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**CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS  
WASTES AND THEIR ENVIRONMENTALLY SOUND MANAGEMENT**

**I INTRODUCTION**

The Basel Convention is the most comprehensive global environment agreement seeking to protect human health and the environment from the adverse effects arising from the generation, management, transport, recycling or disposal of wastes that are toxic, ecotoxic, flammable, poisonous, infectious, corrosive or explosive or that requires special consideration such as residues arising from the incineration of household wastes. The Convention sets three goals: to reduce export and import of hazardous or other wastes, to treat and dispose of these wastes as close as possible to their source of generation and to minimize both their quantity and hazardousness. The Convention entered into force in 1992. As of May 2006, 167 governments and the European Community are Parties to the Convention.

The Basel Convention organizes a practical and workable control system. It encourages the minimization of hazardous and other wastes and ensures that movements of such wastes across boundaries are only permitted under environmentally sound conditions. The Convention provides a mechanism to assist developing countries and other countries in need of assistance and in building the needed capacity for the effective management and minimization of such wastes.

In 2002, the Conference of the Parties adopted the Strategic Plan until 2010, which is the blueprint for implementing the Basel Convention. The Strategic Plan calls for a life-cycle approach to chemicals and integrated waste management.

**II TRENDS**

Looking at 2015, some trends in waste and hazardous wastes could be identified.

- Effects to stabilize non-hazardous industrial waste generation is bearing fruits while the generation of hazardous wastes will steadily increase due, in particular, to an increase in the production of chemicals. Chemical releases from large-scale industrial plants will decrease while such releases from small- and-medium size enterprises are likely to increase;
- Chemicals dumped in landfills are increasing;
- More and more complex chemicals are being put into products rendering such products hazardous to human well-being when disposed of;
- The fast-growing streams of post-consumer goods and end-of-life equipment are often overwhelming countries' capacity to manage such wastes in a way to protect human health and the environment;

- The quantities of household wastes as well as construction and demolition wastes will increase;
- Stricter environmental laws and occupational health safety standards make the disposal of hazardous wastes more expensive with the consequences of an increase of illegal traffic of these wastes to developing countries or massive influx of used or end-of-life equipment;
- Globalization of economy results in the globalization of hazardous and other wastes trade.

### **III THE BASEL CONVENTION – PART OF THE SOLUTION**

In a world of growing complexities and uncertainties, the Basel Convention brings predictability, certainty, transparency and traceability. During its short life, the Basel Convention has been the place of many achievements. It has gained its universality with 168 Parties. Its control system is applied worldwide and its underlying concept of environmentally sound management is getting broader acceptance. Overall, it functions. At the national level, many countries have taken drastic measures to reduce harm from hazardous wastes and to improve performance of waste operators. In those 15 years, a gigantic step has been made in waste and hazardous waste management worldwide. But this progress is still not commensurate to the size of the problem. A problem that is multifaceted. Advances in technology and high consumerism accelerate the obsolescence of products. Available estimates suggest that over 100 million computers, monitors and televisions become obsolete every year and this number is growing. In many countries, hazardous products or substances found their way into the household waste stream that, often, ends up in improperly managed disposal sites with the consequences of harming health and contaminating the environment. This is a burden that public authorities have difficulties to cope with. Any measurable progress to be recorded worldwide requires a harmonized data set for policy-makers to adequately address the challenges. The Convention provides a base to progress towards such unified-type of data. At the same time, the Convention is a unique forum where 167 countries and the European Community can work together with other public and private partners to lay the foundation for bridging the technological gap among Parties and to prevent and combat illegal traffic.

There is a need for strong global and regional environmental agreements to face up to the undesirable effects of consumerism societies. An environmental agreement such as the Basel Convention is the response of the international community to a well-defined problem. Through its development, the Basel Convention evolved from being reactive to problems to engaging into being instrumental in contributing to changes in the patterns that have generated the problems. Through its annexes, the Convention is capable of keeping pace with scientific or technical changes or harmonizing with other legal instruments. Today, the Basel Convention can accompany policy trends that prevail amongst governments. There is a gradual shift of emphasis from a strong focus on regulation to more market-driven opportunities where certain wastes, including hazardous wastes, are perceived as potential resources and where the creation of new markets for such wastes is taking place. Industrialization has two effects. On one hand, the need for secondary raw materials is growing, sometimes rapidly; and on the other hand, the domestic generation of hazardous and other wastes is steadily increasing. Policy directions like integrated waste management or life

cycle approach are valuable tools for waste and hazardous waste management. One handicap is that the timeframe for harvesting the fruits of environmental protection may often differ substantially from the benefits to be gained from trade. The Basel Convention, through its provisions and amendments of annexes, anticipate the implications of the environment-trade interface and prevents, if applied effectively, undesirable effects from cross-border movements of hazardous wastes.

#### **IV CHANGING PATTERNS OF TRADE**

To the north-south dimension of waste trade, other patterns of trade have emerged. The globalization of economy has encouraged the establishment of global and regional recycling schemes, including hazardous wastes. One of the main difficulties experienced by national authorities is how to control cross-border movements of wastes in cases where uncertainties remain as to the definition of the substance, good or equipment and its classification as wastes or hazardous wastes. This is of particular relevance for end-of-life equipment, such as electronic or electrical equipment. The flow of recyclables globally or between regions provides social and economic benefits while generating adverse effects on human health and the environment. For instance, enforcement authorities of nine European countries carried out joint inspections in seven seaports in Europe in 2005. Two hundred and fifty eight cargo-holds were physically inspected and 140 of these were waste shipments. Sixty-eight of these shipments turned out to be illegal. In particular, electronics wastes exports have become a headache and an important source of pollution.

Private operators are confronted with a complex set of regulatory instruments at the national, regional and international level characterized by prohibitions, consent or refusals. Unscrupulous brokers take advantage of these uncertainties. Many governments have not put in place yet measures to control the massive influx of electronic wastes. Because there is no level playing field at the international or regional level, the situation regarding export and import of end-of-life equipment remains confused.

#### **V REGIONAL CO-OPERATION**

The enhancement of regional co-operation in the control and management of hazardous wastes will assist in:

- reducing health risks;
- reducing environmental pollution or contamination;
- providing better access to reliable and environmentally-friendly technologies;
- improving resource use and conservation;
- improving and consolidating an information base;
- improving enforcement;
- building public-private partnerships;
- clarifying liabilities;

- improving synergies amongst the wastes and chemicals conventions and protocols.

The Basel Convention has set up a unique operational network constituted of the Secretariat and the Convention's 14 regional and co-ordinating centers established in all regions of the world (Egypt, Nigeria, Senegal, South Africa, China, Indonesia, SPREP, Iran, Russian Federation, Slovakia, Argentina, El Salvador, Trinidad and Tobago and Uruguay). The main tasks of these centers are to provide training, information exchange, assist in capacity building and transfer of know-how and sound technologies, to facilitate the implementation of the Basel Convention and related Chemicals' conventions.

Pierre Portas  
Secretariat of the  
Basel Convention  
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