



SPREP Waigani Convention Handbook

Welcome to the SPREP Waigani Convention Handbook!

In response to growing problems of hazardous waste, toxic chemicals and pollution, the SPREP Waigani Convention Handbook offers information on four chemical conventions and their common elements with an aim to support the environmentally sound management of toxic chemicals and hazardous waste in the small island states.

The Four Chemical Conventions

- *The Waigani Convention to Ban the Importation into Forum Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movements and Management of Hazardous Wastes within the South Pacific region (1995)*
- *The Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal (1989)*
- *The Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)*
- *The Stockholm Convention on Persistent Organic Pollutants (2001)*

For each Convention there is general description, an explanation of the obligations, and the tools for implementations. Each Convention has its own reference section. The general reference library provides access to resource documents to aid environmental sound management of toxic chemicals and hazardous waste.

To read about the Waigani Convention Handbook and learn how to navigate around the Handbook, click with your 'mouse pointer' on the dark blue coloured tab on the top right-hand side of the screen labelled HELP TUTORIAL.

HELP TUTORIAL
WAIGANI CONVENTION
BASEL CONVENTION
ROTTERDAM CONVENTION
STOCKHOLM CONVENTION
INTER- LINKAGES
REFERENCE LIBRARY



<http://www.unu.edu/inter-linkages/>



<http://www.sprep.org.ws/>

SPREP (South Pacific Regional Environment Programme)
PO Box 240, Vaitele, Apia, Samoa
Tel: (685) 21929
Fax: (685) 20231
Internet: <http://www.sprep.org.ws/>

United Nations University
53-70-5 Jingumae Shibuya-ku, Tokyo 150-0001 Japan
Tel: 81-3-5467-1301
Fax: 81-3-3407-8164
Internet: <http://www.unu.edu/interlinkages/>

DISCLAIMER

The Waigani Convention Handbook is offered as a general information resource and does not represent legal advice. It is not intended to be used or relied upon as a substitute for professional advice and before acting on any matter in this area, users should consult their own professional advisers.





HELP

How to Use the SPREP Waigani Convention Handbook

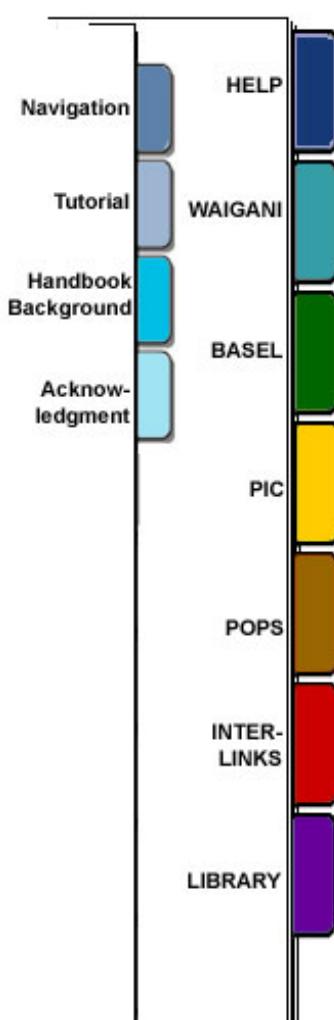
The Help section of the SPREP Waigani Convention Handbook provides guidance on how to access the information provided.

The Navigation section describes how to quickly move around the Handbook.

A Tutorial is provided that explains how to search the handbook for the information you need, how to copy, paste and best utilise the information provided.

The Handbook Background describes the purpose of the handbook and introduces the development team. The final section in Help acknowledges all those that contributed to the Handbook and its development.

SPREP Waigani Convention Handbook





HELP Navigation

Getting Around

The best way to navigate around the Waigani Convention Handbook is to use the coloured tabs on the right-hand side of your screen.

The coloured TABs, once clicked with your mouse pointer will open each chapter of the Handbook.

- Dark blue TAB - Help
- Light blue TAB - Waigani Convention
- Green TAB - Basel Convention
- Yellow TAB - Rotterdam Convention
- Brown TAB - Stockholm Convention
- Red TAB - Inter-linkages between the conventions
- Purple TAB - Reference Library

The first page of each chapter provides an introduction.

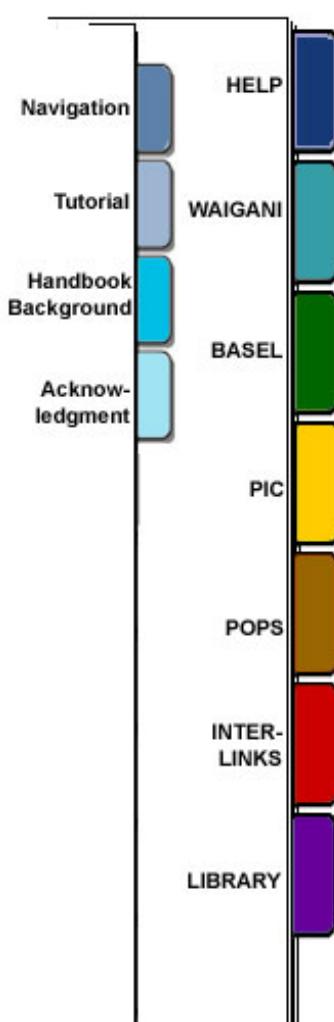
A second row of coloured tabs is displayed next to the main menu.

These new tabs once clicked, will open each of the subchapters for that section of the Handbook.

In subchapters, the 'down arrow' icon can be used to rapidly access each information component. 'Up arrow' icons will return you to the subchapter menu.

Once in any of the subchapters, click on the main chapter tabs to return to the introductory pages of the required chapter.

Wherever you are in the Handbook, simply click on the SPREP logo at the left-hand top corner of the screen, to take you back to the beginning of the Handbook.





HELP TUTORIAL

Tutorial

The Help Tutorial provides step by step information to help you use the Waigani Convention Handbook as an Adobe Acrobat system. A series of illustrations will demonstrate how to carry out tasks, including how to search for information anywhere in the system

Layout and Navigation

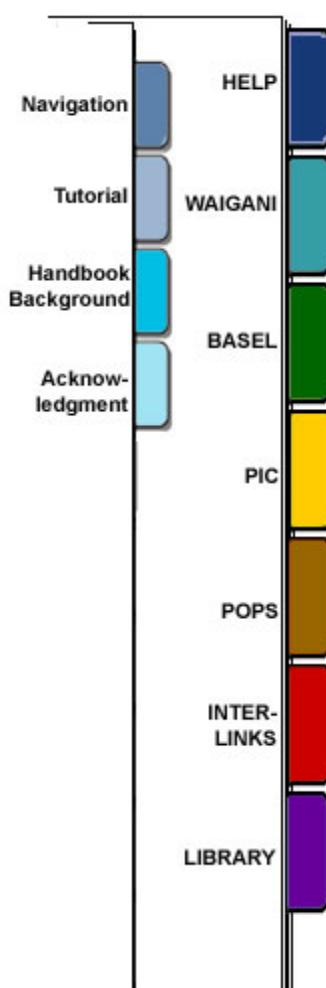
- ▶ Adobe Acrobat Page Navigation
- ▶ Accessing the Main Chapters
- ▶ Accessing the Sub Chapters
- ▶ Accessing Links Within Sub Chapters
- ▶ Accessing Library Documents

Searching and Using Information

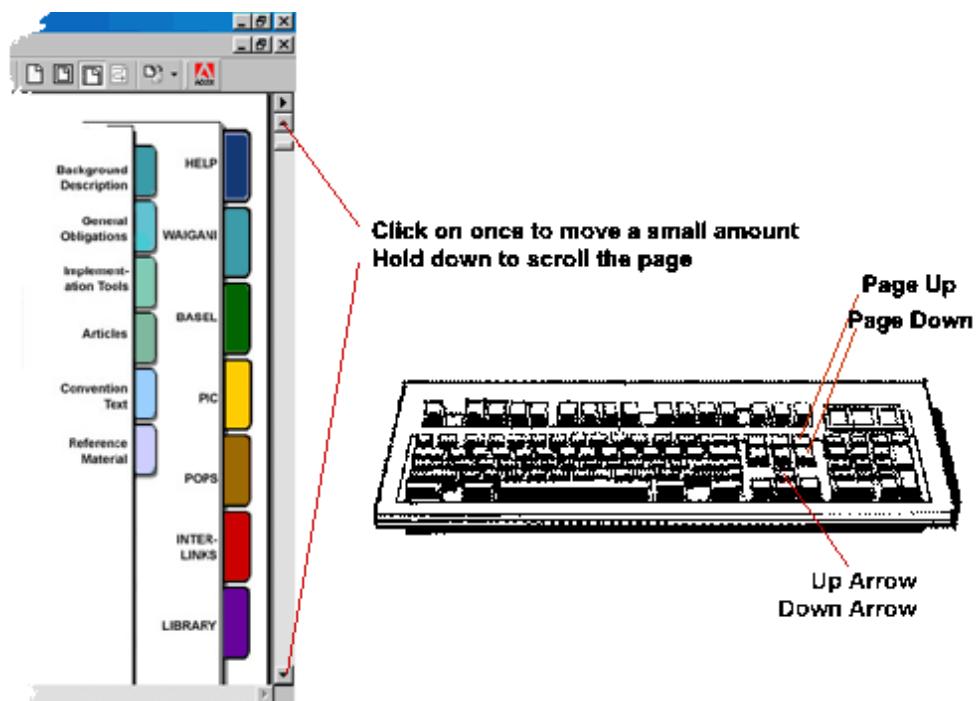
- ▶ Cut and Pasting
- ▶ Find
- ▶ Searching

Help

- ▶ Adobe Acrobat Reader Help
- ▶ CD-ROM Instructions



ADOBE ACROBAT PAGE NAVIGATION



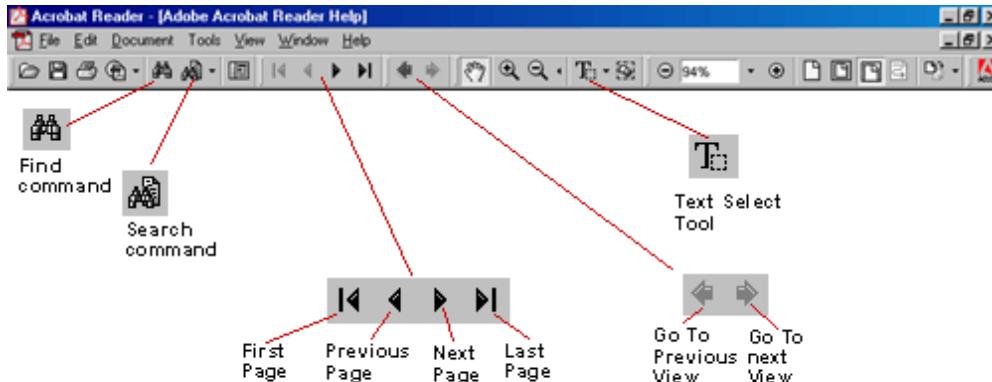
There are a number of ways to move through the pages.

The Scroll Bar on the far right hand side of your screen can be used to move up and down the page containing text and images.

You can also use the Enter key, or the Down Arrow or Right Arrow key to page through a document one screen at a time.

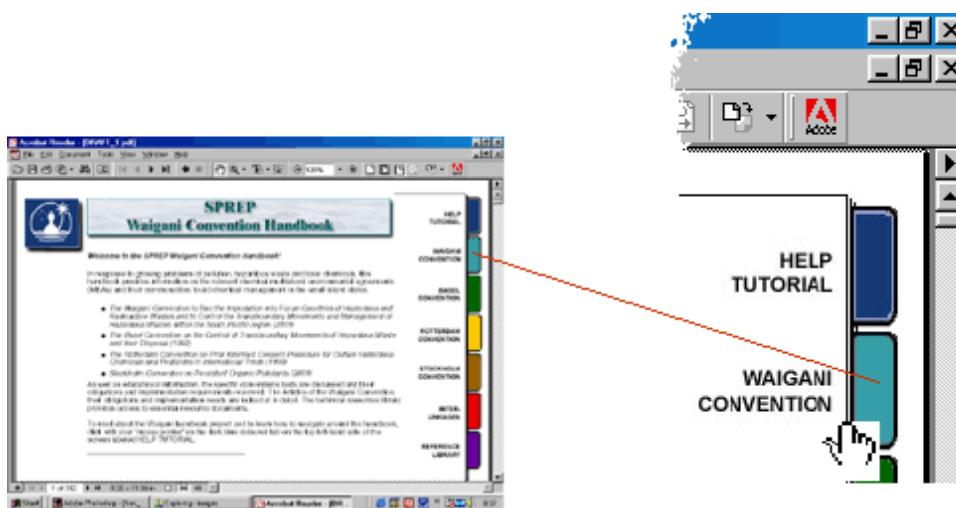
Press Shift-Return or the Up Arrow or Left Arrow key to page backward through the document.

Page Up and Page Down can be used in a similar way as can the page arrows at the bottom of the screen.



Acrobat Reader also provides these buttons for paging through a PDF document.

ACCESSING THE MAIN CHAPTERS

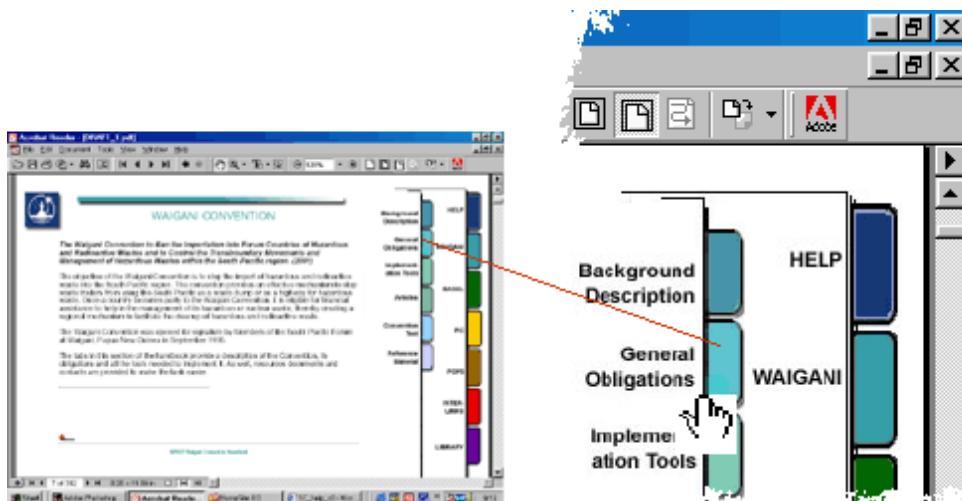


The coloured TABS, once clicked with your mouse pointer will open each chapter of the handbook.

- **Dark Blue Tab - HELP TUTORIAL CHAPTER**
- **Light Blue Tab - WAIGANI CONVENTION CHAPTER**
- **Green Tab - BASEL CONVENTION CHAPTER**
- **Yellow Tab - ROTTERDAM CONVENTION CHAPTER**
- **Brown Tab - STOCKHOLM CONVENTION CHAPTER**
- **Red Tab - INTER-LINKAGES CHAPTER**
- **Purple Tab - REFERENCE LIBRARY CHAPTER**

Note the mouse pointer turns from an arrow symbol to a pointing hand whenever you move the mouse over an active link area such as the Chapter TABS.

ACCESSING THE SUB CHAPTERS



Once any of the main chapters have been opened, a second row of coloured TABS will be displayed next to the main menu.

These new TABS once clicked, will open each of the subchapters for that section of the handbook.



Wherever you are in the handbook, simple click on the SPREP logo at the left-hand top corner of the screen, to take you back to the beginning of the handbook.

ACCESSING LINKS WITHIN SUBCHAPTERS

General Obligations of the Waigani Convention

This section provides information on:

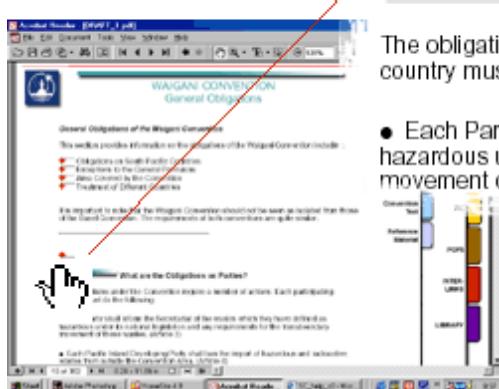
- Obligations on South Pacific Countries
- Exceptions to the General Provisions
- Area Covered by the Convention
- Treatment of Different Countries

It is important to note that the Waigani Convention does not have an obligation to those of the Convention. The requirements of this Convention are quite specific.

What are the Obligations on Parties?

The obligations under the Convention require a number of actions. Each participating country must do the following:

- Each Party shall inform the Secretariat of the wastes which are hazardous under its national legislation and any requirement for the movement of these wastes. (Article 3)

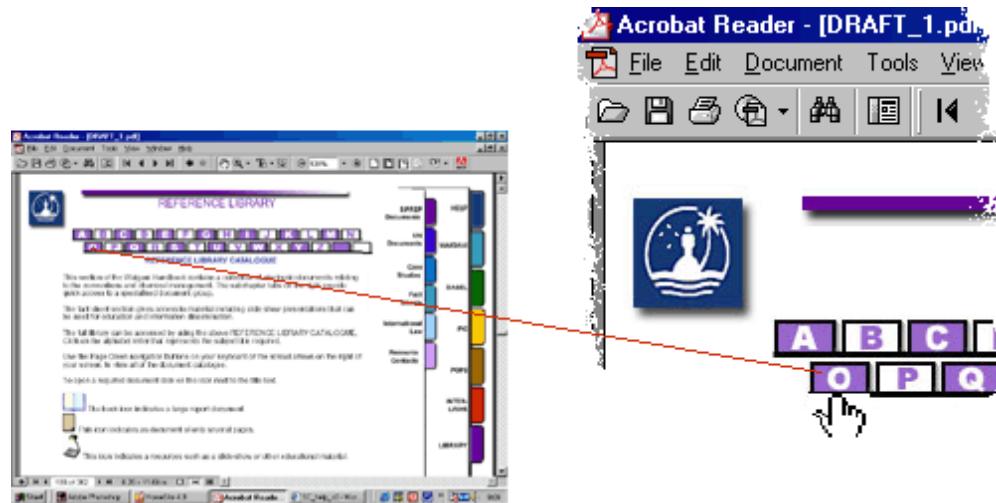


Within subchapters there are further links to components of the sub chapters. These are represented by red arrows.

- Down Arrows take you to the information components of the sub chapter.
- ↑ Up Arrows return you to the menu.
- Right Arrows link to another section within the handbook.



ACCESSION LIBRARY DOCUMENTS



There are different access paths to the resource documents.

Appropriate resource documents are available in the Reference section for each of the main chapters.

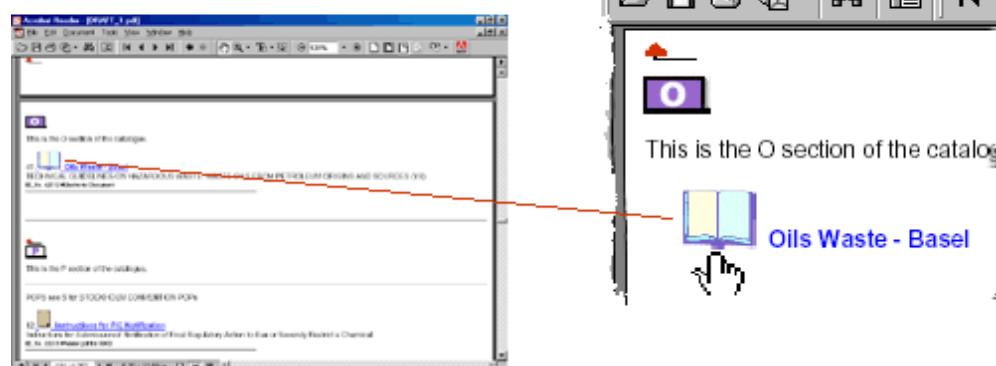
However, all documents are also available in the library.

An alphabetical document catalogue is found in the main page of the library.

Simple click the letter you want and it will take you to that section of the catalogue.

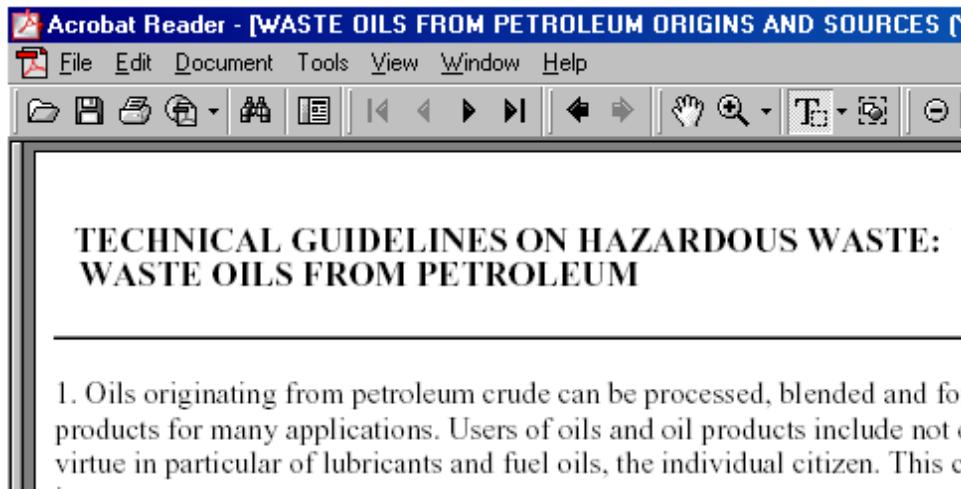
Once there, documents can be opened by clicking on any of the following icons.

