released when should not be or problems with having wastes at port that cannot be dealt with.
- Noted that this was not classified as a waste to begin with, even to track if treated in ESM then there is a way of verifying if all notification or consent forms were completed from beginning. But under current circumstances, then we may not even be able to track or trace, this is where the problems arise.
- If suspect illegal traffic then investigations begin and try to identify who carries more weight re ownership of consignment. Need investigation to get information you may need to penalize depending on national legislation
- With point of view of exporting country, the whole scenario should not have happened in the first place. If request for notification then proper procedures would have to be put in place. If not requested, then no action taken beforehand. If detected on arrival only, then have to deal with them.
- If someone creates a crime within your territory you need to imprison this person. Process does take time though. Brazil raised differences between criminal and administrative processes, both of which would have to be dealt with and initiated. Don't need criminal investigation for take back.

Group 2

- It is waste, hazardous as could contain some hazardous substances
- Yes in South Africa this is considered as hazardous under national legislation, there are no restrictions to import or transit though as we rely on the Basel Convention
- No 3 depends on national situations in both countries.
- WE need notifications from country of export, during shipment movement document must accompany the shipment

- No 5 what would happen if released, then country importing should consent and waste should be disposed of in ESM. In South Africa, you also make sure the facility is permitted so that is a way to confirm waste is dealt with in ESM.
- No. 6 – if this is the case then customs do an investigation and return consignment to the exporting country but not sure who would be responsible for the costs of that.
- Since customs do investigation, there may be penalties or company that is liable will be prosecuted as well as take back
- Assignment 2 was similar but only looking at it from the exporting country point of view so should have received necessary document from exporting company, who should have the necessary certificates.
- Question – why customs and could other authorities be involved? Did the group decide to model its answers on S. Africa? Answer – we don't have national regulations so we rely on ITAC and customs, MOE issues recommendations to ITAC. Became almost a case study as used goods cannot be imported into Viet Nam or Brazil so it would automatically be sent back.
- Would there be investigation at the port of entry if such TBM taken back? Eric not sure



AGENDA

Global workshop on the facilitation of the entry into force of the Ban Amendment

Pretoria, South Africa, 18-19 February 2014

Day 1: Introduction to the Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention		
08:30 - 09:00	Registration of participants	
09:00 - 09:30	Opening remarks	<p>Representative of the Government of South Africa</p> <p>Mr. Taelo Letsela, Africa Institute / Basel and Stockholm Convention Regional Centre for English-speaking countries in Africa (BSCRC-South Africa)</p> <p>Mr. Nelson Sabogal, BRS Secretariat</p>
09:30 - 09:45	Objectives of the workshop	BRS Secretariat
09:45 - 10:15	Introduction of the participants and warm-up session	All participants
10:15 - 10:30	<i>Coffee break</i>	
10:30 - 11:00	Overview of the Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention (decisions BC-11/1 and BC-10/3)	BRS Secretariat
11:00-11:30	How to become a Party to a multilateral environmental agreement: a practical guide step-by-step	BRS Secretariat
11:30 - 12:15	Case studies on the ratification of the Ban Amendment	BSCRC-South Africa

12:15 - 12:30	Discussion	All participants
12:30-14:00	<i>Lunch break</i>	
14:00 – 15:30	Procedural and substantive issues related to consent to be bound by Ban Amendment: Working Groups	All participants
15:30 – 15:45	<i>Coffee break</i>	
15:45 – 16:15	Presentation of working group reports: General discussion	BRS Secretariat
16:15 – 16:45	Experience in becoming a Party to MEAs: common obstacles and lessons learned	Mr. Masa Nagai, UNEP Division of Environmental Law and Conventions (DELIC)
16:45-18:00	Challenges and barriers linked to ratification and possible solutions: Brainstorming	All participants
Day 2: Ban Amendment: ways forward		
08:30-10:00	Presentation of status relating to Ban Amendment: information transmitted through national reports and notifications	Ms. Yvonne Ewang-Sanvincenti, BRS Secretariat
10:00-10:15	<i>Coffee break</i>	
10:15-11:30	Challenges and barriers linked to ratification and possible solutions (cont.): General discussion and conclusions	All participants
11:30-12:30	Practical exercises on the application of the Basel Convention and the Ban Amendment: discussion	All participants
12:30-14:00	<i>Lunch</i>	
14:00-15:30	Working groups on the identification of the elements for a National Roadmap towards the ratification of the Ban Amendment	Working groups
15:30-15:45	<i>Coffee break</i>	
15:45-16:30	Report back to plenary	All participants
16:30 – 17:00	Conclusions, next steps and closure of the workshop	BRS Secretariat
17:00 – 17:30	Evaluation and closing session	BRS Secretariat