- This icon represents a large document such as a report.
- This icon represents a small document or a form.
- This represents a slide show presentation.



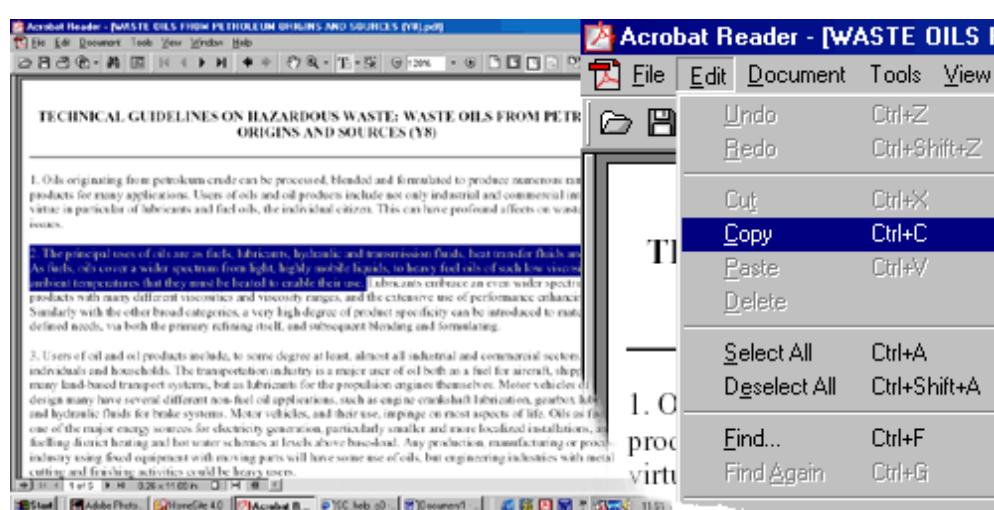
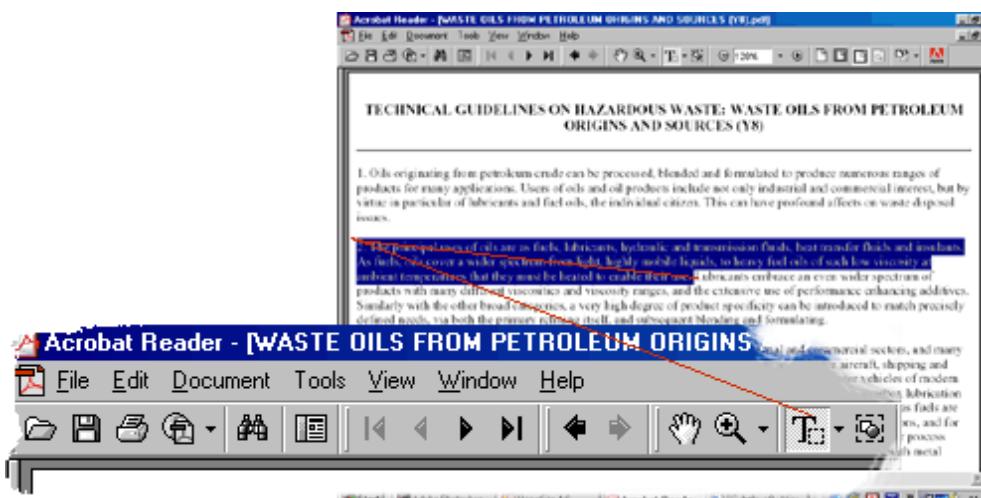
The catalogue entry for a resource document.

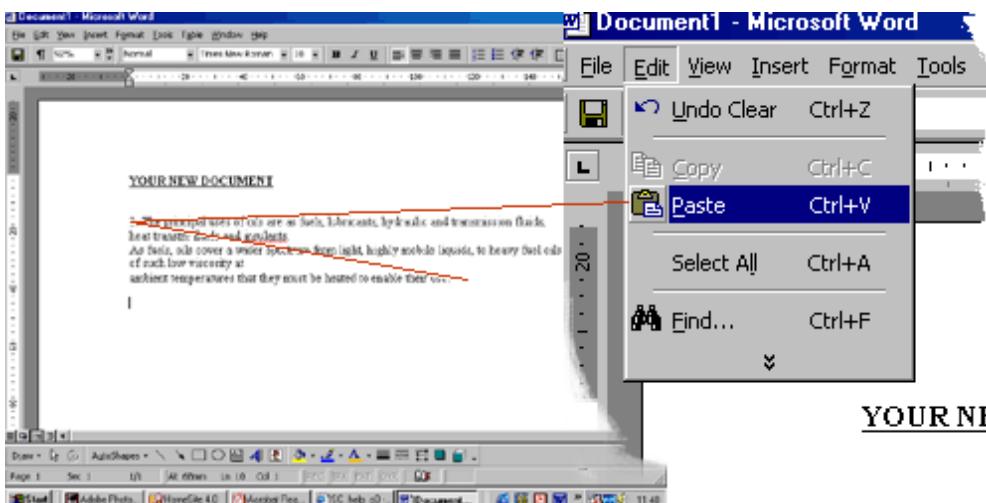
Click on the book icon to launch the required electronic document.



The new screen contains the chosen document

CUT AND PASTING





Any text from the main chapters and sub chapters, as well as, most documents from the reference library can be copied to your word processor.

Simply mark the required text using the Acrobat Text Select Tool and then use the Copy command from the Edit drop down menu on the top command bar.

Open your word document and use the Paste command from the Edit drop down menu in your word processor software.



FIND



Finding Words in PDF Documents

You can use the Find command to find a complete word or part of a word in the current PDF document. Acrobat Reader looks for the word by reading every word on every page in the file, including text in form fields.

To find a word using the Find command:



1. Click the Find button , or choose Edit > Find.
2. Enter the text to find in the text box.
3. Select search options if necessary:

- Match Whole Word Only finds only occurrences of the complete word you enter in the text box. For example, if you search for the word stick, the words tick and sticky will not be highlighted.
- Match Case finds only words that contain exactly the same capitalization you enter in the text box.
- Find Backwards starts the search from the current page and goes backward through the document.

4. Click Find. Acrobat Reader finds the first occurrence of the word.

To find the next occurrence of the word, do one of the following:

- Choose Edit > Find Again.
- Reopen the Find dialog box, and click Find Again. (The word must already be in the Find text box.)



SEARCHING AND REQUIRED CD SETUP

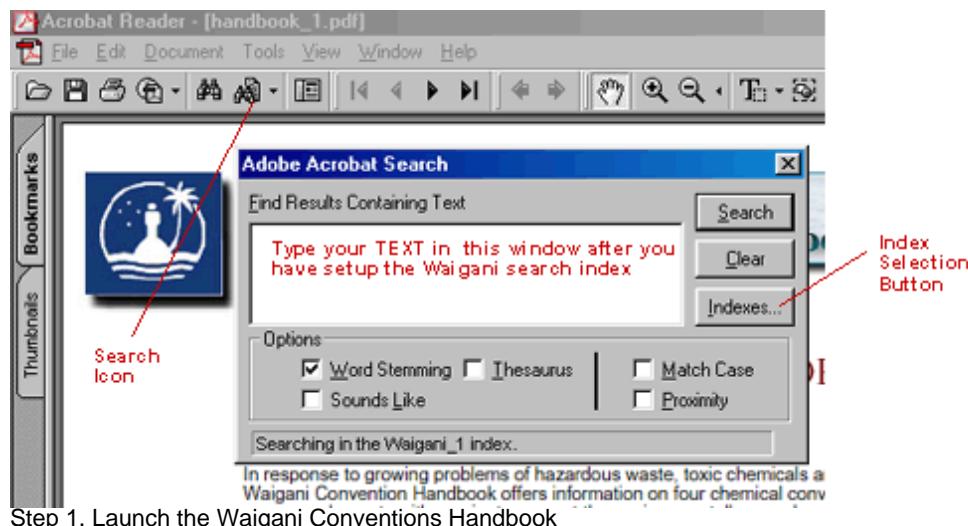


Text Search in PDF Documents

The Adobe Acrobat Search command allows you to perform full text searches of collections of PDF documents. The Search command is more powerful and flexible than the Find command. It lets you search multiple documents, and define advanced query criteria. Search is faster than find because it reads the index rather than the entire document.

How to Setup the Search Index for the Waigani Conventions Handbook CD

A full-text index is an alphabetical list of all the words used in a document or, more typically, in a collection of documents.

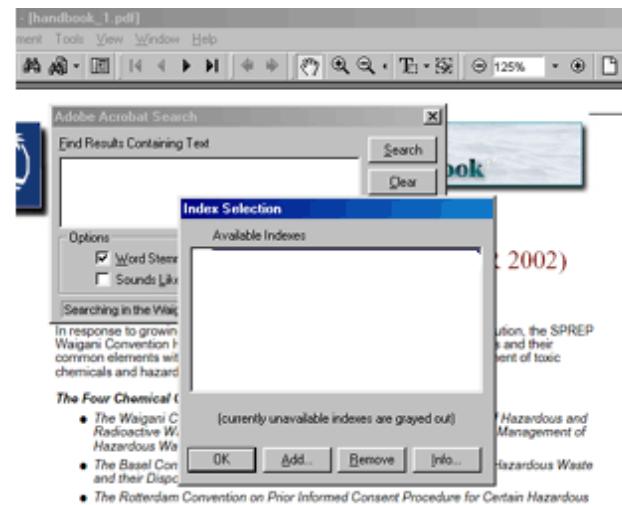


Step 1. Launch the Waigani Conventions Handbook

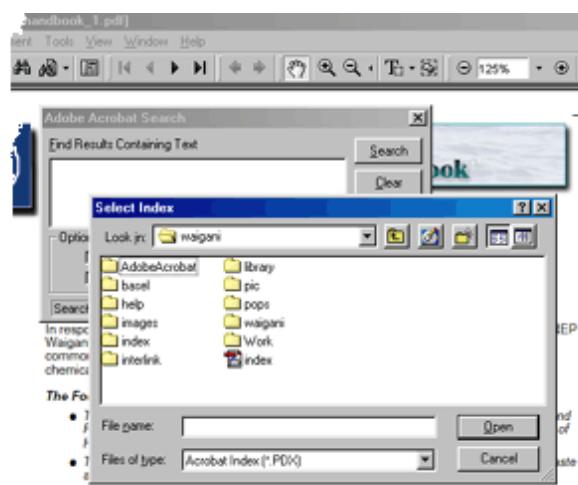
Step 2. Click on the Search symbol in the top command bar

Step 3. The Adobe Acrobat Search Box will appear, click the Indexes button

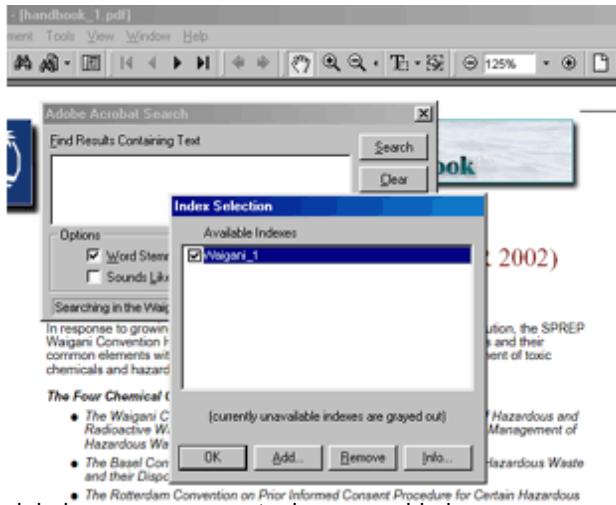
Step 4. The Index Selection Box will appear, although empty, click the Add button.



Step 5. The Box now is the folder menu selection. Select your CD Drive and then select the Waigani folder. Click on index.pdx.



Step 6. Click the OK button.



The Waigani search index on your computer is now enabled.

You will not have to repeat this unless you use the Waigani Conventions Handbook CD on another computer.

You are now ready to type any search text in the Find Results Containing Text window of the Adobe Acrobat Search Box.



Searching

To perform a full-text search:

1. Launch Acrobat Reader 5.0, and choose Edit > Search > Query.
2. Enter the text you want to search for in the Find Results Containing Text box.
3. Selecting any combination of the search options:
 - Word Stemming: Word Stemming finds words that contain part of (a word stem) the specified search word.
 - Sounds Like: Sounds Like finds different spellings for proper names.
 - Thesaurus: Thesaurus finds similar words that appear in the documents you are searching.
 - Match Case: Match Case limits the results of the search by finding only those documents that contain words with the same capitalization.
 - Proximity: Proximity limits the results of simple AND searches to one pair of matches per document—the pair closest together. The two matches must be within three pages or fewer of each other. This option is useful for locating a document that concentrates on some topic of interest. Proximity affects relevancy ranking in searches. The closer the matches are within a document, the higher the ranking. Proximity does not work with complex AND searches—such as, Hawaii AND (cruise OR fly).



4. Click the Search button. The documents that match your search query are listed in the Search Results window in order of relevancy.

- Documents more likely to contain relevant information are listed first on the list. The relevancy ranking of each document is indicated by an icon. The degree of fill in the circle in the icon indicates the probability that the document contains the search information. A solid fill indicates a high probability that the document contains your search term; an empty circle indicates a low probability that the document contains your search term.
- When you open a document in the list, you view only pages containing matches. All the matches on a page are highlighted. When you use ordinary search text, the relevancy ranking indicates how frequently the search word appears in the document.
- When you use a Boolean OR operator between two words or phrases in a search, documents that contain both items have a higher relevancy ranking than documents that contain just one item.
- When you use the Proximity option, the closer the matches are within a document, the higher the relevancy ranking of the document.

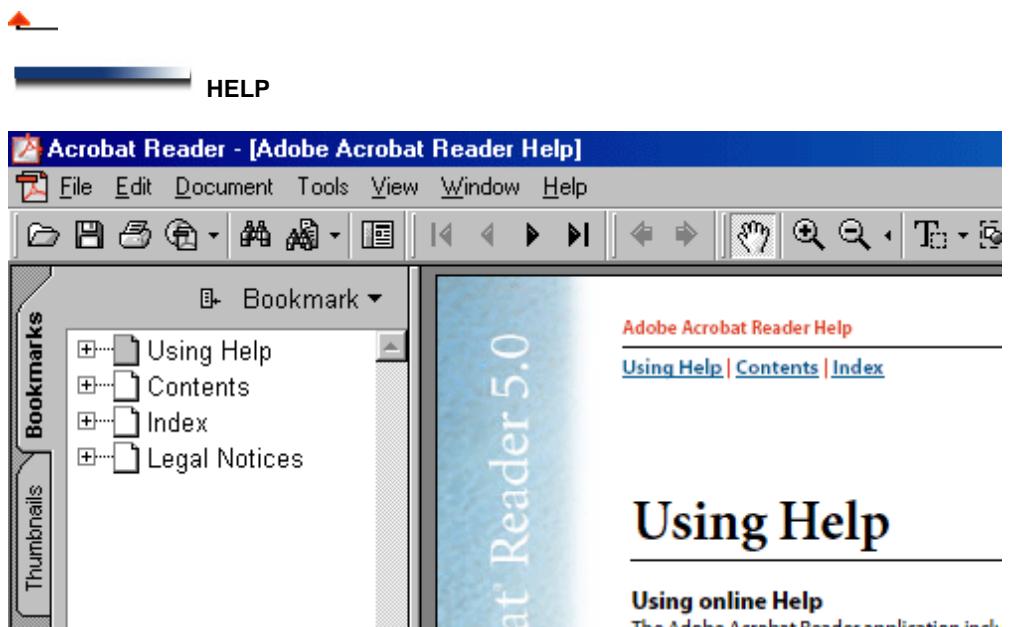
5. View the document by doing one of the following:

- Select the document, and click the View button.
- Double-click the document.

6. Click the Next Highlight button or the Previous Highlight button to go to other matches in the document. You can also choose another document to view.

Advanced Search Techniques

For advanced search techniques use the Adobe Acrobat Reader Help Command. Open the Contents chapter in the Bookmarks menu, then click on the Searching Indexes icon to go to the help documentation for advanced search techniques.



Adobe Acrobat Reader Help Command activates a drop down menu, to launch the help system click on Reader Help Command from this menu.

The help system includes information on all the Acrobat Reader tools, commands, and features for both Windows and Mac OS systems.

CD-ROM INSTRUCTIONS

The Waigani Convention Handbook is provided on a CD-Rom for your convenience.

You can use and view the system from the CD-Rom, however, you will need to ensure you have the special free Adobe Acrobat Reader installed on your computer.

If not, it is provided in the folder on the CD-Rom.

This version of the reader has the full "text search" features and is therefore more powerful than the standard Adobe Acrobat Reader.

To install, open the folder and double click the executable file, rp505enu.exe to launch the installer program. The Adobe installer will automatically load the software to your computer.

To Start the Waigani Convention Handbook

There are two ways in which you can launch the system

1. Use Windows Explorer to view the CD-Rom,

Double click on the folder Waigani Convention Handbook

Double click the startwaigani.pdf file to launch the Waigani Convention Handbook.

2. Launch your Adobe Acrobat Reader program

From the File Command - Open – use the Look_in: drop down window to locate your CD-Rom drive.

Double click on the drive icon to open and view the Folders on the CD-Rom.

Double click the folder , this will open to show the list of directories and files available.

Double click the file startwaigani.pdf to launch the Waigani Convention Handbook.

לְעִזָּהוּ בְּעִזָּהוּ לְעִזָּהוּ בְּעִזָּהוּ

לְעִזָּהוּ בְּעִזָּהוּ לְעִזָּהוּ בְּעִזָּהוּ

לִלְעָלָה לְעָלָה לְעָלָה לְעָלָה



HELP TUTORIAL

Handbook Background

- ◀ The Purpose of the Handbook
- ◀ The Development Team



Purpose of the Handbook

As the complexity of managing the problems of pollution, hazardous waste and toxic chemicals has increased, the need for information has intensified. The amount of available information has proliferated, yet in today's world it is often harder to access and effectively utilise all the relevant information.

For decision makers in this information rich environment, the ability to allocate time to find and process information is a real limiting factor. So improving the capacity to easily access information can be one of the most important aspects of environmentally sound decision-making.

*"Information is only valuable when it relieves uncertainty and is of use in decision-making."*¹

Information consolidation is one method used to improve the effectiveness of communication of technical information and can be aided by computer based information systems. Information consolidation is the activity of evaluating and compressing relevant documents in order to provide defined user groups with reliable and concise new bodies of knowledge. The UN handbook on technical information delivery presents consolidation as one way of serving some of the immediate information needs of a group who otherwise may not be able to effectively and efficiently access and use the information.

To this end, the Waigani Handbook has been developed to assist regulators in the small island states. It is structured in logical components, providing an easy path to information about each of the Conventions, their obligations and implementation needs and relevant documentation and reference material.

A technical resources library is provided to ensure access to essential technical and resource documents.

The Handbook also provides background and educational information, suitable for academics, schools, political representatives and the wider interested community.

*"The goal of any information system must be the provision of appropriate information for decision-making, as the value of the information is a function of the effect it has on increasing the probability of the right decision being made."*²

References:

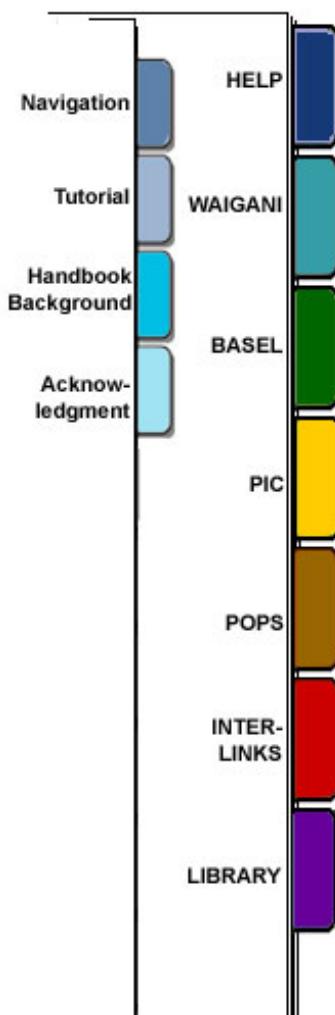
1. Saracevic, T. & Wood, J.B., *Consolidation of Information, A Handbook on evaluation, restructuring & repackaging of scientific & technical information*. General Information Program & UNISIST of the UN Educational, Scientific & Cultural Organisation, Paris 1981 (PGI-81/WS/16)
2. Wetherbe, J. C., *Systems Analysis & Design*, 3rd Ed. West Publishing Company, St Paul USA 1988



The Development Team

The Waigani Convention Handbook was compiled and developed by the Oztoxics team from Bio Region Computer Mapping & Research Pty Ltd and the Canberra-based non-profit association, Pacific Bioweb.

Pacific BioWeb aims to provide an information and advisory service for Pacific Island governments, non-government organisations and Indigenous Peoples' groups, giving guidance on international activities associated with protecting the environmental and cultural



heritage of Pacific Island countries. The experience and technical expertise of Ian Fry from Pacific Bioweb developed over many years working in the fields of cleaner production, waste management and climate in the South Pacific region. Ian holds a Bachelor of Applied Science in Biology, Graduate Diploma in Media, Master of Environmental Studies (Macquarie University) and Post Graduate Diploma in International Law (Australian National University).

Bio-Region Computer Mapping & Research Pty Ltd (BRCM) is the research arm of the non-profit organisation, National Toxics Network Inc. BRCM Director, John Wickens has overseen a range of regional and national information systems projects, including the :

- investigation into the use of geographic information systems (GIS) and remote sensing by local government for the Commonwealth Environmental Resource Information Network (ERIN);
- development of pollutant auditing methodology for the Commonwealth Department of Environment;
- development of the community information system on DDT contaminated cattle tick dipsites for the NSW Department of Agriculture;
- development of the Chemical Inventory Project GIS Viewer Database for Greenpeace Australia;
- assessment of community information needs and development of delivery formats for the proposed National Pollutant Inventory (NPI) for Environment Australia;
- establishment of the Sydney Coastal Councils GIS for the annual Sydney State of the Water Report;
- design and development of the community information system prototype for the Sydney Olympics 2000; and
- design and development of Sydney Water's Community Information System on Pets, Pests and Pesticides.

Mariann Lloyd-Smith, a Director of BRCM and coordinator of the National Toxics Network Inc. has worked in the area of toxic contamination for many years and recently completed a PhD research project investigating the delivery of technical information in toxic waste disputes. The research resulted in the development of the computer based HCB Community Information System to build capacity in communities involved in the destruction of the HCB waste stockpile in Sydney. Mariann was also the editor of the IPEN POPs Handbook.

Mariann is currently a member of the Technical Advisory Group for Australian Inventory of Chemical Substances, the Hazardous Waste Act Reference Group, the National Dioxin Consultative group and was a member of the National Advisory Body on Scheduled Waste, responsible for the development of Australia's national management plans for scheduled POPs waste. Mariann also served on the Steering Committee for Australia's National Chemical Profile.



HELP TUTORIAL

Acknowledgments

Our Thanks !

The Waigani Convention Handbook benefited from the input of many interested and skilled individuals from government, academia, regional and international organisations and non government organisations (NGOs).

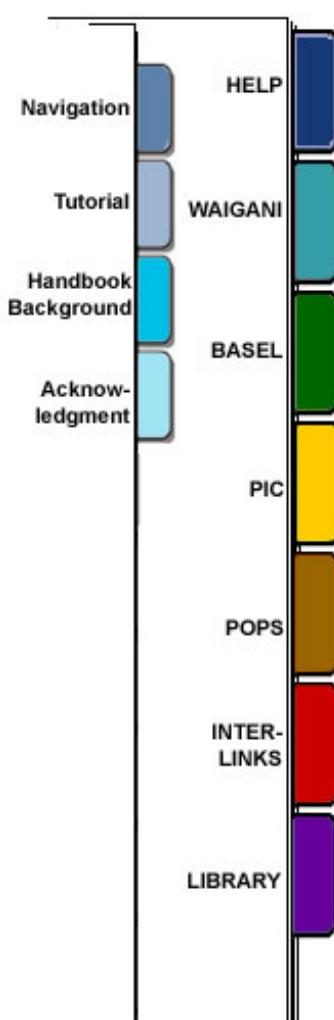
The authors would like to acknowledge and thank Jacques Mougeot from the South Pacific Regional Environment Programme, the initiator of the project and whose support ensured its undertaking, and Jerry Velasquez from the United Nations University who actively supported the project and provided valuable input;

South Pacific regulators, Moses Pretrick, Katrina Solien and Vandana Naidu provided feedback and support for the project;

Environment Australia's, Greg Rippon gave advice and input on design and content and Geoff Thompson's knowledge on the implementation of the Basel Convention proved invaluable;

The NGOs, Jim Pucket from the Basel Action Network, Barbara Dinhham of the UK Pesticide Action Network, Cliff Curtis from WWF International and Darryl Luscombe, Greenpeace, all provided information, valuable input and edits, as well as support for the project.

Finally, we would like to acknowledge the Secretariats and interim Secretariats of the chemical convention, for without their valuable resource material, the Waigani Convention Handbook project would not have been possible.





WAIGANI CONVENTION

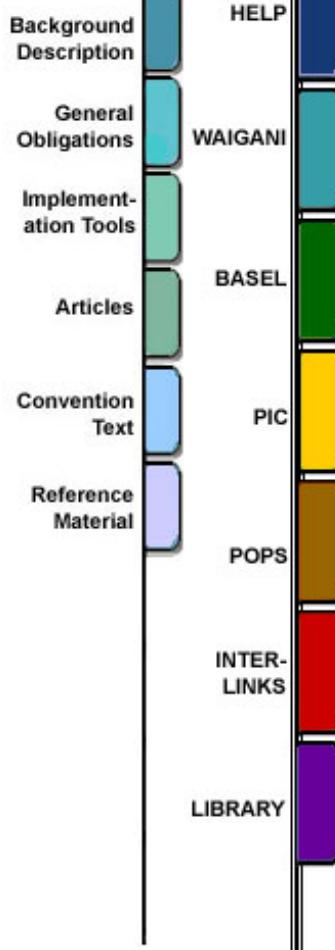
The Waigani Convention to Ban the Importation into Forum Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movements and Management of Hazardous Wastes within the South Pacific Region (1995)

The objective of the Waigani Convention is to stop the import of hazardous and radioactive waste into the South Pacific region, to minimise production within the region and to ensure the environmentally sound management and disposal of already existing waste.

The Waigani Convention provides a mechanism to stop waste traders from using the South Pacific as a highway for hazardous waste or as a waste dump. Once a party to the Waigani Convention, a country is eligible for technical and financial assistance to help in the management of hazardous or nuclear waste, thereby creating an effective regional mechanism to facilitate the cleanup of hazardous and radioactive waste.

The Waigani Convention was opened for signature by Members of the South Pacific Forum at Waigani, Papua New Guinea in September 1995.

The tabs in this section of the Handbook provide a description of the Convention, its obligations and the information tools needed to implement it. As well, resources documents and contacts are provided to make the task easier.





WAIGANI CONVENTION

Background Description

The Waigani Convention at a Glance

Name:

The Waigani Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region (1995)

(The Waigani Convention)

What is the Purpose of the Convention?

The purpose of the Convention is to:

- reduce or eliminate transboundary movements of hazardous and radioactive wastes into and within the Pacific Forum region;
- minimise the production of hazardous and toxic wastes in the Pacific Forum region;
- ensure that disposal of wastes is done in an environmentally sound manner and as close to the source as possible; and
- assist Pacific Forum developing countries in the environmentally sound management of hazardous and other wastes they generate.

What Substances or Chemicals Are Covered by the Convention?

The Convention covers toxic, poisonous, explosive, corrosive, flammable, ecotoxic, infectious and radioactive wastes.

What are the General Obligations on Countries?

Countries should ban the import of hazardous and radioactive wastes. They should minimise the production of hazardous wastes and cooperate to ensure that wastes are treated and disposed of in an environmentally sound manner.

What are the Economic and Social Benefits of the Convention?

There are many reasons why the Waigani Convention is important for the region:

- It provides an effective protective mechanism to stop waste traders from making the South Pacific an international waste dump.
- It will prevent ships from using the Pacific as a highway for hazardous waste
- It will create a regional mechanism to facilitate the clean up of hazardous and radioactive wastes in the region.

The major benefit will be the establishment of a system to prevent hazardous and radioactive waste entering the region or being dumped in your country. A significant but less tangible direct benefit will be the reduced risk from a potential hazardous and nuclear waste disaster. Parties will feel secure in the knowledge that the risk of a shipping disaster will be far less likely.

What are the Costs Associated with the Convention?

An administrative fee will apply. This has yet to be determined.

What Personnel will be Required to Administer the Convention?

The Convention requires that a Competent Authority and a Focal Point be identified. The amount of staff time required to administer the Convention will depend on the volume of waste being held or transported. As a minimum, a country may need to allocate some time to customs officials, a Focal Point and possibly a scientist/engineer. SPREP may be able to assist in some of the functions required.

Will National Legislation be Required?

Yes. This legislation would be similar in format to legislation required to administer the Basel Convention. The Basel Convention Secretariat has produced model legislation.

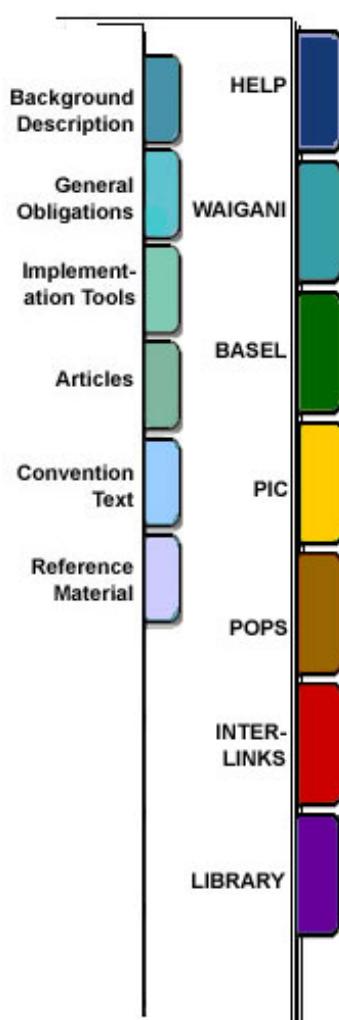
Are There Reporting Requirements?

The Convention describes various forms of information that should be transmitted between countries and to the Secretariat. These include:

- Export notifications;
- Written consent or disapproval for import applications;
- Movement documentation;
- Accident Notification; and
- Information on the sound management of wastes

Will There be Help in Administering the Convention?

SPREP acts as the Secretariat of Waigani and it is hoping to establish a training and capacity building facility in the region. This will help Pacific Island countries develop the



capacity to manage their wastes in an environmentally sound manner.

What is the Status of the Convention?

The Convention has entered into force and has held its first Conference of Parties.

Are There Other Agreements Associated with the Convention?

The Waigani Convention is very similar to the Basel Convention. The major difference lies in the fact that Waigani is administered within the Pacific Forum region. This means that Pacific Island countries have a significant say in how the Convention will evolve. The Waigani Convention is also different to Basel in that it covers radioactive wastes and extends to the Economic Exclusion Zone (200 nautical miles) rather than the territorial sea (12 nautical miles) under Basel.

Both Conventions are important and complement each other. The Basel Convention draws on the financial resources of the Global Environment Facility and the technical expertise of experts from around the world.

Secretariat for the Waigani Convention
South Pacific Regional Environment Programme (SPREP)
PO Box 240, Apia, Samoa
Tel: (685) 20 231
Fax (685) 20 231
e-mail: sprep@sprep.org.samoa
Internet: <http://www.sprep.org.ws>



WAIGANI CONVENTION

General Obligations

General Obligations of the Waigani Convention

This section provides information on the obligations of the Waigani Convention including:

- Obligations on South Pacific Countries
- Exceptions to the General Provisions
- Area Covered by the Convention
- Treatment of Different Countries

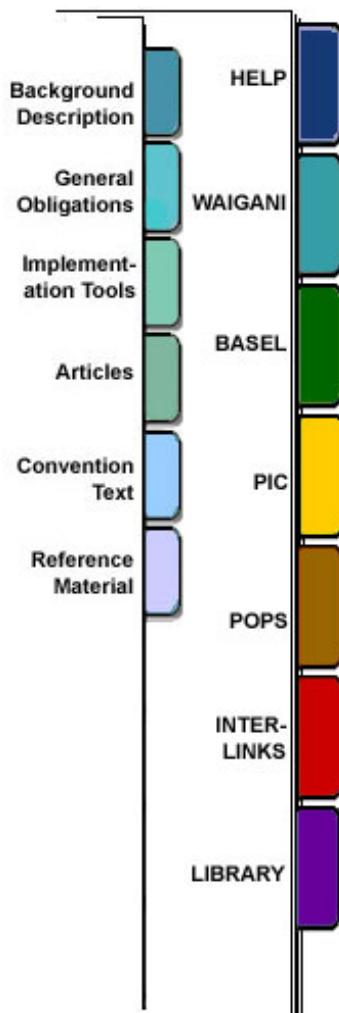
It is important that the obligations of the Waigani Convention are not seen as isolated from those of the Basel Convention. The requirements of both conventions are quite similar.



What are the Obligations on Parties?

The obligations under the Convention require a number of actions. Each participating country must do the following:

- Each Party shall inform the Secretariat of the wastes which they have defined as hazardous under its national legislation and any requirements for the transboundary movement of these wastes (Article 3).
- Each Pacific Island Developing Party shall ban the import of hazardous and radioactive wastes from outside the Convention Area (Article 4).
- Each Other Party (Australia and New Zealand) shall ban the export of hazardous and radioactive wastes to all Forum Island Countries, or to territories located in the Convention Area (Article 4.1).
- Each Party shall provide information to the Secretariat (SPREP) of any illegal hazardous or radioactive waste import activity within the area under its jurisdiction (Article 4.2).
- Each Party shall ensure that the generation of hazardous wastes is reduced to a minimum (Article 4.4(a)).
- Each Party shall ensure that any transboundary movement of hazardous wastes is carried out are in accordance with the Convention (Article 4.4(b)).
- Each Party shall ensure that wastes are treated and disposed of in an environmentally sound manner (Article 4.4(c)).
- Each Party shall participate in programmes to manage and simplify the transboundary movement of hazardous wastes which cannot be disposed of in an environmentally sound manner in the countries where they are located (Article 4.4(d)).
- Each Party shall develop a national hazardous wastes management strategy (Article 4.4 (e)).
- Each Party shall submit reports required by the Conference of Parties (Article 4.4(f)).
- Each Party shall ban hazardous wastes from being exported or imported from non-Parties within the Convention Area (apart from bilateral or multilateral agreements under Article 11 (Article 4.4(g)).
- Each Party shall ensure that vessel or aircraft registered in their country are not undertaking activities in contravention of the Convention (Article 4.4(h)).
- Each Party shall actively participate in the development of the Convention on the Safe Management of Nuclear Wastes (Article 4.5(b)).
- Each Party shall designate a Competent Authority and one Focal Point and inform the Secretariat of these designations (Article 5.1).



- Each exporting Party shall notify the competent authority of affected countries of any proposed transboundary movement of hazardous waste (Article 6.1).
- Each importing Party shall acknowledge the receipt of any notification on the transboundary movement of hazardous wastes (Article 6.2).
- Each exporting Party shall not allow transboundary movement until it has received written consent from the importing Party (including a confirmation of a contract on the environmentally sound management of the waste and adequate insurance or bond) and confirmation from every transit Party (Article 6.3).
- Each transit Party shall acknowledge receipt of the notification and inform the notifier that is consenting or denying permission for the movement (Article 6.4).
- Each exporting Party shall ensure that each transboundary movement of hazardous waste is accompanied by a movement document (Article 6.9).
- Each Party shall inform the Secretariat of any accidents (Article 7.1).
- Each exporting Party shall ensure that where a transboundary movement of hazardous wastes cannot be completed, the wastes are returned to the exporter (Article 8.1).
- Each Party shall adopt national legislation to prevent and punish illegal traffic (Article 9.2).
- Each exporting Party that finds out that a particular transboundary waste shipment is illegal, shall ensure that the waste is taken back by the exporter or disposed of in accordance with the Convention (Article 9.3 (i)(ii)).
- Each Party shall cooperate with others to monitor the effects of hazardous wastes (Article 10.2 (b)).
- Each Party may enter into bilateral, regional or multilateral agreements or arrangements with non-Parties for the transboundary movement of hazardous wastes, provided that such agreements are consistent with the environmentally sound management of wastes (Article 11.1).
- Each Party shall notify the Secretariat of any agreements with non-Parties (Article 11.2).



Exceptions to the General Provisions

The Convention allows countries to enter into bilateral, multilateral and regional agreements as long as they do not detract from the general obligations (Art 4.1) or from the need for environmentally sound management of hazardous wastes.



What Area does the Convention Cover?

The Convention area includes: American Samoa, Australia, Cook Islands, Federated States of Micronesia, Fiji, French Polynesia, Guam, Kiribati, Republic of the Marshall Islands, Nauru, New Caledonia and Dependencies, New Zealand, Niue, the Commonwealth of Northern Mariana Islands, Republic of Palau, Papua New Guinea, Pitcairn Islands, Solomon Islands, Tokelau, Tonga, Tuvalu, Vanuatu, Wallis and Futuna, and Western Samoa (Art. 1.i).

The Convention also says that a country may add areas under their jurisdiction if they lie within the Tropic of Cancer and 60 degrees South and among 130 degrees East and 120 degrees West.



Treatment of Different Countries

The Convention classifies countries into different categories, which include:

- Forum Island Countries;
- Parties;
- Other Parties; and
- Pacific Island Developing Party.

For certain purposes, countries are treated differently under the Convention. This differentiation makes the Convention rather confusing. The different classifications and purposes include:

Parties

Defined as: All countries that have ratified the Convention. This effectively can be any country in the world.

Purpose: The principle obligations of the Convention fall on Parties.

Worth noting: While Australia and New Zealand are classified as Other Parties, for the purpose of importing and exporting of hazardous wastes, for the rest of the Convention they are considered to be Parties (if they ratify the Convention).

Other Parties

Defined as: Australia and New Zealand. Other countries may be added once the Convention comes into force and admission rules are agreed upon. Hence countries like the USA, the UK and France may be added at some later date.

Purpose: These two have obligations to ban the export of wastes to Forum Island Countries or to territories in the Convention Area. They are also encouraged to transfer environmentally sound technologies to Pacific Island Developing Parties.

Worth noting: Australia and New Zealand can export waste to each other and will possibly be able to export waste to territories of Other Parties e.g. Guam, American Samoa, Pitcairn Island and New Caledonia, if the USA, UK or France become Other Parties at some period in the future.

Non-Party

Defined as: Any country that has not ratified the Convention.

Purpose: Parties are required to cooperate to ensure no hazardous or radioactive waste from a Non-Party enters the territory of a Party (Art 4.2.b). Parties are required to prohibit hazardous wastes being transported through their territory from or to a Non-Party (Art 4.4.g).

Worth noting: This is an important provision as it effectively says that Parties can stop the movement of hazardous waste passing through their territory if it comes from, or is going to, a Non Party and if there is a belief that the shipment, disposal or treatment of that waste will not be done in an environmentally sound manner. It does not apply to radioactive waste.

Forum Island Countries

Defined as: All Forum Island Countries except Australia and New Zealand.

Purpose: This primarily sets the definition for countries to become Pacific Island Developing Parties (see later definition). Australia and New Zealand (Other Parties) are required not to export hazardous or radioactive wastes to these countries.

Worth noting: The Convention area extends beyond just Forum member countries, but non-Forum developing countries in the Pacific must wait until enough Forum countries sign onto the Convention to bring it into force before they can be considered as being an eligible Pacific Island Developing Country.

Pacific Island Developing Party (PIDP)

Defined as: The following countries, once they have become a Party to the Convention, are PIDPs: Cook Is, FSM, Fiji, Marshall Is, Nauru, Niue, Palau, PNG, Solomon Is, Tonga, Tuvalu, Vanuatu and Western Samoa (Annex III). Others may be added to this list once the Convention comes into force and rules of admission are agreed upon.

Purpose: Apart from the general obligations on all Parties, each PIDP shall ban the import of hazardous and radioactive wastes from outside the Convention Area. They will also receive assistance in technology transfer from Australia and New Zealand (Other Parties).

Worth noting: This means that Australia, New Zealand and other protectorates are not required to ban the import of wastes from outside the Convention Area.

Exporting Party

Defined as: A Party that plans to export hazardous waste.

Purpose: The Convention obliges these Parties to notify and seek approval of transit countries and final destination country of any proposed waste shipment. There are other obligations as well (e.g. insurance).

Worth noting: This does not apply to radioactive waste shipped between Pacific Islands developing country (PIDCs) unless this waste is defined as hazardous waste under national legislation by the exporting, transit or importing country. Countries may be well advised to define radioactive waste as hazardous waste in their national legislation.

Importing Party

Defined as: A Party that intends to import hazardous waste from a PIDC and dispose of it in their own territory or load it for disposal in an area not administered by a country (e.g. high seas, or outer space).

Purpose: The Convention obliges these Parties to approve or disapprove the import of hazardous waste to ensure that the disposal of the waste is carried out in an environmentally

sound manner.

Worth noting: The reference to loading for disposal to areas appears to refer to middle brokers of waste.

Transit Party

Defined as: A Party through which hazardous waste from a PIDC will travel.

Purpose: The Convention allows these countries to approve or disapprove the transhipment of hazardous wastes through their territory.

Worth noting: Transit countries have similar rights of veto to Importing Parties.

Countries Concerned

Defined as: Any exporting, transiting or importing country whether or not they are a Party to the Convention.

Purpose: These countries must be notified of any possible transit or import of hazardous waste, if this hazardous waste involved two Parties to the Convention (i.e. has left one Party and traveled through the territory of another Party).

Worth noting: A Party on the edge of the Convention area e.g. Australia or PNG may not be required to notify an importing Asian country, under the Convention, as the movement of that waste would not travel through the territory of another Party i.e. a Pacific Island country.



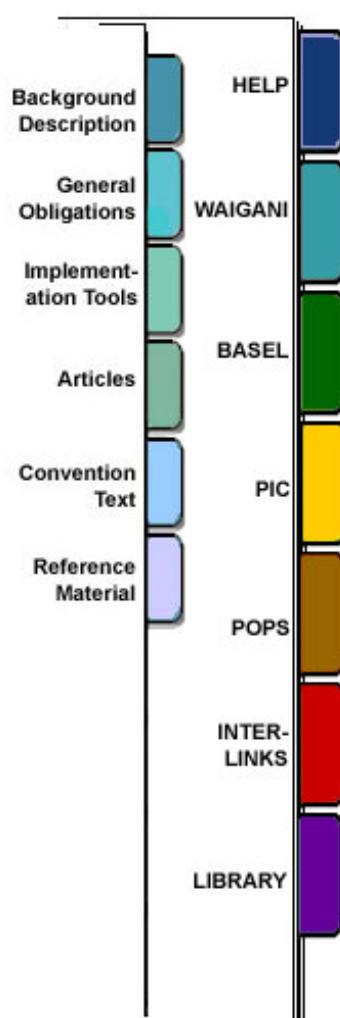
WAIGANI CONVENTION

Implementation Tools

Implementing the Waigani Convention

This section provides information on the important components of implementing the Waigani Convention. Each of the components is described and access is provided to appropriate reference materials and the documentation required for easy and effective implementation.

- ◆ Steps to Implementation
- ◆ Personnel Needed to Administer the Convention
- ◆ National Hazardous and Radioactive Waste Legislation
- ◆ Wastes Covered by the Waigani Convention
- ◆ Radioactive Waste
- ◆ National Hazardous Waste Management Strategy
- ◆ Documentation Requirements
- ◆ Example Scenario for Implementation - Lead Acid Batteries in the South Pacific.



Steps to Implementation

To effectively implement the Waigani Convention, a country faces the challenges of ensuring adequate personnel, expertise and capacity building of staff, as well as appropriate legislative and regulatory changes.

However, information exchange and regional cooperation is an effective way of addressing these challenges. It also provides the means of strengthening the technical and institutional capacity of the Pacific Island developing countries.

Personnel Needed to Administer the Convention

A number of factors will determine how much staff time and positions are required. Considerations will include:

- the amount of waste generated in the country;
- whether the country is on a major shipping route;
- whether your country has agreed to waste disposal.

The primary personnel functions include: inspection, administration, waste minimisation and legal procedures and chemical identification.

- Inspection: At least one customs official will need to be trained to check that the waste being exported or imported is as described in the notification. This customs official would need specialist training in the identification of hazardous wastes and chemical identification. Some of these tasks could be carried out on a regional basis.
- Administration: At least one administrative officer will be needed to process applications, notifications and make reports to the Secretariat. This person would likely work for the environment department and would ideally have a background in chemistry. The department would become the Competent Authority under the Convention and the administrative officer would become the Focal Point (Art 5).
- Waste Minimisation: At least one scientist or engineer is required to develop environmentally sound waste minimisation processes. This function could be carried out by a regional university or research organisation in cooperation with health or sanitation departments. The Secretariat to the Convention will also be available to provide technical assistance to facilitate assistance from other sources.
- Legal Procedures: From time to time, a legal officer may be required to pursue action against illegal activities and to respond to legal anomalies that may arise. A legal officer would be needed to draft the initial legislation, though SPREP would be available to help with this process.
- Chemical Identification: To assist the customs officials, a chemist may be needed to

analyse wastes to verify their composition. A regional facility may be required for this process. SPREP as the Secretariat to the Convention would provide assistance in establishing a regional facility for the identification of various wastes.

There are opportunities for the coordination and sharing of staff, nationally and regionally, to address the human resources needs of implementing of the Waigani convention.



Wastes Covered by the Waigani Convention

The Convention defines wastes into a number of categories and subcategories. It divides wastes first into the category of being:

- Hazardous wastes
- Other wastes
- Radioactive wastes

Note: Wastes derived from discharges from ships which are covered by another agreement are not included.

What is a Hazardous Waste?

Hazardous wastes are divided into two categories.

- Those that are listed in an Annex I to the Convention and have characteristics found in Annex III; and
- Those that are defined under domestic legislation by a government as hazardous.

Annex I Potential Substances that could be Hazardous Wastes

Substances listed in Annex I of the Convention come under the following headings:

- Metal and metal-bearing wastes: Examples include cadmium, lead, mercury;
- Wastes containing principally organic constituents, which may contain metals and inorganic materials: Examples include waste mineral oils, waste leather dust, ash, sludges, waste tarry residues (excluding asphalt cements);
- Wastes containing principally inorganic constituents, which may contain metals or organic materials: Examples include glass waste from cathode ray tube, waste asbestos, wastes from wood preserving chemicals (but not the actual wood), organic cyanide.

Annex III Hazardous Waste Characteristics :

To be a classified as a Hazardous Waste the Annex I substance must have one of the following characteristics:

- An explosive
- A flammable liquid
- A flammable solid
- A substance liable to spontaneous combustion
- A substance which in contact with water emits flammable gases
- A substance which may yield oxygen and may contribute to the combustion of other materials
- An organic peroxide
- An acutely poisonous substance (likely to cause death or serious injury)
- An infectious material
- An corrosive substance (that causes damage skin or damage other goods)
- A substance that give off toxic gases
- A substance that is toxic (if inhaled, ingested or penetrates the skin causing chronic effects)
- An ecotoxic substance (has adverse effects on the environment)
- A substance which after disposal may possess any of the above characteristics

Other Wastes:

These are defined as:

- Household waste
- Residues from the incineration of household wastes

Defining Radioactive Waste

Rather than adopting one definition of radioactive waste, the Convention takes a broad view and accepts the definition of all other international agreements covering radioactive material. There are a number of international agreements and arrangements that refer to radioactive wastes. Probably the most relevant is the International Atomic Energy Agency Voluntary Code of Conduct on the Control of Transboundary Movements of Radioactive Wastes. The Code describes "radioactive waste" as:

"any material that contains or is contaminated with radionuclides at concentrations or radioactivity levels greater than the exempt quantities established by the competent authorities and for which no use is foreseen."

The Australian Customs Service list examples of goods that may require investigation as a radioactive substance :

- Borehole logging equipment
- Beryllometers
- Density gauges and controllers incorporating electronic equipment
- Devices (except ultrasonic devices) for non-destructive testing incorporating electronics
- Corrosion gauges such as Penetrons
- Devices for cleaning out pipelines
- Electronic tubes of special types, (not ordinary radio valves)
- Fire alarm sensing elements (smoke alarms)
- Flowmeters (vane types, rotameters)
- Gas chromatography equipment
- Gas discharge tubes
- Ion generators
- Incandescent mantles
- Level gauges and controllers incorporating electronic equipment
- Luminizing compounds
- Luminous escutcheons and novelties
- Medical and veterinary radiotherapy applicators
- Moisture and density meters
- "Nuclear Training Sets", which often incorporate sets of small sealed sources and may include unsealed radioactive material
- Package monitors (devices for verifying package contents as to specifications)
- Radiation detection and counting equipment (which may be supplied with a calibration source included)
- Radiography equipment, which may be imported with sources installed. (Radiography equipment may be described as "camera", "projector", "bomb", "safe", and "shield".)
- Self energised light sources used for runway markers, directional signs, and as railway switches and signalling lamps
- Spark gap tubes
- Static eliminating devices - these may be built into machinery, especially textile plant, paper production
- Plant, paper converting plant, printing machinery, plant for producing and handling plastic foils and films and analytical balances.
- All devices for reducing static on gramophone records
- Teletherapy equipment with sources installed
- Thickness gauges and controllers incorporating electronic equipment
- Thoriated tungsten welding electrodes
- Uranium and thorium salts
- Watches and watch dials containing strontium 90 luminous compounds

The full text of the International Atomic Energy Agency Voluntary Code of Conduct is available in the Waigani Convention Reference section.

More detailed information on the Australian Customs Service and hazardous waste is available in the Waigani Convention Reference section. →

National Hazardous and Radioactive Waste Legislation

The Convention requires specific hazardous and radioactive waste legislation. This

legislation will need to prevent and punish illegal traffic of these wastes. The Convention specifies what is considered to be illegal traffic in hazardous wastes. Traffic of wastes is illegal if:

- it is carried out without notification or without consent,
- through falsification of documents,
- if the contents do not match the documentation,
- if the disposal contravenes the Convention, and
- if the traffic contravenes import or export bans (Art 9).

This legislation would need to ensure that any transboundary movement of hazardous waste that cannot be carried out in accordance with the Convention is returned to the exporter. This is unless appropriate alternative arrangements can be made (Art 8.1).

The Basel Convention Secretariat has produced model legislation. This could be used as a basis for Waigani legislation. Small changes would need to be made to account for the different regional Parties and the inclusion of radioactive wastes.

Customs Regulations

These regulations may need to be linked to the national waste legislation to allow appropriate inspection procedures.

Criminal Law

Additions to criminal law may need to be considered in order to prosecute properly, the illegal import of hazardous and radioactive waste into the Convention Area.

Maritime and Aviation Law

These may also need to be amended to regulate nationally flagged vessels and nationally registered aeroplanes to prevent illegal traffic.

Care with Exemption Clause

Countries must be careful in how they interpret Art. 11 of the Convention. It should not be seen as a way of stepping around their obligations to protect the South Pacific from hazardous and radioactive waste.



National Hazardous Waste Management Strategy

In drafting the national legislation countries may wish to codify the process of developing a National Hazardous Waste Management Strategy (Art 4.4.e).

Involvement of Non-Government Organisations

Consideration should also be given to providing formal notice to NGOs of any proposed waste activity. NGOs have extensive communication networks. An ex-officio role for NGOs could help ensure that the activities of unscrupulous waste traders are closely monitored and contained. It could be a significant step to stopping the South Pacific becoming an international waste dump. This notification process could be linked to third party rights of appeal. This would allow NGOs the right of appeal against decisions to grant import or export permits.



Documentation Required

The type of information that needs to be transmitted includes:

Export Notification: The Convention requires that an Exporting Party notify all countries concerned (i.e. any exporting, transiting or importing country) of any proposed transboundary movement of hazardous waste. Information required in this notification is found in Annex VI A. This includes reasons for waste, expected countries of transit, means of transport, type of packaging, method of disposal and so forth (Art 6.1).

Written Consent or Disapproval: Countries that have been notified need to give written consent or disapproval of this transboundary movement of waste (Art 6.3)

Movement Document: Each transboundary movement of hazardous waste must have with it a Movement Document. The required information for this document is found in Annex VI B. Once the waste has reached its final destination, the person responsible for the waste must complete the Movement Document and inform the exporting country and exporter (Art 6.9)

Accident Notification: If an accident occurs, countries (not limited to the country responsible for the accident) should inform the Secretariat and other potentially vulnerable countries of danger (Art 6.5).

Information to Secretariat: Countries are required to inform the Secretariat of:

- national definitions of hazardous waste (their exporters, importers or other bodies should

also be informed) (Art 3.1)

- any illegal hazardous or radioactive waste import activity (Art 4.2.a)
- hazardous wastes are generated in its territory (upon request of the Conference of Parties) (Art 4.4.f)
- any changes to the nominated focal point, competent authority or changes in the national definition of hazardous waste (Art 7)
- alternative disposal arrangements (Art 8.2)
- any bilateral, regional or multilateral agreements or arrangements with Non-Parties (Art 11.2)

Information on Sound Management of Wastes: Countries are required to provide information on request that relates to promoting the environmentally sound management of hazardous wastes, including cleaner production methods (Art 10.2).

Documentation Assistance

The Basel Convention Secretariat has drafted two standard documents for recording the movement of wastes.

These documents are:

- Transboundary Movement of Waste - Notification
- Transboundary Movement of Waste - Movement document

These are available in the Waigani Convention Reference section. 



An Example Scenario

Lead Acid Batteries in the South Pacific.

Buggerup Brothers Pty Ltd is a hypothetical used car dealer in a Pacific Island Developing Country. Buggerup Bros discovers that they have accumulated a large number of used lead-acid car batteries. They are lying around all over the place and are likely to constitute a public health hazard because of the battery acid and the lead. Alfred Buggerup wants to export the batteries overseas (and make a bit of money out of the lead). He contacts the environment department and asks them what he needs to do to export them. He is put in contact with Ms Eli, who is the Focal Point for the Waigani Convention.

The following are the possible steps Ms Eli may take in ensuring that the wastes are properly and safely exported out of her country.

Step	ScenarioResponse	Comment
Check to see if car batteries constitute hazardous waste under the government's environment legislation	<i>She finds that there is no list for hazardous wastes under their environment legislation</i>	It would be a good idea to start building a list of hazardous wastes and to legislate this list
Check to see if the batteries can be classified as controlled wastes under the Waigani Convention	<i>She finds that they contain lead</i>	Lead is classified as controlled waste: Y31 – {Lead, lead compounds}
Check to see if the batteries exhibit hazardous characteristics	<i>She finds that they contain corrosive substances because of the acid</i>	As the batteries contain acid they are classified as H8 Corrosives {Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or, in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.}
Notify the exporter that the batteries constitute hazardous waste	<i>She notifies Mr Buggerup and tell him that he will need approval to export them</i>	

Notify the exporter to place the batteries in safe storage until they are exported	<i>She notifies Mr Buggerup</i>	This is part of the requirements for environmentally sound management of wastes
Provide the exporter with a Waigani Notification Form	<i>She sends Mr Buggerup a Notification Form and assists him in filling out this form.</i>	The Competent Authority i.e., the Environment Department in this case, has the ultimate responsibility for ensuring that the Notification form is filled out correctly. The Competent Authority can delegate this responsibility to the exporter, but it is wise to check that this has been done properly.
Ensure that the exporter fills out the form properly	<i>She checks that he has filled out all the sections</i>	<p>Key aspects of the Notification Form include:</p> <ul style="list-style-type: none"> the reason for the export, the exporter, the generator, the site of generation and the process by which the wastes are generated, the nature of the wastes and their packaging the intended itinerary, the site of disposal, the disposer, <p>the method of disposal as per Annex IV</p>
Check carefully proposed route of the waste shipment as indicated in the Notification Form as see whether the waste shipment transits through the Economic Exclusive Zones of any country.	<i>She checks the Notification Form and finds that the waste shipment will pass through the EEZ of:</i> <i>i) another Pacific Island Developing Country (Vanuatu)</i> <i>ii) a Non Party EEZ (New Caledonia)</i>	All transit countries need to be notified of the waste shipment and their approval sought.
Determine whether the country of import is: i. An “Other Party” under the Waigani Convention ii. A Non-Party under the Waigani Convention	<i>She checks her list of Parties to the Waigani Convention, on the SPREP website. She finds that the country of import (Australia) has ratified the Waigani Convention.</i>	<p>“Other Parties” are the only countries Pacific Forum countries which are allowed to accept waste from Pacific Island Developing Countries under the Waigani Convention. Currently, the only two “Other Parties” are Australia and New Zealand.</p> <p>If it is found that the proposed country of export is a Non-Party, the focal point has the option of:</p> <p>i. refusing the export to that country</p>

		ii. entering into a bilateral agreement with that country, so long as this agreement is consistent with the objectives of the Waigani Convention
Check that the “Other Party” has adequate treatment and disposal facilities for the environmentally sound management of the batteries	<i>She contacts the environment department in Australia and checks whether there are appropriate facilities for the appropriate treatment of batteries.</i>	The onus is on the country of export to ensure that the waste will be treated in an environmentally sound manner in the country of import.
Check that Notification documents are sent to the importing country (Australia) and the two transit countries, Vanuatu and New Caledonia.	<i>She checks that Mr Buggerup has sent Notification documents to all countries.</i>	Even though New Caledonia is a Non-Party it must be sent a Notification document.
Check that all countries concerned: i) Importing Party (Australia) ii) Transit Non-Party (New Caledonia) iii) The Transit Party (Vanuatu) have acknowledged receipt of the Notification.	<i>Ms Eli checks with Mr Buggerup after the appropriate period of time that each of these countries has acknowledged receipt of the Notification.</i>	The Importing Party, (Australia) and the Transit Party (Vanuatu) have fourteen days to acknowledge receipt of the Notification. The Non-Party Transit country (New Caledonia) does not have a time limit on responding.
Check that all countries concerned have given written consent to the transport of the waste.	<i>Ms Eli checks with Mr Buggerup to see if they have given consent and whether there are any conditions on this consent.</i>	The Importing Party and the Transit Party have sixty days after issuing their acknowledgement of receipt of the Notification to consent with or without conditions or deny permission for the movement of the waste.
Check that there is a contract between the exporter and disposer specifying that wastes will be managed in an environmentally sound manner.	<i>Ms Eli checks with Mr Buggerup that he has a contract with the company that is receiving the waste in Australia and that contract specifies that the wastes will be managed in an environmentally sound manner.</i>	The Convention states that environmentally sound management means taking all practical steps to ensure that the hazardous wastes are managed in a manner that will protect human health and the environment against the adverse effects that may result from such wastes.
Check whether the Importing Party of the Transit Party requires that the waste shipment be covered by insurance	<i>Ms Eli checks the written consents to see if insurance is required. In this case Vanuatu requires insurance</i>	The shipment must be covered by insurance if so required by any Transit Party or importing Party.
Check whether insurance has been taken out for the waste shipment.	<i>Ms Eli asks Mr Buggerup for written confirmation that he has taken out appropriate insurance for the waste shipment</i>	The Waigani Convention says that the Transit or Importing Party shall determine what sort of insurance they require from the exporter.

Check that all wastes are appropriately packaged and labelled before they are exported.	<i>Ms Eli checks with Customs to see whether the batteries are appropriately packaged and labelled.</i>	The labelling should include the Y number and UN number and its composition and information on any special handling requirements including emergency provisions in case of accidents.
Check that the wastes are accompanied by a Movement Document	<i>Ms Eli checks that Mr Buggerup has filled out the appropriate Movement Document</i>	The Movement Document has similar information to the Notification Document. Each person that takes charge of the transboundary movement of the hazardous waste must sign it, upon delivery or receipt.
Check that the waste has arrived safely and that there has been no accident on the way.	<i>Ms Eli checks with Mr Buggerup to ensure that the waste has arrived safely and without incident.</i>	If there has been an accident, the focal point should notify the Secretariat of the Waigani Convention (SPREP).
Check that the wastes have been disposed of in the appropriate manner.	<i>Ms Eli should receive from the disposer of the batteries in Australia, notification that the wastes have been disposed of in the appropriate manner. If she doesn't receive this information she should inform the Importing Party i.e. the environment department in Australia.</i>	The disposer must notify both the exporter (Mr Buggerup) and the Competent Authority (Ms Eli) that the wastes have been disposed of in the appropriate manner as indicated in the original Notification Document.

WALGARI GÖRVERTEK

WALGARI GÖRVERTEK



WAIGANI CONVENTION

Convention Articles

Description of the Waigani Convention Articles

This section provides a general description of the Articles and the Annexes of the Waigani Convention. For more detailed information on either the obligations of the Convention or its implementation, visit the subchapters in this section of the handbook.

The complete text of the Waigani Convention is also available.

- ◀ Article Index
- ◀ Annexes Index



ARTICLES INDEX

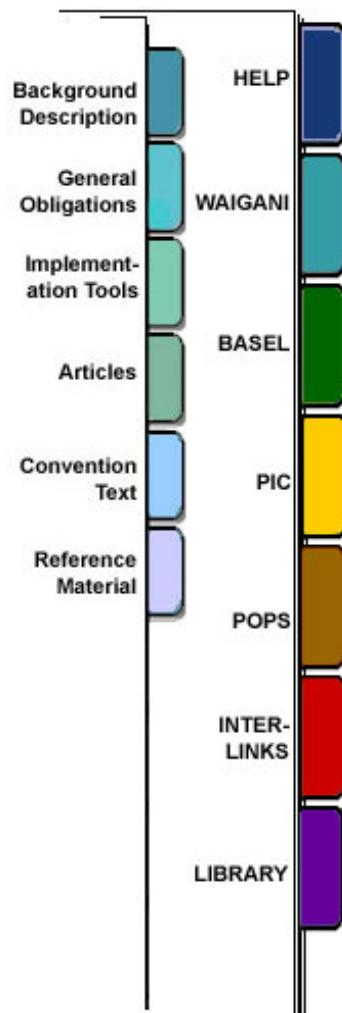
- ◀ 1. Definitions
- ◀ 2. Scope of the Convention and Area of Coverage
- ◀ 3. National Definitions of Hazardous Wastes
- ◀ 4. General Obligations
- ◀ 5. Competent Authorities and Focal Points
- ◀ 6. Notification Procedures for Transboundary Movements of Hazardous Wastes between Parties
- ◀ 7. Transmission of Information
- ◀ 8. Duty to Re-import
- ◀ 9. Illegal Traffic
- ◀ 10. Cooperation Among Parties and International Cooperation
- ◀ 11. Bilateral, Regional or Multilateral Agreements or Arrangements
- ◀ 12. Liabilities and Compensation
- ◀ 13. Conference of the Parties
- ◀ 14. Secretariat
- ◀ 15. Revolving Fund
- ◀ 16. Amendments to this Convention
- ◀ 17. Protocols to this Convention
- ◀ 18. Adoption and Amendment of Annexes
- ◀ 19. Verification
- ◀ 20. Settlement of Disputes
- ◀ 21. Signature
- ◀ 22. Ratification, Acceptance or Approval
- ◀ 23. Accession
- ◀ 24. Entry into Force
- ◀ 25. Reservations and Declarations
- ◀ 26. Withdrawal
- ◀ 27. Depositary
- ◀ 28. Registration



ANNEXES INDEX

- ◀ ANNEX I. CATEGORIES OF WASTES WHICH ARE HAZARDOUS WASTES
- ◀ ANNEX II. LIST OF HAZARDOUS CHARACTERISTICS
- ◀ ANNEX III. PACIFIC ISLAND DEVELOPING PARTIES
- ◀ ANNEX IV. OTHER PARTIES
- ◀ ANNEX V. DISPOSAL OPERATIONS
- ◀ ANNEX VI. A INFORMATION TO BE PROVIDED ON NOTIFICATION
- ◀ ANNEX VI. B INFORMATION TO BE PROVIDED ON THE MOVEMENT DOCUMENT
- ◀ ANNEX VII. ARBITRATION

To see the full text of the Annexes, visit the Convention Text section. →



Article 1 Definitions

Article 1 provides a description of some of the key terms used in the Convention including definitions that are unique to this Convention.

"Convention Area": notes that the Convention covers the land territory, territorial sea, continental shelf, archipelagic waters and economic exclusion zones of each of the Pacific Forum Countries.

"Other Party": is defined as Australia and New Zealand. Other countries may be added once the Convention comes into force and admission rules are agreed upon. Hence, countries like the USA, the UK and France may be added at some later date.

"Radioactive wastes": which rather than adopting one definition of radioactive waste, the Convention takes a broad view and accepts the definition of all other international agreements covering radioactive material. There are a number of international agreements and arrangements that refer to radioactive wastes. Probably the most relevant is the International Atomic Energy Agency Voluntary Code of Conduct on the Control of Transboundary Movements of Radioactive Wastes. The Code describes "radioactive waste" as: *"any material that contains or is contaminated with radionuclides at concentrations or radioactivity levels greater than the exempt quantities established by the competent authorities and for which no use is foreseen."*

"Wastes": are defined as substances or materials which are disposed of, or are intended to be disposed of, or are required to be disposed of, by provisions of national legislation.



Article 2. Scope of the Convention and the Area Covered

Article 2 describes the scope of the Convention including the types of waste involved and the area covered by the Convention

While the specific categories of wastes are defined in the Annex, the general scope of the Convention covers toxic, poisonous, explosive, corrosive, flammable, ecotoxic (i.e., poisonous to plants and animals), and infectious wastes (Art. 2.1).

In regards to radioactive wastes, this article bans the import and export into the Convention Area with some exceptions (Art 2.2). Wastes from ships are not covered by the convention (Art 2.3).

The Convention does not affect the sovereignty of countries over their territorial sea or economic exclusions zone as defined within the Law of the Sea (Art 2.4) and it also has no effect on the rights of countries with respect to other international agreements (Art 2.5).

The area that the Convention covers is bounded by 20°North - 60°South and 130°East-120°West (Art 2.6). Parties may add areas to be covered by the Convention within these boundaries.



Article 3. National Definitions of Hazardous Wastes

Article 3 provides for countries to identify and inform the Secretariat of any hazardous wastes they have listed under their own national legislation (Art 3.1), as well as any restrictions on its movement. Countries have to keep the Secretariat up to date with any changes to this information (Art.3.2)

The Secretariat informs the other member countries (Art 3.3) who have to then inform their exporters, importers and other relevant organisations (Art 3.4).



Article 4. General Obligations

Article 4 sets out the obligations on the parties to the Convention to cooperate with other member countries to stop the trade in hazardous and radioactive wastes in the South Pacific region.

Pacific Island developing countries must ban the import of hazardous and radioactive wastes into the Convention Area. Other Parties like Australia and New Zealand have to ban the export of hazardous and radioactive wastes to Pacific Forum countries or to territories in the Convention Area (Art 4.1).

All Parties have to send any information on illegal waste trade to the Secretariat (SPREP) and cooperate in stopping the illegal import of hazardous or radioactive waste (Art 4.2).

Member countries that are already parties to other conventions that ban dumping of wastes at sea, agree not to dump hazardous and radioactive wastes at sea. Other countries are asked to consider joining (Art 4.3).

For the wastes already located in the Convention Area, countries are required to do a number of things (Art 4.4):

- Reduce the production of hazardous wastes;
- Ensure that any inter-country movement of wastes is consistent with the Convention;
- Ensure that environmentally sound waste treatment facilities are available. If they can't afford the facilities, they should cooperate with others to properly manage the wastes;
- Cooperate with SPREP to manage and simplify the transhipment of hazardous wastes in an environmentally sound manner. These transhipments may be exempt from the full reporting and approval requirements of the Convention;
- Develop a national hazardous waste strategy;
- Submit information to SPREP on wastes produced in their country; and
- Prohibit the export or import of waste from countries that are not members of the Convention, but are found within the boundaries of the Convention area. (e.g. New Caledonia, French Polynesia, Wallis and Futuna etc). Note: Member countries can also enter into special arrangement with these countries, under Article 11 of the Convention.

For radioactive wastes member countries are encouraged to implement the International Atomic Energy Authority Code of Conduct on the International Transboundary Movement of Radioactive Wastes or any other similar standard for radioactive waste (Art 4.5).

Depending on funds, member countries are encouraged to participate in international negotiations over goods and substances that have been banned by other governments for human health or environmental reasons. The Convention does not restrict countries from stopping the import of these banned goods (Art 4.6).

Article 5. Competent Authorities and Focal Points

Article 5 explains that member countries have to identify one Competent Authority (most likely an environment department) and the individual who will be the Focal Point in the department, but that it is not necessary to establish a whole new department (Art 5.1). The Competent Authority has to notify other countries of potential hazardous waste trade (Art 5.2). The Focal Point is also responsible for sending and receiving information including accidents and any changes to national definitions of hazardous waste (Art 5.3). There is also an obligation on countries to inform SPREP of the identity of their Competent Authority and Focal Point (Art 5.4).

Article 6. Notification Procedures for Transboundary Movements of Hazardous Wastes between Parties

Article 6 provides the notification procedures of the Convention. It describes how member countries intending to export hazardous waste have to notify all the countries that may be affected by the waste shipment. However, the Competent Authority can get the producer or the generator of the waste (this could be a private company) to notify the affected countries in writing. The notification needs to include specific information listed in Annex VI A and should be written in a language acceptable to the importing country. Only one notification per country is required (Art 6.1).

The importing country has to acknowledge the notification, and then has sixty days to respond. It can either agree to the trade, with or without conditions, or reject it. It can also ask for further information and once received, has twenty-one days to respond (Art 6.2).

The exporting member country cannot allow the export until it has received the following documentation (Art 6.3):

- written approval from the importing country;
- written approval from any member country which the waste will transit through including the transit of a ship carrying the waste through the exclusive economic zone of that country;
- written approval from any other transit country, even if it is not a Convention member country;
- written confirmation from the importing country that it has a contract between the exporter and the company or institution that intends to dispose of the waste. This contract should spell out how the waste will be disposed of in an environmentally sound means; and
- written confirmation from the exporter that it has insurance, a bond or a guarantee for the shipment

The transit member country has fourteen days after receiving notification to let the exporter know it received the formal notification. It then has sixty days to decide whether or not it approves of the shipment passing through its territory. As with the importing country, it can agree to the transit shipment, reject it or approve it with conditions. It also has twenty one days to consider any additional information (Art 6.4).

There are some exceptions to the general conditions for the export of wastes depending on who defines the wastes (Art 6.5):

- (a) In the case of a waste defined as hazardous only by the exporting country, then the insurance provision shall be required by the exporting country;
- (b) If the wastes are defined as hazardous only by the transit country or the importing country, the onus for providing the consent and approval requirements will rest with the importer; and
- (c) If the wastes are defined as hazardous, only by the transit country, the consent requirements will only apply to the transit country.

If the exporter of hazardous wastes carries out regular shipments of wastes to the same disposer and the wastes have the same physical and chemical characteristics, then the exporter country may allow the exporter to use a general notification. This would mean that the exporter would not have to produce a notification for each export (Art 6.6).

Countries receiving regular waste shipments, or countries that are regular transit countries may choose to give general written consent to these shipments, rather than give approval each time a shipment is proposed (Art 6.7). However, general consent should only apply for a maximum of twelve months (Art 6.8).

Each export of hazardous must also be accompanied by a movement document that includes information specified in Annex VI B. Upon delivery or receipt of the waste, the person in charge of the waste shipment must sign the movement document.

The disposer of the waste in the importing country has to inform the exporter and the competent authority of the export country that he/she has disposed of the waste in an environmentally sound manner. If the competent authority doesn't receive this information from the disposer within a reasonable period of time, the competent authority has to notify the importing country (Art 6.9).

All shipments of hazardous waste have to be covered by insurance, a bond or other guarantee as required by the importing or transit countries (Art 6.10).



Article 7. Transmission of Information

Article 7 describes the circumstances when information must be provided to SPREP and other countries, as well as the type of information. If for example, an accident occurs during the shipment of hazardous waste and this accident is likely to be a risk to human health or the environment in other countries, the exporting country has to notify all affected countries and the SPREP (Art 7.1). Member countries also need to inform each other through SPREP of changes to their Competent Authority or Focal Point and changes to national definitions of hazardous wastes (Art 7.2).

Member countries also need to set up hazardous waste information processes in order to keep SPREP informed (Art 7.3).



Article 8. Duty to Re-import

Article 8 describes how the exporting country must establish measures to ensure that if a waste shipment cannot be completed with the appropriate approvals, documentation and insurance, then the wastes are returned to the exporting country. A transit country or import country should not hinder the return of these wastes (Art 8.1). While recognising the need to return wastes if the procedures fail, an exporting member country need not re-import the waste if it can find an appropriate alternative but this new disposal needs to take place within 90 days (Art 8.2).



Article 9. Illegal Traffic

Article 9 is concerned with identifying illegal waste and what to do about it. Hazardous wastes shipments are considered illegal in the following circumstances (Art 9.1):

- they are done without notification;
- they are done without consent;
- the consent has been falsified or misrepresented;
- the disposal is not consistent with environmentally sound management or contravene

- general principles of international law; or
- it is against import or export bans.

Member countries need to develop national legislation to punish illegal traffic and cooperate with other countries to prevent illegal traffic (Art 9.2).

If an illegal waste shipment has taken place because of practices by the exporter or the generator of the wastes, the exporting country has to ensure that the waste is taken back by the exporter or generator, or if this is not feasible, the waste is disposed of in an environmentally sound manner. If the wastes are to be taken back by the exporter (because they are found to be illegal), the concerned member countries should not hinder the return of these wastes (Art 9.3).

If the waste is illegal because of actions by the importer or the disposer of the waste, then the importing country must ensure that the wastes are disposed of in an environmentally sound manner, even if it has to do so itself. This should be done within 30 days. The importing and exporting Convention member countries should cooperate in the disposal of the wastes (Art 9.4).

If the responsibility for the illegal waste shipment cannot be determined, then affected member countries (and others if they wish to) have to cooperate to ensure that the waste is disposed of in an environmentally sound manner (Art 9.5).

SPREP will work with the Basel Convention Secretariat to prevent and monitor any illegal waste shipments. They will exchange information on incidents and provide assistance in capacity building to assist in preventing and penalizing illegal waste shipments (Art 9.6).



Article 10. Cooperation Among Parties and International Cooperation

Article 10 focuses on the cooperation between member countries and non-member countries, regional and international organisations. Member countries have to cooperate with non members and other groups to ensure that waste treatment and disposal facilities are environmentally sound. If possible, treatment and disposal facilities should be located within the Convention area (Art 10.1).

To this end, member countries, if asked, must:

- provide information on environmentally sound management of their hazardous wastes and cooperate in monitoring the effects of hazardous wastes,
- cooperate in implementing new environmentally sound and cleaner production techniques (methods that reduce the production of wastes). This cooperation should be carried out with the aim of eliminating hazardous wastes. Actions to eliminate the production of hazardous wastes should take into account the economic, social and environmental impacts of taking such action,
- cooperate to transfer technology and management systems that provide environmentally sound management of wastes, and
- cooperate in developing technical guidelines and/or codes of practice (Art 10.2).

SPREP is to encourage Australia and New Zealand and other concerned developed countries to provide assistance, including finance, for the environmentally sound management of hazardous wastes in Pacific Island developing member countries. Australia and New Zealand will cooperate with SPREP in this regard (Art 10.3).

Member countries are also encouraged to cooperate with international organisations to assist in the management of hazardous wastes and the development of new technologies (Art 10.4).



Article 11. Bilateral, Regional or Multilateral Agreements or Arrangements

Article 11 covers the other agreements or arrangements countries may enter into. Member countries can enter into agreements with non-Convention member countries for the shipment of hazardous wastes, as long as they are carried out in an environmentally sound manner (Art 11.1). They must notify SPREP of these agreements (Art 11.2). The Convention should not interfere with any other agreements or arrangements concerning the shipment of hazardous wastes so long as they carried out in an environmentally sound manner (Art 11.3).



Article 12. Liabilities and Compensation

Article 12 describes how the Conference of Parties (the COP) will consider the development

of liability and compensation arrangements associated with the shipment of hazardous wastes, for example, compensation for accidents. The development of these arrangements will be carried out without affecting the development of similar rules under international law.

Article 13. Conference of the Parties

Article 13 describes how the Conference of Parties (COP) is established. The first COP will take place not later than one year after the Convention comes into force. Meetings of the COP will be held on a regular basis and the quorum for such meetings will be two-thirds (Art 13.1).

The COP will develop rules of procedure and the financial rules (Art 13.2) and will also consider adopting additional measures in accordance with the precautionary principle, that is, taking precautionary action in the absence of hard science (Art 13.3).

The conference of parties will also take actions to (Art 13.4):

- promote common actions to minimise harm to human health and the environment;
- consider and adopt amendments to the Convention;
- examine and approve the regular budget;
- consider and undertake additional action necessary to implement the Convention;
- consider and adopt protocols (additional agreements);
- establish subsidiary institutions under the Convention; and
- determine and adopt rules for the acceptance of new members to the convention.

Any country that is eligible to become a member of the convention may be represented as an observer at the meetings of the COP. Any other country, institution, governmental or non-governmental organisation with an interest in the subject matter of the Convention can also be admitted as an observer. However, they must first inform the Secretariat and, if one third of the member countries object to their presence, they may not be admitted as an observer (Art 13.5).

Article 14. Secretariat

Article 14 establishes the Secretariat for the Convention and describes its functions (Art 14.1). These include:

- arranging and servicing meetings,
- preparing a regular budget,
- preparing and transmitting reports on definitions of hazardous wastes, import and export bans, accidents and agreements with Non member countries,
- preparing and transmitting information from meetings of subsidiary organisations of the Convention,
- ensuring coordination with the Secretariat of the Basel Convention and other relevant organisations,
- communicating with competent authorities (environment departments) and focal points,
- compiling information on facilities available for the disposal of hazardous wastes and means of transport,
- providing information on available sources of technical and scientific expertise,
- providing information on consultants or consulting firms,
- assisting member countries in their identification of illegal waste trade,
- providing rapid assistance in the event of an emergency,
- reporting on information from member countries, and
- performing other relevant functions.

The Secretariat will report to member countries (Art 14.2) before the end of the calendar year on the following:

- information on hazardous waste trade including the quantity of hazardous wastes exported and imported, any disposals that did not happen as intended and efforts to achieve a reduction in the amount hazardous wastes;
- information on measures adopted by the Convention members;
- information on the effects on human health and the environment from hazardous wastes;
- information on accidents;
- information on environmentally sound treatment and disposal; and
- information on cleaner production technologies;

The Secretariat's functions will be carried out by the SPREP (Art 14.3).

Article 15. Revolving Fund

Article 15 identifies that the development of a revolving fund to assist in emergency situations will be considered by the Conference of Parties.

Article 16. Amendments to this Convention

Article 16 describes how the Convention can be amended in the future. Any member country may propose an amendment to the Convention (Art 16.1) but any proposed amendment should be submitted to member countries at least six months before the meeting, which needs at least two-thirds of the members to be present. The Secretariat should also send the proposed amendments to countries that have signed, but not ratified (agreed to be bound by) the Convention (Art 16.2).

Member countries should attempt to reach consensus when agreeing upon an amendment but if this can't be done, a two-thirds majority vote will apply (Art 16.3). Amendments shall enter into force 90 days after three-quarters of the member countries have agreed and ratified the amendment.

Instruments of ratification (agreeing to be bound by the Convention) have to be deposited with the Depositary, that is, the Pacific Forum Secretariat (Art 16.4).

For the purpose of Article 16, "Parties present and voting" means Parties present and casting a yes or no vote (Art 16.5).

Article 17. Protocols to this Convention

Article 17 describes how new Protocols to the Convention are developed. The Conference of Parties may, at any ordinary meeting agree to a new protocol, that is an additional legally binding agreement to the Convention (Art 17.1). The text of any proposed protocol needs to be sent to the Parties by the Secretariat at least six months before the meeting at which it will be considered (Art 17.2). The voting procedure is the same as for amendments, that is, member countries should attempt to reach consensus but if this can't be done, a two-thirds majority vote will apply to either the adoption of a protocol or any amendments to a protocol (Art 17.3). The requirements for entry into force of a protocol are to be written into the protocol (Art 17.4) and decisions pertaining to any protocol can only be taken by countries that have ratified the protocol (Art 17.5).

Article 18. Adoption and Amendment of Annexes

Article 18 describes how Annexes to the Convention are adopted or amended. The Annexes are an important part of the Convention and are restricted to scientific, technical and administrative matters (Art 18.1). Certain procedures apply to any new Annexes (Art 18.2). These include:

- Agreement on new Annexes to be the same procedure as specified in Article 16.
- Any member country that does not accept an Annex must notify the Depositary, who then notifies member countries. Member countries can reverse their position on their objection to an annex at a later date.
- New Annexes enter into force six months after the Annexes have been accepted.

If a new Annex involves an amendment to the Convention, then the new Annex cannot enter into force until the amendment to the Convention enters into force (Art 18.3).

Article 19. Verification

Article 19 describes the circumstances where a member country thinks that another member country is acting illegally with regards to the Convention. In this case, they should inform the Secretariat and the country concerned (Art 19.1). The Conference of Parties will consider adopting a protocol to deal with verifying the claims made by member countries concerning illegal activities of other countries. (Art 19.2).

Article 20. Settlement of Disputes

Article 20 describes the process to settle disputes between member countries. In the case of a dispute between member countries, the countries concerned must seek a settlement through negotiation, mediation or other peaceful means (Art 20.1). If the member countries cannot settle their disputes, the issue will be submitted to the dispute procedures set out in Annex VII of the Convention or to the International Court of Justice. Even though the dispute may be sent to some sort of arbitration, member countries are to continue to seek a settlement by negotiation (Art 20.2).

When agreeing to be bound by (stick to the rules of) the Convention, member countries may declare that they accept without reservation (without conditions) the arbitration procedure set out in Annex VII and/or that a dispute can be considered by the International Court of Justice (Art 20.3).



Article 21. Signature

This article explains that the Convention was opened for signature by members of the Pacific Island Forum at Waigani, PNG on the 16th September 1995 (Art 21.1) and remained open for signature by members of the South Pacific Forum until the 21st March 1996. (Art 21.2).



Article 22. Ratification, Acceptance or Approval

Article 22 describes the process by which countries agree to be bound by the rules of the Convention. This is done by means of ratification, acceptance or approval of the Convention which is sent to the Depositary (The Pacific Forum Secretariat).



Article 23 Accession

This article describes how the Convention would be opened for accession (that is agreeing to the rules) by members of the South Pacific Forum, the day after the Convention is closed for signature. Letters of accession are deposited with the Depositary, that is the Secretary-General of the Pacific Forum Secretariat (Art 23.1).

(Note: If a country has not signed onto the Convention, {meaning that it supports the Convention}, but wants to be bound by the rules, it can accede (rather than ratify) the Convention. Accession and ratification have the same effect in international law.)

Other countries that are not members of the South Pacific Forum but have territories in the Convention area may accede to the Convention. Other countries that do not have territories in the Convention area may also accede to the Convention if agreed upon by the Conference of Parties. (Art 23.2).



Article 24. Entry into Force

The Convention enters into force 30 days after 10 countries have ratified or acceded to the Convention.



Article 25 Reservations and Declarations

Each country must accept all the articles of the Convention and cannot agree to only part of the Convention (Art 25.1). When ratifying the Convention, a country may make a statement indicating that its agreement to the Convention is consistent with its laws and regulations. Such a declaration should not change the legal effect of the Convention (Art 25.2).



Article 26 Withdrawal

After the Convention has been in force for three years, a member country may withdraw from the Convention but has to do so in writing (Art 26.1). The withdrawal will take effect one year after the written notice of withdrawal has been received by the Depositary (Art 26.2). During this time, a member country is still bound by the obligations of the Convention (Art 26.3).



Article 27 Depository

The Secretary-General of the South Pacific Forum Secretariat (now the Pacific Forum Secretariat) is identified as the Depository.

Article 28 Registration

Once the Convention enters into force, it will be registered with the United Nations.

ANNEX I. CATEGORIES OF WASTES WHICH ARE HAZARDOUS

Annex 1 describes the types of waste covered by the convention for example, clinical waste, copper compounds and waste containing PCBs.

For a full discussion of the Annexes including the wastes covered by the Convention, visit the Implementation Tools section. →

ANNEX II. LIST OF HAZARDOUS CHARACTERISTICS

Annex II lists the hazardous characteristics of wastes covered by the Convention, such as explosive, flammable, oxidising and corrosive.

ANNEX III. PACIFIC ISLAND DEVELOPING PARTIES

This Annex identifies the members of the South Pacific Forum that are considered to be Pacific Island Developing Parties for the purposes of the Convention (Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Republic of Marshall Islands, Nauru, Niue, Republic of Palau, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Vanuatu, Western Samoa, Samoa)

It also states that the COP may accept a new member of the Convention to be a Pacific Island Developing Country.

ANNEX IV. OTHER PARTIES

This Annex identifies Other Parties such as Australia and New Zealand.

The COP may accept a new member country to be an Other Party. An Other Party may designate territory located within the Convention area to be a Pacific Island Developing Party but this would need agreement by the COP.

ANNEX V. DISPOSAL OPERATION

This Annex lists disposal options in two categories.

1. OPERATIONS WHICH DO NOT LEAD TO THE POSSIBILITY OF RESOURCE RECOVERY, RECYCLING, RECLAMATION, DIRECT RE-USE OR ALTERNATE USES.

This includes such things as landfills, incineration etc.

2. OPERATIONS WHICH MAY LEAD TO RESOURCE RECOVERY, RECYCLING, RECLAMATION, DIRECT REUSE, OR ALTERNATIVE USES.

This includes such things as use as a fuel, regeneration of acids and bases, etc.

ANNEX VI. A. INFORMATION TO BE PROVIDED ON NOTIFICATION

This describes the information to be provided on a notification form which includes such

things as country of export, transit countries etc.

ANNEX VI. B. INFORMATION TO BE PROVIDED ON THE MOVEMENT DOCUMENT

This describes the information to be provided on a movement document which includes such things as the generator and exporter of the wastes, a description of the waste and the actual site of disposal etc.

ANNEX VII. ARBITRATION

Article 7 describes the dispute settlement process, which is summarised in the following:

ARTICLE 1

Unless otherwise agreed to in Article 20 the following arbitration procedures will apply.

ARTICLE 2

A member country which is claiming that another member has broken the rules of the Convention will notify the Secretariat, indicating that both countries agree to have the dispute considered by arbitration (a form of judgement). The country claiming the concern will specify which part of the Convention they believe the other country is disobeying. The Secretary will notify all member countries and give them information about this dispute.

ARTICLE 3

The arbitration tribunal (the judging panel) will consist of 3 member countries. Each of the member countries to the dispute will appoint an arbitrator (judge). The two selected arbitrators will choose a third arbitrator to be the president of the tribunal. The president of the tribunal should not be a national of one of the member countries in dispute or be a resident or be employed by any of the member countries concerned.

ARTICLE 4

If president of the tribunal has not been selected within two months the Secretary-General of the Pacific Forum Secretariat, in consultation with the Director of SPREP will select a person to be the president. This will be done within two months.

If one of the member countries to the dispute does not appoint an arbiter within two months, the other party may inform the Secretary-General of the Pacific Forum Secretariat. The Forum Secretariat, in consultation with the Director of SPREP will select the president of the tribunal. Once selected the president will request the member country which has not appointed an arbiter to do so within two months. If the party member country concerned does not appoint a arbiter within the two months, the Pacific Forum Secretariat will appoint someone.

ARTICLE 5

The tribunal will make a decision in accordance with international law and in accordance with the requirements under this Convention. The tribunal will decide its own rules of procedure.

ARTICLE 6

Decisions of the tribunal will be taken by a majority vote. The tribunal will take all steps to establish the facts and may recommend interim protection measures. Member countries in the dispute will provide facilities for the effective work of the tribunal.

The absence of a member country should not interfere with the proceedings of the tribunal.

ARTICLE 7

The tribunal may hear and consider counter-claims (opposing claims) arising from a dispute.

ARTICLE 8

The expenses of the tribunal will be met by the member countries involved in the dispute in equal shares. The tribunal may decide upon other costing arrangements. The tribunal will keep a record of expenses and is will submit a statement to the member countries in dispute.

ARTICLE 9

A member country which feels that it may be affected by the outcomes of the tribunal may participate in the tribunal with the approval of the arbitrators.

ARTICLE 10

The tribunal will submit its findings (decisions) on the dispute within five months, unless it decides to extend the time. The findings will be accompanied by a statement of reasons and the decision will be binding upon the member countries involved in the disputes. If a member country disagrees with the findings of the tribunal they may submit their disagreement to the tribunal.

WALGARI GÖRVERTEK

WALGARI GÖRVERTEK

WALGARI GÖRVERTEK

WALGARI GÖRVERTEK

WALGARI GÖRVERTEK

WALGARI GÖRVERTEK



WAIGANI CONVENTION

Convention Text

Preamble

Articles Index

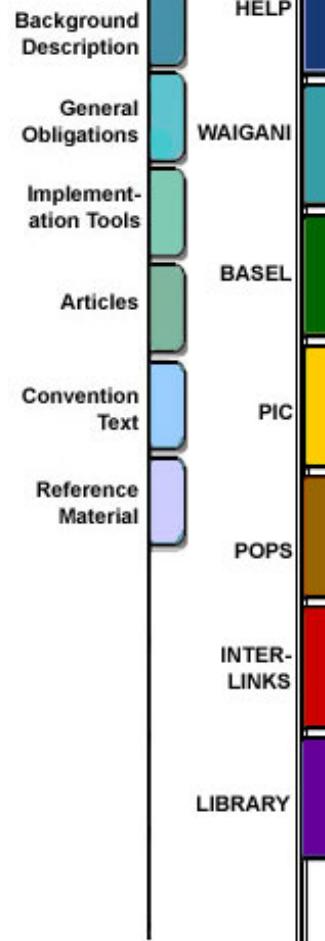
Annexes Index

**THE CONVENTION TO BAN THE IMPORTATION
INTO FORUM ISLAND COUNTRIES OF
HAZARDOUS AND RADIOACTIVE WASTES
AND TO CONTROL THE TRANSBOUNDARY MOVEMENT AND
MANAGEMENT OF HAZARDOUS WASTES WITHIN
THE SOUTH PACIFIC REGION**

(WAIGANI CONVENTION)

Waigani, Papua New Guinea

1995



ARTICLES INDEX

- 1. Definitions
- 2. Scope of the Convention and Area of Coverage
- 3. National Definitions of Hazardous Wastes
- 4. General Obligations
- 5. Competent Authorities and Focal Points
- 6. Notification Procedures for Transboundary Movements of Hazardous Wastes between Parties
- 7. Transmission of Information
- 8. Duty to Re-import
- 9. Illegal Traffic
- 10. Cooperation Among Parties and International Cooperation
- 11. Bilateral, Regional or Multilateral Agreements or Arrangements
- 12. Liabilities and Compensation
- 13. Conference of the Parties
- 14. Secretariat
- 15. Revolving Fund
- 16. Amendments to this Convention
- 17. Protocols to this Convention
- 18. Adoption and Amendment of Annexes
- 19. Verification
- 20. Settlement of Disputes
- 21. Signature
- 22. Ratification, Acceptance or Approval
- 23. Accession
- 24. Entry into Force
- 25. Reservations and Declarations
- 26. Withdrawal
- 27. Depositary
- 28. Registration

ANNEXES INDEX

- ANNEX I. CATEGORIES OF WASTES WHICH ARE HAZARDOUS WASTES
- ANNEX II. LIST OF HAZARDOUS CHARACTERISTICS
- ANNEX III. PACIFIC ISLAND DEVELOPING PARTIES
- ANNEX IV. OTHER PARTIES

- ◀ ANNEX V. DISPOSAL OPERATIONS
- ◀ ANNEX VI. A INFORMATION TO BE PROVIDED ON NOTIFICATION
- ◀ ANNEX VI. B INFORMATION TO BE PROVIDED ON THE MOVEMENT DOCUMENT
- ◀ ANNEX VII. ARBITRATION

Preamble

The Parties to this Convention:

Conscious of their responsibility to protect, preserve and improve the environment of the South Pacific for the good health, benefit and enjoyment of present and future generations of the people of the South Pacific;

Concerned about the growing threat to human health and the environment posed by the increasing generation of hazardous wastes and the disposal of such wastes by environmentally unsound methods;

Concerned also about the dangers posed by radioactive wastes to the people and environment of the South Pacific;

Aware that their responsibilities to protect, preserve and improve the environment of the South Pacific can be met only by cooperative effort among all peoples of the South Pacific based on an understanding of the needs and capacities of all Parties;

Taking full account of the Programme of Action for the Sustainable Development of Small Island Developing States adopted in Barbados on 6 May 1994;

Noting with concern that a number of approaches have been made to certain Island Countries of the South Pacific by unscrupulous foreign waste dealers for the importation into and the disposal within the South Pacific of hazardous wastes generated in other countries;

Concerned by the slowness of progress towards a satisfactory resolution of the issues surrounding international trade in goods which have been banned, cancelled or refused registration in the country of manufacture for human health or environmental reasons;

Recalling their commitments under existing regional treaties and arrangements for the protection and preservation of the environment of the South Pacific, including the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, signed in Noumea on 24 November 1986, the Protocol concerning Cooperation in Combating Pollution Emergencies in the South Pacific Region, adopted by Parties on 25 November 1986, and the South Pacific Nuclear Free Zone Treaty, signed in Rarotonga on 6 August 1985;

Further Recalling the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal adopted by the Conference of the Plenipotentiaries on 22 March 1989, and noting decisions of its Conference of the Parties including Decision II 12 of 25 March 1994;

Desiring to conclude an agreement under Article 11 of the Basel Convention;

Mindful of the International Atomic Energy Agency (IAEA) Code of Practice on the International Transboundary Movement of Radioactive Waste and recognising the need for its strict observance in the South Pacific Region;

Noting as well the preliminary negotiations on a Convention on the Safe Management of Nuclear Waste;

Further Recalling the Declaration of the United Nations Conference on the Human Environment (Stockholm, 1972), the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes adopted by the Governing Council of the United Nations Environment Programme (UNEP) by Decision 14/30 of 17 June 1987 and the Recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods (formulated in 1957 and updated biennially);

Recalling also Agenda 21 adopted by the United Nations Conference on Environment and Development in Rio de Janeiro on 14 June 1992, which reaffirms that effective control of the generation, storage, treatment, recycling and reuse, transport, recovery, and disposal of hazardous wastes is of paramount importance for proper health, environmental protection and natural resources management and sustainable development;

Resolving to prohibit the importation of hazardous wastes into Pacific Island Developing Parties, and to regulate and facilitate the environmentally sound management of such wastes generated within the Convention Area; and

Resolving also to prohibit the importation of all radioactive wastes into Pacific Island Developing Parties while at the same time recognising that the standards, procedures and the authorities responsible for the environmentally sound management of radioactive wastes will differ from those in respect of hazardous wastes.

Have agreed as follows:



ARTICLE 1

Definitions

For the purposes of this Convention:

"Approved site or facility" means a site or facility for the disposal of hazardous wastes which is authorised or permitted to operate for this purpose by a relevant authority of the Party where the site or facility is located;

"Area under the jurisdiction of a Party" means any land, marine area or airspace within which a Party exercises administrative and regulatory responsibility in accordance with international law in regard to the protection of human health or the environment;

"Authorised transboundary movement" means a transboundary movement of hazardous wastes to which the consent of the Parties concerned has been given in accordance with the provisions of this Convention;

"Basel Convention" means the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989;

"Carrier" means any person who carries out the transport of hazardous wastes;

"Cleaner production" means the conceptual and procedural approach to production that demands that all phases of the life-cycle of a product or process should be addressed, with the objective of prevention or minimisation of short and long-term risks to humans and to the environment;

"Competent authority" means any one governmental authority designated by a Party to be responsible within such geographical areas as the Party may think fit for receiving the notification of a transboundary movement of hazardous wastes and any information related to it, and for responding to such a notification, as provided in Article 6 of this Convention;

"Convention Area" shall comprise:

(i) the land territory, internal waters, territorial sea, continental shelf, archipelagic waters and exclusive economic zones established in accordance with international law of:

- American Samoa
- The Commonwealth of Australia
- Cook Islands
- Federated States of Micronesia
- Fiji
- French Polynesia
- Guam
- Kiribati
- Republic of Marshall Islands
- Nauru
- New Caledonia and Dependencies
- New Zealand
- Niue
- Northern Mariana Islands
- Republic of Palau
- Papua New Guinea
- Pitcairn
- Solomon Islands
- Tokelau
- Tonga
- Tuvalu

- Vanuatu
- Wallis and Futuna
- Western Samoa

(ii) those areas of high seas which are enclosed from all sides by the exclusive economic zones referred to in sub-paragraph (i);

(iii) areas of the Pacific Ocean which have been included in the Convention Area pursuant to Article 2.6;

"Countries concerned" means countries of export, import or transit whether or not Parties to this Convention;

"Days" means calendar days unless otherwise specified;

"Disposal" means any operation specified in Annex V to this Convention;

"Disposer" means any person for whom hazardous wastes are destined and who carries out the actual disposal of such wastes;

"Domestically prohibited goods" means substances or products which have been banned, cancelled or refused registration by government regulatory action, or voluntarily withdrawn from registration in the country of manufacture, for human health or environmental reasons;

"Environmentally sound management of hazardous wastes" means taking all practicable steps to ensure that hazardous wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes;

"Exporter" means any person under the jurisdiction of the exporting Party who arranges for hazardous wastes to be exported;

"Exporting Party" means a Party from which a transboundary movement of hazardous wastes is planned to be initiated or is initiated;

"Focal point" means the entity of a Party referred to in Article 5 of this Convention responsible for receiving and submitting information as provided for in Articles 7 and 14;

"Forum Island Countries" means all Members of the South Pacific Forum with the exception of Australia and New Zealand;

"Generator" means any person whose activity produces hazardous wastes or, if that person is not known, the person who is in possession and/or control of those wastes;

"Hazardous wastes" means wastes as specified in Article 2 of this Convention;

"IAEA" means the International Atomic Energy Agency;

"Illegal traffic" means any transboundary movement of hazardous wastes as specified in Article 9 of this Convention;

"Importer" means any person under the jurisdiction of the importing Party who arranges for hazardous wastes to be imported;

"Importing Party" means a Party to which transboundary movement of hazardous wastes is planned or takes place for the purpose of disposal therein or for the purpose of loading prior to disposal in an area not under the national jurisdiction of any State;

"London Convention" means the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972;

"Management" means the prevention and reduction of hazardous wastes and the collection, transport, storage, and treatment or disposal, of hazardous wastes including after care of disposal sites;

"Other Party" means a Party listed in Annex IV or any Party which is accepted by the Conference of the Parties to be an Other Party in accordance with the procedures established pursuant to Article 13.4(g);

"Pacific Island Developing Party" means a Party listed in Annex III or any Party which is accepted by the Conference of the Parties to be a Pacific Island Developing Party in accordance with the procedures established pursuant to Article 13.4(g);

"Party" means a Party to this Convention;

"Person" means any natural or legal person;

"Precautionary principle" means the principle that in order to protect the environment, the precautionary approach shall be widely applied by Parties according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation;

"Radioactive wastes" means wastes which, as a result of being radioactive, are subject to other international control systems, including international instruments, applying specifically to radioactive materials;

"Secretariat" means the Secretariat established pursuant to Article 14 of this Convention;

"SPREP" means the South Pacific Regional Environment Programme;

"Transboundary movement" means any movement of hazardous wastes from an area under the jurisdiction of any Party, to or through an area under the jurisdiction of another Party, or to or through an area not under the jurisdiction of another Party, provided at least two Parties are involved in the movement;

"Transit Party" means any Party, other than the exporting Party or importing Party, through which a movement of hazardous wastes is planned or takes place;

"Vessels" and **"Aircraft"** mean waterborne or airborne craft of any type whatsoever. This expression includes air cushioned craft and floating craft, whether self-propelled or not;

"Wastes" means substances or materials which are disposed of, or are intended to be disposed of, or are required to be disposed of, by provisions of national legislation.



ARTICLE 2

Scope of the Convention and Area of Coverage

Scope of the Convention

1. The following substances shall be "hazardous wastes" for the purposes of this Convention:

(a) Wastes that belong to any category contained in Annex I of this Convention, unless they do not possess any of the characteristics contained in Annex II of this Convention; and

(b) Wastes that are not covered under sub-paragraph (a) above, but which are defined as, or are considered to be, hazardous wastes by the national legislation of the exporting, importing or transit Party to, from or through which such wastes are to be sent.

2. Radioactive wastes are excluded from the scope of this Convention except as specifically provided for in Articles 4.1, 4.2, 4.3, and 4.5 of this Convention.

3. Wastes which derive from the normal operations of a vessel, the discharge of which is covered by another international instrument, shall not fall within the scope of this Convention.

4. Nothing in this Convention shall affect in any way the sovereignty of States over their territorial sea, the sovereign rights and jurisdiction that States have in their exclusive economic zones and continental shelves, and the exercise by vessels and aircraft of all States of navigational rights and freedoms, as provided for in international law and as reflected in the 1982 United Nations Convention on the Law of the Sea and other relevant international instruments.

5. Nothing in this Convention shall affect in any way the rights and obligations of any Party under international law including under other international agreements in force. Such agreements include the London Convention as amended; the 1982 United Nations Convention on the Law of the Sea, including in particular Articles 31, 210 and 236 thereof; the South Pacific Nuclear Free Zone Treaty, 1985, including in particular Article 7 thereof; and the International Convention for the Prevention of Pollution from Ships, 1973.

Area of Coverage

6. A Party may add areas under its jurisdiction within the Pacific Ocean between the Tropic of Cancer and 60 degrees South latitude and between 130 degrees East longitude and 120 degrees West longitude to the Convention Area. Such addition shall be notified to the

Depository who shall promptly notify the other Parties and the Secretariat. Such areas shall be incorporated within the Convention Area ninety days after notification to the Parties by the Depository, provided there has been no objection to the proposal to add new areas by any Party. If there is any such objection the Parties concerned will consult with a view to resolving the matter.

ARTICLE 3

National Definitions of Hazardous Wastes

1. Each Party shall, within six months of becoming a Party to this Convention, inform the Secretariat of the wastes, other than those listed in Annex I of this Convention, considered or defined as hazardous under its national legislation and of any requirements concerning transboundary movement procedures applicable to such wastes.
2. Each Party shall subsequently inform the Secretariat of any significant changes to the information it has provided pursuant to paragraph 1 of this Article.
3. The Secretariat shall forthwith inform all Parties of the information it has received pursuant to paragraphs 1 and 2 of this Article.
4. Parties shall be responsible for making the information transmitted to them by the Secretariat under paragraph 3 of this Article available to their exporters, importers and other appropriate bodies.

ARTICLE 4

General Obligations

1. Hazardous Wastes and Radioactive Wastes Import and Export Ban
 - (a) Each Pacific Island Developing Party shall take appropriate legal, administrative and other measures within the area under its jurisdiction to ban the import of all hazardous wastes and radioactive wastes from outside the Convention Area. Such import shall be deemed an illegal and criminal act; and
 - (b) Each Other Party shall take appropriate legal, administrative and other measures within the area under its jurisdiction to ban the export of all hazardous wastes and radioactive wastes to all Forum Island Countries, or to territories located in the Convention Area with the exception of those that have the status of Other Parties in accordance with Annex IV. Such export shall be deemed an illegal and criminal act.
2. To facilitate compliance with paragraph 1 of this Article, all Parties:
 - (a) Shall forward in a timely manner all information relating to illegal hazardous wastes and radioactive wastes import activity within the area under its jurisdiction to the Secretariat who shall distribute the information as soon as possible to all Parties; and
 - (b) Shall cooperate to ensure that no illegal import of hazardous wastes and radioactive wastes from a non Party enters areas under the jurisdiction of a Party to this Convention.
3. Ban on Dumping of Hazardous Wastes and Radioactive Wastes at Sea
 - (a) Each Party which is a Party to the London Convention, the South Pacific Nuclear Free Zone Treaty, 1985, the 1982 United Nations Convention on the Law of the Sea or the Protocol for the Prevention of Pollution of the South Pacific Region by Dumping, 1986, reaffirms the commitments under those instruments which require it to prohibit dumping of hazardous wastes and radioactive wastes at sea; and
 - (b) Each Party which is not a Party either to the London Convention or the Protocol for the Prevention of Pollution of the South Pacific Region by Dumping, 1986, should consider becoming a Party to both of those instruments.
4. Wastes Located in the Convention Area Each Party shall:

(a) Ensure that within the area under its jurisdiction, the generation of hazardous wastes is reduced at its source to a minimum taking into account social, technological and economic needs;

(b) Take appropriate legal, administrative and other measures to ensure that within the area under its jurisdiction, all transboundary movements of hazardous wastes generated within the Convention Area are carried out in accordance with the provisions of this Convention;

(c) Ensure the availability of adequate treatment and disposal facilities for the environmentally sound management of hazardous wastes, which shall be located, to the extent practicable, within areas under its jurisdiction, taking into account social, technological and economic considerations. However, where Parties are for geographic, social or economic reasons unable to dispose safely of hazardous wastes within those areas, cooperation should take place as provided for under Article 10 of this Convention;

(d) In cooperation with SPREP, participate in the development of programmes to manage and simplify the transboundary movement of hazardous wastes which cannot be disposed of in an environmentally sound manner in the countries in which they are located. Provided that such programmes do not derogate from the environmentally sound management of hazardous wastes as required by this Convention, they may be registered as arrangements under Article 11 of this Convention;

(e) Develop a national hazardous wastes management strategy which is compatible with the SPREP South Pacific Regional Pollution Prevention, Waste Minimization and Management Programme;

(f) Submit to the Secretariat such reports as the Conference of the Parties may require regarding the hazardous wastes generated in the area under its jurisdiction in order to enable the Secretariat to produce a regular hazardous wastes report;

(g) Subject to Article 11 of this Convention, prohibit within the area under its jurisdiction hazardous wastes from being exported to or imported from non-Parties within the Convention Area; and

(h) Take appropriate legal, administrative and other measures to prohibit vessels flying its flag or aircraft registered in its territory from carrying out activities in contravention of this Convention.

5. Radioactive Wastes

(a) Parties shall give active consideration to the implementation of the IAEA Code of Practice on the International Transboundary Movement of Radioactive Wastes and such other international and national standards which are at least as stringent; and

(b) Subject to available resources, Parties shall actively participate in the development of the Convention on the Safe Management of Nuclear Waste.

6. Domestically Prohibited Goods:

(a) Subject to available resources, Parties shall endeavour to participate in relevant international fora to find an appropriate global solution to the problems associated with the international trade of domestically prohibited goods; and

(b) Nothing in this Convention shall be interpreted as limiting the sovereign right of Parties to act individually or collectively, consistent with their international obligations, to ban the importation of domestically prohibited goods into areas under their jurisdiction.



ARTICLE 5

Competent Authorities and Focal Points

1. To facilitate the implementation of this Convention, each Party shall designate or establish one competent authority and one focal point. A Party need not designate or establish new or separate authorities to perform the functions of the competent authority and the focal point.

2. The competent authority shall be responsible for the implementation of notification procedures for transboundary movement of hazardous wastes in accordance with the provisions of Article 6 of this Convention.

3. The focal point shall be responsible for transmitting and receiving information in accordance with the provisions of Article 7 of this Convention.

4. The Parties shall inform the Secretariat, within three months of the date of the entry into force of this Convention for them, which authorities they have designated or established as the competent authority and the focal point.



ARTICLE 6

Notification Procedures for Transboundary Movements of Hazardous Wastes between Parties

1. The exporting Party shall notify, or shall require the generator or exporter to notify, in writing, through its competent authority, the competent authority of the countries concerned of any proposed transboundary movement of hazardous wastes. Such notification shall contain the declarations and information specified in Annex VI A of this Convention, written in a language acceptable to the importing Party. Only one notification needs to be sent to each country concerned.

2. The importing Party shall acknowledge within reasonable time, which in the case of Other Parties shall not exceed fourteen working days, the receipt of the notification referred to in paragraph 1 of this Article. The importing Party shall have sixty days after issuing the acknowledgement to inform the notifier that it is consenting to the movement, with or without conditions, denying permission for the movement or requesting additional information. In the event that additional information has been sought, a new period of twenty one days recommences from the time of receipt of the additional information.

3. The exporting Party shall not allow the transboundary movement until it has received:

- (a) Written consent of the importing Party;
- (b) Written consent from every transit Party;
- (c) Written consent of every non-Party country of transit;
- (d) Written confirmation from the importing Party of the existence of a contract between the exporter and the disposer specifying the environmentally sound management of the wastes in question; and
- (e) Written confirmation from the exporter of the existence of adequate insurance, bond or other guarantee satisfactory to the exporting Party.

4. Each transit Party shall acknowledge within reasonable time, which in the case of Other Parties shall not exceed fourteen working days, the receipt of the notification referred to in paragraph 1 of this Article. Each transit Party shall have sixty days after issuing the acknowledgement to inform the notifier that it is consenting to the movement, with or without conditions, denying permission for the movement or requesting additional information. In the event that additional information has been sought, a new period of twenty one days recommences from the time of receipt of the additional information.

5. In the case of a transboundary movement of hazardous wastes, where the wastes are legally defined as or are considered to be hazardous wastes only:

- (a) By the exporting Party, the requirement at paragraph 10 of this Article, that any transboundary movement shall be covered by insurance, bond or other guarantee shall be as required by the exporting Party; or
- (b) By the importing Party, or the transit Party, the requirements of paragraphs 1, 3, 4, and 6 of this Article that apply to the exporter and exporting Party, shall apply mutatis mutandis to the importer or disposer and importing Party, respectively; or
- (c) By any transit Party, the provisions of paragraph 4 of this Article shall apply to such Party.

6. The exporting Party may, subject to the written consent of the countries concerned, allow the generator or the exporter to use a general notification where hazardous wastes having the same physical and chemical characteristics are shipped regularly to the same disposer via the same customs office of exit of the exporting Party, via the same customs office of entry of the importing Party, and, in the case of transit, via the same customs office of entry and exit of the Party or Parties of transit.

7. The countries concerned may make their written consent to the use of the general

notification referred to in paragraph 6 of this Article subject to the supply of certain information, such as the exact quantities or periodical lists of hazardous wastes to be shipped.

8. The general notification and written consent referred to in paragraphs 6 and 7 of this Article may cover multiple shipments of hazardous wastes during a maximum period of twelve months.

9. Each transboundary movement of hazardous wastes shall be accompanied by a movement document which includes the information listed in Annex VI B. The Parties to this Convention shall require that each person who takes charge of a transboundary movement of hazardous wastes sign the movement document either upon delivery or receipt of the wastes in question. They shall also require the disposer to inform both the exporter and the competent authority of the exporting Party of receipt by the disposer of the wastes in question and, in due course, of the completion of disposal as specified in the notification. If no such information is received by the exporting Party, the competent authority of the exporting Party or the exporter shall so notify the importing Party.

10. Any transboundary movement of hazardous wastes shall be covered by insurance, bond or other guarantee as may be required or agreed to by the importing Party or any transit Party.



ARTICLE 7

Transmission of Information

1. The Parties shall ensure that in the case of an accident occurring during the transboundary movement of hazardous wastes or their disposal which is likely to present risks to human health and the environment in other States and Parties, those States and Parties and the Secretariat are immediately informed.

2. The Parties shall inform one another, through the Secretariat, of:

- (a) Changes regarding the designation of competent authorities and/or focal points, pursuant to Article 5 of this Convention; and
- (b) Changes in their national definition of hazardous wastes, pursuant to Article 3 of this Convention.

3. The Parties, consistent with national laws and regulations, shall set up information collection and dissemination mechanisms on hazardous wastes to enable the Secretariat to fulfil the functions listed in Article 14.



ARTICLE 8

Duty to Re-import

1. The exporting Party shall adopt appropriate administrative and legal measures to ensure that when an authorised transboundary movement of hazardous wastes cannot be completed in accordance with the terms of the contract or of this Convention, the wastes in question are returned to it by the exporter. To this end, the importing Party and the transit Party or Parties shall not oppose, hinder or prevent the return of those wastes to the exporting Party.

2. Notwithstanding the provisions of paragraph 1 of this Article, where an authorised transboundary movement of hazardous wastes cannot be completed within the terms of the contract or the terms of this Convention, the exporting Party need not re-import those wastes provided that alternative arrangements are made for the disposal of the wastes in a manner which is compatible with the environmentally sound management of hazardous wastes as required by this Convention and other international legal obligations. Such disposal shall take place within ninety days from the time that the importing Party informed the exporting Party and the Secretariat, or such other period of time as the Parties concerned agree.



ARTICLE 9

1. For the purpose of this Convention, any transboundary movement of hazardous wastes shall be deemed to be illegal traffic if:

- (a) Carried out without notification, pursuant to the provisions of this Convention, to all countries concerned;
- (b) Carried out without the consent, pursuant to the provisions of this Convention, of a country concerned;
- (c) Consent is obtained from countries concerned through falsification, misrepresentation or fraud;
- (d) The contents do not conform in a material way with the supporting documentation;
- (e) It results in deliberate disposal of hazardous wastes in contravention of this Convention, other relevant international instruments and of general principles of international law; or
- (f) It is in contravention of the import or export bans established by Article 4.1.

2. Each Party shall introduce or adopt appropriate national legislation to prevent and punish illegal traffic. The Parties shall cooperate with a view to achieving the objects of this Article.

3.

- (a) In the case of a transboundary movement of hazardous wastes deemed to be illegal traffic as the result of conduct on the part of the exporter or generator, the exporting Party shall ensure that, within thirty days from the time the exporting Party has been informed about the illegal traffic or such other period of time the countries concerned may agree, the wastes in question are either:
 - (i) taken back by the exporter or generator or if necessary by itself into the exporting Party; or, if impracticable,
 - (ii) otherwise disposed of in accordance with the provisions of this Convention;
- (b) In the case of paragraph 3(a)(i) of this Article, the Parties concerned shall not oppose, hinder or prevent the return of those wastes to the exporting Party.

4. In the case of a transboundary movement of hazardous wastes deemed to be illegal traffic as a result of conduct on the part of the importer or disposer, the importing Party shall ensure that the wastes in question are disposed of in an environmentally sound manner by the importer or disposer or, if necessary, by itself within thirty days from the time the illegal traffic has come to the attention of the importing Party or such time as the countries concerned may agree. To this end, the importing Party and the exporting Party shall cooperate, as necessary, in the disposal of the wastes in an environmentally sound manner.

5. In cases where the responsibility for the illegal traffic cannot be assigned either to the exporter or generator or to the importer or disposer, the Parties concerned or any other Parties, as appropriate, shall ensure through cooperation that the wastes in question are disposed of as soon as possible in an environmentally sound manner either in the exporting Party or the importing Party or elsewhere as appropriate.

6. The Secretariat shall undertake the necessary coordination with the Secretariat of the Basel Convention in relation to the effective prevention and monitoring of illegal traffic in hazardous wastes. Such coordination shall include:

- (a) Exchanging information on incidents or alleged incidents of illegal traffic in the Convention Area and on the appropriate steps to remedy such incidents; and
- (b) Providing assistance in the field of capacity building including development of national legislation and of appropriate infrastructure in the Pacific Island Developing Parties with a view to the prevention and penalisation of illegal traffic of hazardous wastes.



ARTICLE 10

Cooperation Among Parties and International Cooperation

1. The Parties to this Convention shall cooperate with one another, non-Parties and relevant regional and international organisations, to facilitate the availability of adequate treatment and disposal facilities and to improve and achieve the environmentally sound management of hazardous wastes. Such facilities shall be located within the Convention Area to the extent practicable taking into account social, technological and economic considerations.

2. To this end, the Parties shall:

(a) Upon request, make information available, whether on a bilateral or regional basis, with a view to promoting the environmentally sound management of hazardous wastes, including harmonisation of relevant technical standards and practices;

(b) Cooperate in monitoring the effects of hazardous wastes and their management on human health and the environment;

(c) Cooperate, subject to their national laws and policies, in the development and implementation of new environmentally sound and cleaner production technologies and the improvement of existing technologies. Such cooperation shall be with a view to eliminating, as far as practicable, the generation of hazardous wastes and achieving more effective and efficient methods of ensuring their management in an environmentally sound manner, including the study of the economic, social and environmental impacts of the adoption of such new and improved technologies;

(d) Cooperate, subject to their national laws and policies, actively in the transfer of technology and management systems related to the environmentally sound management of hazardous wastes. They shall also cooperate in developing the technical capacity and infrastructure of Parties, especially those which may need and request technical assistance in this field; and

(e) Cooperate in developing appropriate technical guidelines and/or codes of practice.

3. The Secretariat shall encourage Other Parties and other concerned developed countries to take all practicable steps to promote, facilitate and finance, as appropriate, the transfer of, or access to, environmentally sound technologies and know-how to Pacific Island Developing Parties, to enable them to implement the provisions of this Convention. Other Parties undertake to cooperate with the Secretariat in this regard.

4. Taking into account the needs of developing countries, Parties shall encourage cooperation with international organisations in order to promote, among other things, public awareness, the development of rational management of hazardous wastes, and the adoption of new technologies which are environmentally sound, including cleaner production technologies.

ARTICLE 11

Bilateral, Regional or Multilateral Agreements or Arrangements

1. Notwithstanding the provisions of Article 4.4(g), Parties to this Convention may enter into bilateral, regional or multilateral agreements or arrangements with non Parties regarding the transboundary movement and management of hazardous wastes provided that such agreements or arrangements do not derogate from the provisions of Article 4.1 or from the environmentally sound management of such wastes as required by this Convention.

2. The Parties shall notify the Secretariat of any bilateral, regional or multilateral agreements or arrangements referred to in paragraph 1 of this Article and those which they have entered into prior to the entry into force of this Convention for them, for the purpose of controlling transboundary movements of hazardous wastes which take place entirely among the parties to such agreements or arrangements.

3. The provisions of this Convention shall not affect transboundary movements of hazardous wastes which take place pursuant to such agreements or arrangements provided that such agreements or arrangements are compatible with the environmentally sound management of hazardous wastes as required by this Convention.

ARTICLE 12

Liabilities and Compensation

The Conference of the Parties shall consider the preparation and adoption of appropriate arrangements in the field of liability and compensation arising from transboundary movements of hazardous wastes in the Convention Area without prejudice to the application and further development of relevant rules of international law.

ARTICLE 13

Conference of the Parties

1. A Conference of the Parties to this Convention is hereby established. The first meeting of the Conference of the Parties shall be convened not later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting. The quorum for meetings of the Conference of the Parties shall be two-thirds of the Parties.

2. The Conference of the Parties shall adopt by consensus at its first ordinary meeting, or as soon as practicable thereafter, Rules of Procedure. It shall also adopt by consensus financial rules, including the scale of contributions of the Parties to this Convention to the regular budget.

3. The first meeting of the Conference of the Parties shall consider the adoption of any additional measures in accordance with the Precautionary principle relating to the implementation of this Convention.

4. The Conference of the Parties shall keep under continuous review and evaluation the effective implementation of this Convention, and in particular, shall:

- (a) Promote the harmonisation, at high levels of protection, of appropriate legislation, policies, strategies and measures for minimising harm to human health and the environment;
- (b) Consider and adopt, where necessary, amendments to this Convention, and its annexes, taking into consideration, *inter alia*, available scientific, technical, economic and environmental information;
- (c) Examine and approve the regular budget prepared by the Secretariat in accordance with Article 14;
- (d) Consider and undertake any additional action that may be necessary for the achievement of the purposes of this Convention in the light of experience gained in the operation of the Convention and developments elsewhere;
- (e) Consider and adopt protocols as necessary;
- (f) Establish and/or designate such subsidiary bodies or agencies as are deemed necessary for the implementation of this Convention; and
- (g) Determine and adopt appropriate rules and procedures for the acceptance of new Parties to this Convention in accordance with Article 23 and Annexes III and IV.

5. Any State which is eligible to become a Party to this Convention may be represented as an observer at meetings of the Conference of the Parties. Any other State or any body or agency, whether national, regional or international, governmental or non-governmental, with an interest in the subject matter of this Convention which has informed the Secretariat of its wish to be represented as an observer at a meeting of the Conference of the Parties, may be admitted unless at least one-third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

ARTICLE 14

Secretariat

1. A Secretariat for this Convention is hereby established. The functions of the Secretariat shall be to:

- (a) Arrange and service meetings of the Parties to this Convention;
- (b) Prepare the regular budget of the Conference of the Parties, as required by this Convention;
- (c) Prepare and transmit reports based upon information received in accordance with Articles 3, 4, 7, and 11 of this Convention;
- (d) Prepare and transmit information derived from meetings of subsidiary bodies and agencies established under Article 13 of this Convention or provided by relevant intergovernmental and Non-Governmental entities;
- (e) Ensure coordination with the Secretariat of the Basel Convention and other relevant international and regional bodies, and in particular to enter into such administrative arrangements as may be required for the effective discharge of its functions;
- (f) Communicate with the competent authorities and focal points established by the Parties in accordance with Article 5 of this Convention as well as appropriate intergovernmental and Non Governmental Organisations which may provide financial and/or technical assistance in the implementation of this Convention;
- (g) Compile information concerning approved sites and facilities available for the disposal of hazardous wastes and means of transport to these sites and facilities and to circulate this information;
- (h) Receive and convey on request to Parties information on available sources of technical and scientific expertise;
- (i) Receive and convey on request to Parties information on consultants or consulting firms having the necessary technical competence in the field which can assist them with examining a notification for a transboundary movement of hazardous wastes, the concurrence of a shipment of hazardous wastes with the relevant notification, and/or whether the proposed disposal facilities for hazardous wastes are environmentally sound, when they have reason to believe that the wastes in question will not be managed in an environmentally sound manner;
- (j) Assist Parties to this Convention in their identification of cases of illegal traffic and to circulate immediately to the Parties concerned any information it has received regarding illegal traffic, and to undertake the necessary coordination with the Secretariat of the Basel Convention as provided for in Article 9.6;
- (k) To cooperate with countries concerned and with relevant and competent international organisations and agencies in the provision of experts and equipment for the purpose of rapid assistance in the event of an emergency situation in the Convention Area;
- (l) To report the information prescribed in paragraph 2 of this Article, to the Parties to this Convention, before the end of each calendar year; and
- (m) To perform such other functions relevant to the purposes of this Convention as may be determined by the Conference of the Parties.

2. The Secretariat shall transmit to the Parties, before the end of each calendar year, a report taking into account material provided by Parties under Articles 4.4(f) and 7.3 on the previous calendar year, containing the following:

- (a) Information regarding transboundary movement of hazardous wastes in which Parties have been involved, including:
 - (i) the quantity of hazardous wastes exported, their category, characteristics, destination, any transit country and disposal method as stated in the notification;
 - (ii) the amount of hazardous wastes imported, their category, characteristics, origin, and disposal methods;
 - (iii) disposals which did not proceed as intended; and
 - (iv) efforts to achieve a reduction of the amount of hazardous wastes subject to transboundary movement.
- (b) Information on measures adopted by Parties in the implementation of this Convention;
- (c) Information where it is available on the effects on human health and the environment from the generation, transportation and disposal of hazardous wastes in the Convention Area. The information may take the form of statistical data;
- (d) Information on accidents occurring during transboundary movements, treatment and disposal of hazardous wastes and on measures undertaken to deal with them;

(e) Information on environmentally sound treatment and disposal options operated by Parties; and

(f) Information on measures undertaken by Parties for the development of cleaner production technologies for the reduction and/or elimination of the production of hazardous wastes.

3. The Secretariat's functions shall be carried out by SPREP.



ARTICLE 15

Revolving Fund

The Conference of the Parties shall consider the establishment of a revolving fund to assist on an interim basis in case of emergency situations to minimise damage from disasters or accidents arising from transboundary movement or disposal of hazardous wastes within the Convention Area.



ARTICLE 16

Amendments to this Convention

1. Any Party may propose amendments to this Convention.

2. Amendments to this Convention may be adopted only at a meeting of the Conference of the Parties at which at least two-thirds of the Parties are represented. The text of any proposed amendment to this Convention shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the Signatories to this Convention and to the Depositary for their information.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall, as a last resort, be adopted by a two thirds majority vote of Parties present and voting, each Party having one vote, and shall be submitted by the Depositary to all Parties for ratification, approval or acceptance.

4. Instruments of ratification, acceptance or approval of amendments shall be deposited with the Depositary. Amendments shall enter into force between Parties having accepted such amendments on the ninetieth day following the date of receipt by the Depositary of the instruments of at least three-fourths of the Parties to this Convention. Thereafter the amendments shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits its instrument.

5. For the purpose of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.



ARTICLE 17

Protocols to this Convention

1. The Conference of the Parties may, at any ordinary meeting, adopt protocols to this Convention.

2. The text of any proposed protocol shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption.

3. The procedure specified in Article 16.3 shall apply to the adoption of, and any amendments to, any protocol.
4. The requirements for the entry into force of any protocol or subsequent amendments to such protocol shall be established by that protocol.
5. Decisions under any protocol shall be taken only by the Parties to that protocol.



ARTICLE 18

Adoption and Amendment of Annexes

1. The annexes to this Convention shall form an integral part of this Convention and, unless expressly provided otherwise, a reference to this Convention constitutes, at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.
2. The following procedures shall apply to the proposal, adoption and entry into force of additional annexes, or amendments to annexes, to this Convention:
 - (a) Such additional annexes or amendments to annexes shall be proposed and adopted according to the procedure laid down in Articles 16.1, 16.2 and 16.3 of this Convention;
 - (b) Any Party that is unable to accept such additional annexes or amendments to annexes, shall so notify the Depositary, in writing, within six months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annexes or amendments to annexes shall thereupon enter into force for that Party; and
 - (c) Upon the expiration of six months from the date of the circulation of the communication by the Depositary, the annexes or amendments to annexes shall enter into force for all Parties to this Convention, which have not submitted a notification in accordance with the provisions of sub-paragraph (b) above.
3. If an additional annex or an amendment to an annex involves an amendment to this Convention or to any protocol, the additional annex or amended annex shall not enter into force until such time as the amendment to this Convention or to the protocol enters into



ARTICLE 19

Verification

1. Any Party which has reason to believe that another Party is acting or has acted in breach of its obligations under this Convention may inform the Secretariat thereof, and in such an event, shall simultaneously and immediately inform, directly or through the Secretariat, the Party against whom the allegations are made. All relevant information should be submitted by the Secretariat to the Parties.
2. The Conference of the Parties shall consider the adoption of a protocol dealing with detailed procedures and arrangements for the verification of alleged breaches of obligations under this Convention.



ARTICLE 20

Settlement of Disputes

1. In case of a dispute between Parties as to the interpretation or application of, or compliance with, this Convention or any protocol thereto, the Parties concerned shall seek a settlement of the dispute through negotiation, mediation or any other peaceful means of their own choice.

2. If the Parties concerned cannot settle their dispute through the means mentioned in paragraph 1 of this Article, the dispute, if the Parties to the dispute agree, shall be submitted to arbitration under the conditions set out in Annex VII of this Convention or to the International Court of Justice. However, failure to reach common agreement on submission of the dispute to arbitration or to the International Court of Justice shall not absolve the Parties from the responsibility of continuing to seek to resolve it by the means referred to in paragraph 1.

3. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party may declare that it recognises as compulsory ipso facto and without special agreement, in relation to any Party accepting the same obligation:

- (a) Arbitration in accordance with the procedures set out in Annex VII; and/or
- (b) Submission of the dispute to the International Court of Justice. Such declaration shall be notified in writing to the Secretariat which shall communicate it to the Parties.



ARTICLE 21

Signature

1. This Convention shall be open for signature by the Members of the South Pacific Forum at Waigani, Papua New Guinea, on 16 September 1995.

2. This Convention shall remain open for signature by the Members of the South Pacific Forum from 22 September 1995 until 21 March 1996 at the South Pacific Forum Secretariat, Suva.



ARTICLE 22

Ratification, Acceptance or Approval

This Convention shall be subject to ratification, acceptance or approval by Members of the South Pacific Forum. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.



ARTICLE 23

Accession

1. This Convention shall be open for accession by Members of the South Pacific Forum from the day after the date on which the Convention is closed for signature. The instruments of accession shall be deposited with the Depositary.

2. Other States not members of the South Pacific Forum which have territories in the Convention Area may accede to the Convention. In addition, other States which do not have territories in the Convention Area may also accede to the Convention pursuant to a decision of the Conference of the Parties under Article 13.4(g).



ARTICLE 24

Entry into Force

This Convention shall enter into force thirty days from the date of deposit of the tenth instrument of ratification, acceptance, approval or accession and thereafter for each State thirty days after the deposit of its instrument of ratification, acceptance, approval or accession.



ARTICLE 25

Reservations and Declarations

1. No reservations or exceptions shall be made to this Convention.
2. Paragraph 1 of this Article does not preclude a signatory or Party when signing, ratifying or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, *inter alia*, to the harmonisation of its laws and regulations with the provisions of this Convention, provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of this Convention in their application to that Party.



ARTICLE 26

Withdrawal

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw by giving written notification to the Depositary.
2. Withdrawal shall be effective one year after receipt of notification by the Depositary, or on such later date as may be specified in the notification.
3. Withdrawal shall not exempt any withdrawing Party from fulfilling any obligations it might have incurred under this Convention, whilst a Party to this Convention.



ARTICLE 27

Depositary

The Secretary General of the South Pacific Forum Secretariat shall be the Depositary of this Convention and of any protocols thereto.



ARTICLE 28

Registration

This Convention, as soon as it enters into force, shall be registered by the Depositary with the Secretary-General of the United Nations in conformity with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorised to that effect, have signed this Convention:

For the Government of Australia

For the Government of the Cook Islands

For the Government of the Federated States of Micronesia

For the Government of the Republic of Fiji

For the Government of the Republic of Kiribati

For the Government of the Republic of Nauru

For the Government of New Zealand

For the Government of Niue

For the Government of the Republic of Palau

For the Government of Papua New Guinea

For the Government of the Republic of the Marshall Islands

For the Government of Solomon Islands

For the Government of Tonga

For the Government of Tuvalu

For the Government of Vanuatu

For the Government of Western Samoa

DONE at Waigani, Papua New Guinea, on the sixteenth day of September in the year one thousand nine hundred and ninety five, in a single original in the English language.



ANNEX I

CATEGORIES OF WASTES WHICH ARE HAZARDOUS WASTES

Wastes Streams

Y1	Clinical wastes from medical care in hospitals, medical centres and clinics.
Y2	Wastes from the production and preparation of pharmaceutical products.
Y3	Waste pharmaceuticals, drugs and medicines.

Y4	Wastes from the production, formulation and use of biocides and phytopharmaceuticals.
Y5	Wastes from the manufacture, formulation and use of wood preserving chemicals.
Y6	Wastes from the production, formulation and use of organic solvents.
Y7	Wastes from heat treatment and tempering operations containing cyanides.
Y8	Waste mineral oils unfit for their originally intended use.
Y9	Waste oils/water, hydrocarbons/water mixtures, emulsions.
Y10	Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs).
Y11	Waste tarry residues arising from refining, distillation and any pyrolytic treatment.
Y12	Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish.
Y13	Wastes from production, formulation and use of resins, latex, plasticisers, glues/adhesives.
Y14	Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on human health and/or the environment are not known.
Y15	Wastes of an explosive nature not subject to other legislation.
Y16	Wastes from production, formulation and use of photographic chemicals and processing materials.
Y17	Wastes resulting from surface treatment of metals and plastics.
Y18	Residues arising from industrial waste disposal operations.
Y46	Wastes collected from households, including sewage and sewage sludges with the exception of clean sorted recyclable wastes which do not possess any of the hazardous characteristics defined in Annex II.
Y47	Residues arising from the incineration of household wastes.

Wastes having as constituents

Y19	Metal carbonyls.
Y20	Beryllium; beryllium compounds.
Y21	Hexavalent chromium compounds.
Y22	Copper compounds.
Y23	Zinc compounds.
Y24	Arsenic; arsenic compounds.
Y25	Selenium; selenium compounds.
Y26	Cadmium; cadmium compounds.
Y27	Antimony; antimony compounds.
Y28	Tellurium; tellurium compounds.
Y29	Mercury; mercury compounds.
Y30	Thallium; thallium compounds.
Y31	Lead; lead compounds.
Y32	Inorganic fluorine compounds excluding calcium fluoride.
Y33	Inorganic cyanides.
Y34	Acidic solutions or acids in solid form.
Y35	Basic solutions or bases in solid form.
Y36	Asbestos (dust and fibres).
Y37	Organic phosphorus compounds.
Y38	Organic cyanides.
Y39	Phenols; phenol compounds including chlorophenols.
Y40	Ethers.
Y41	Halogenated organic solvents.
Y42	Organic solvents excluding halogenated solvents.
Y43	Any congener of polychlorinated dibenzofuran.
Y44	Any congener of polychlorinated dibenzop dioxin.
Y45	Organohalogen compounds other than substances referred to in this Annex (e.g. Y39, Y41, Y42, Y43, Y44).



ANNEX II

LIST OF HAZARDOUS CHARACTERISTICS

LIST OF HAZARDOUS CHARACTERISTICS

UN Class	Code	Characteristics
1	H1	Explosive An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such speed as to cause damage to the surroundings.
3	H3	Flammable liquids The word "flammable" has the same meaning as "inflammable". Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5 degrees C, closed cup test, or not more than 65.6 degrees C, open cup test. (Since the results of open cup tests and of closed cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such differences would be within the spirit of this definition).
4.1	H4.1	Flammable solids Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.
4.2	H4.2	Substances or wastes liable to spontaneous combustion Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.
4.3	H4.3	Substances or wastes which, in contact with water, emit flammable gases Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.
5.1	H5.1	Oxidizing Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.

5.2	H5.2	Organic peroxides Organic substances or wastes which contain the bivalent-O - O- structure are thermally unstable substances which may undergo exothermic self accelerating decomposition.
6.1	H6.1	Poisonous (Acute) Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.
6.2	H6.2	Infectious substances Substances or wastes containing viable microorganisms or their toxins which are known or suspected to cause disease in animals or humans.
8	H8	Corrosives Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.
9	H10	Liberation of toxic gases in contact with air or water Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.
9	H11	Toxic (Delayed or chronic) Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.
9	H12	Ecotoxic Substances or wastes which, if released, present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation and/or toxic effects upon biotic systems.
9	H13	Capable, by any means, after disposal, of yielding another material, e.g. leachate, which possesses any of the characteristics listed above.

Tests

The potential hazards posed by certain types of wastes are not yet fully documented; tests to define quantitatively these hazards do not exist. Further research is necessary in order to develop means to characterise potential hazards posed to human health and the environment by these wastes. Standardised tests have been derived with respect to pure substances and materials. Many countries have developed national tests which can be applied to materials listed in Annex I, in order to decide if these materials exhibit any of the characteristics listed in this Annex.



ANNEX III

PACIFIC ISLAND DEVELOPING PARTIES

1. The following Members of the South Pacific Forum, on becoming party to this Convention, shall be considered to be Pacific Island Developing Parties for the purposes of the Convention:
 - Cook Islands
 - Federated States of Micronesia
 - Fiji

- Kiribati
- Republic of Marshall Islands
- Nauru
- Niue
- Republic of Palau
- Papua New Guinea
- Solomon Islands
- Tonga
- Tuvalu
- Vanuatu
- Western Samoa.

2. The Conference of the Parties may, in accordance with Article 13.4(g), and upon agreement with such prospective party, accept the status of any new Party to this Convention as a Pacific Island Developing Party.



ANNEX IV

OTHER PARTIES

1. The following Members of the South Pacific Forum, on becoming party to this Convention, shall be considered to be Other Parties for the purposes of the Convention:

- Australia
- New Zealand.

2. (a) The Conference of the Parties may, in accordance with Article 13.4(g), and upon agreement with such prospective party, accept the status of any new Party to this Convention as an Other Party; and (b) An Other Party may designate a territory located within the Convention Area to which, upon agreement by the Conference of the Parties, the provisions of Article 4.1 of this Convention shall be applied mutatis mutandis in the same manner as they apply to a Pacific Island Developing Party.



ANNEX V

DISPOSAL OPERATIONS

A. Operations which do not lead to the possibility of resource recovery, recycling, reclamation, direct re-use or alternative uses.

Section A encompasses all such disposal operations which occur in practice.

D1 Deposit into or onto land (e.g. landfill, etc).

D2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc).

D3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc).

D4 Surface impoundment (e.g. placement of liquid or sludge discards into pits, ponds, or lagoons, etc).

D5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc).

D6 Release into a water body except seas/oceans.

D7 Release into seas/oceans including sea bed insertion.

D8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A.

D9 Physico chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A

(e.g. evaporation, drying, calcination, neutralisation, precipitation, etc).

D10 Incineration on land.

D11 Incineration at sea.

D12 Permanent storage (e.g. emplacement of containers in a mine, etc).

D13 Blending or mixing prior to submission to any of the operations in Section A.

D14 Repackaging prior to submission to any of the operations in Section A.

D15 Storage pending any of the operations in Section A.

B. Operations which may lead to resource recovery, recycling, reclamation, direct re-use or alternative uses. Section B encompasses all such operations with respect to materials legally defined as or considered to be hazardous wastes and which otherwise would have been destined for operations included in Section A.

R1 Use as a fuel (other than in direct incineration) or other means to generate energy.

R2 Solvent reclamation/regeneration.

R3 Recycling/reclamation of organic substances which are not used as solvents.

R4 Recycling/reclamation of metals and metal compounds.

R5 Recycling/reclamation of other inorganic materials.

R6 Regeneration of acids and bases.

R7 Recovery of components used for pollution abatement.

R8 Recovery of components from catalysts.

R9 Used oil re refining or other reuses of previously used oil.

R10 Land treatment resulting in benefit to agriculture or ecological improvement.

R11 Uses of residual materials obtained from any of the operations numbered R1-R10.

R12 Exchange of wastes for submission to any of the operations numbered R1-R11.

R13 Accumulation of material intended for any operation in Section B.



ANNEX VI A

INFORMATION TO BE PROVIDED ON NOTIFICATION

1. Reason for wastes export.

2. Exporter of the wastes.¹

3. Generator(s) of the wastes and site of generation.¹

4. Importer and disposer of the wastes and actual site of disposal.¹

5. Intended carrier(s) of the wastes or their agents, if known.¹

6. Country of export of the wastes.

Competent authority.²

7. Expected countries of transit.

Competent authority.²

8. Country of import of the wastes.

Competent authority.²

9. General or single notification.

10. Projected date(s) of shipment(s) and period of time over which wastes are to be exported

and proposed itinerary (including point of entry and exit).³

11. Means of transport envisaged (road, rail, sea, air, inland waters).

12. Information relating to insurance.⁴

13. Designation and physical description of the wastes including Y number and UN number and its composition 5/ and information on any special handling requirements including emergency provisions in case of accidents.

14. Type of packaging envisaged (e.g. bulk, drummed, tanker).

15. Estimated quantity in weight/volume.⁶

16. Process by which the wastes are generated.⁷

17. For wastes listed in Annex I, classifications from Annex II: hazardous characteristic, H number, and UN class.

18. Method of disposal as per Annex V.

19. Declaration by the generator and exporter that the information is correct.

20. Information transmitted (including technical description of the plant) to the exporter or generator from the disposer of the wastes upon which the latter has based their assessment that there was no reason to believe that the wastes will not be managed in an environmentally sound manner in accordance with the laws and regulations of the country of import.

21. Information concerning the contract between the exporter and the disposer.

NOTES

¹Full name and address, telephone, telex or telefax number and the name, address, telephone, telex, or telefax number of the person to be contacted.

²Full name and address, telephone, telex or telefax number.

³In the case of a general notification covering several shipments, either the expected dates of each shipment or, if this is not known, the expected frequency of the shipments will be required.

⁴Information to be provided on relevant insurance requirements and how they are met by exporter, carrier and disposer.

⁵The nature and the concentration of the most hazardous components, in terms of toxicity and other dangers presented by the wastes both in handling and in relation to the proposed disposal method.

⁶ In the case of a general notification covering several shipments, both the estimated total quantity and the estimated quantities for each individual shipment will be required.

⁷Insofar as this is necessary to assess the hazard and determine the appropriateness of the proposed disposal operations.



ANNEX VI B

INFORMATION TO BE PROVIDED ON THE MOVEMENT DOCUMENT

1. Exporter of the wastes.¹

2. Generator(s) of the wastes and site of generation.¹

3. Disposer of the wastes and actual site of disposal.¹

4. Carrier(s) of the wastes 1/ or their agent(s).

5. Subject of general or single notification.

6. The date the transboundary movement started and date(s) and signature on receipt by

each person who takes charge of the wastes.

7. Means of transport (road, rail, inland waterway, sea, air) including countries of export, transit and import, also point of entry and exit where these have been designated.

8. General description of the wastes (physical state, proper UN shipping name and class, UN number, Y number and H number as applicable).

9. Information on special handling requirements including emergency provisions in case of accidents.

10. Type and number of packages.

11. Quantity in weight/volume.

12. Declaration by the generator or exporter that the information is correct.

13. Declaration by the generator or exporter indicating no objection from the competent authorities of all Parties.

14. Certification by disposer of receipt at designated disposal facility and indication of method of disposal and of the approximate date of disposal.

NOTES

The information required on the movement document shall where possible be integrated into one document with that required under transport rules. Where this is not possible, the information should complement rather than duplicate that required under the transport rules. The movement document shall carry instructions as to who is to provide information and fill out any form.

¹Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted in case of emergency.



ANNEX VII

ARBITRATION

ARTICLE 1

Unless the agreement referred to in Article 20 of this Convention provides otherwise, the arbitration procedure shall be conducted in accordance with Articles 2 to 10 below.

ARTICLE 2

The claimant party shall notify the Secretariat that the Parties have agreed to submit the dispute to arbitration pursuant to Articles 20.2 or 20.3 of this Convention and include, in particular, the articles of this Convention, the interpretation or application of which, are at issue. The Secretariat shall forward the information thus received to all Parties to this Convention.

ARTICLE 3

The arbitral tribunal shall consist of three members. Each of the Parties to the dispute shall appoint an arbitrator, and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the president of the arbitral tribunal. The latter shall not be a national of one of the Parties to the dispute, nor have their usual place of residence in the territory of one of the Parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

ARTICLE 4

1. If the president of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary General of the Forum Secretariat in consultation with the Director of SPREP shall, at the request of either Party, designate that person within a further two months period.

2. If one of the Parties to the dispute does not appoint an arbitrator within two months of the receipt of the request, the other Party may inform the Secretary General of the Forum Secretariat who shall, in consultation with the Director of SPREP, designate the president of the arbitral tribunal within a further two months period. Upon designation, the president of the arbitral tribunal shall request the Party which has not appointed an arbitrator to do so within

two months. After such period, the president shall inform the Secretary General of the Forum Secretariat who shall make this appointment within a further two months period, in consultation with the Director of SPREP.

ARTICLE 5

1. The arbitral tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Convention.
2. Any arbitral tribunal established under the provisions of this Annex shall decide its own rules of procedure.

ARTICLE 6

1. The decisions of the arbitral tribunal, both on procedure and on substance, shall be taken by majority vote of its members.
2. The arbitral tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the Parties, recommend essential interim measures of protection.
3. The Parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.
4. The absence or default of a Party in the dispute shall not constitute an impediment to the proceedings.

ARTICLE 7

The arbitral tribunal may hear and determine counter claims arising directly out of the subject matter of the dispute.

ARTICLE 8

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the arbitral tribunal, including the remuneration of its members, shall be borne by the Parties to the dispute in equal shares. The arbitral tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the Parties.

ARTICLE 9

Any Party that has an interest of a legal nature in the subject matter of the dispute which may be affected by the decision in the case, can intervene in the proceedings with the consent of the arbitral tribunal.

ARTICLE 10

1. The arbitral tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time limit for a period which should not exceed five months.
2. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the Parties to the dispute.
3. Any dispute which may arise between the Parties concerning the interpretation or execution of the award may be submitted by either Party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another tribunal constituted for this purpose in the same manner as the first.



WAIGANI CONVENTION Reference Material

This page provides direct access to resource material for the Waigani Convention.



[Transboundary Movement of Waste - Notification Form](#)

This form can be printed and filled out as required.

#Adobe pdf file 32KB



[Transboundary Movement of Waste - Movement Form](#)

This form can be printed and filled out as required.

#Adobe pdf file 34KB



[\[Waigani\]](#)

[Report of the First Meeting of the Conference of the Parties to the Waigani Convention \(20 July, 2002, Majuro, Marshall Islands\)](#)

#Adobe pdf file 386KB



[\[SPREP\]](#)

[Feasibility Study, For The Establishment Of A Pacific Regional Centre For The Joint Implementation Of The Basel And Waigani Conventions Integrated With The South Pacific Regional Environment Programme \(SPREP\)](#)

#Adobe pdf file 1,018KB



[\[Radioactive\]](#)

[Code of Practice on the International Transboundary Movement of Radioactive Waste \(13 November 1990\)](#)

International Atomic Energy Agency

#Adobe pdf file 25KB



[Australian Customs Service ; Community Protection Volume 5](#)

#Adobe pdf file 1963KB



[Australian Customs Service ; Export Control Volume 12](#)

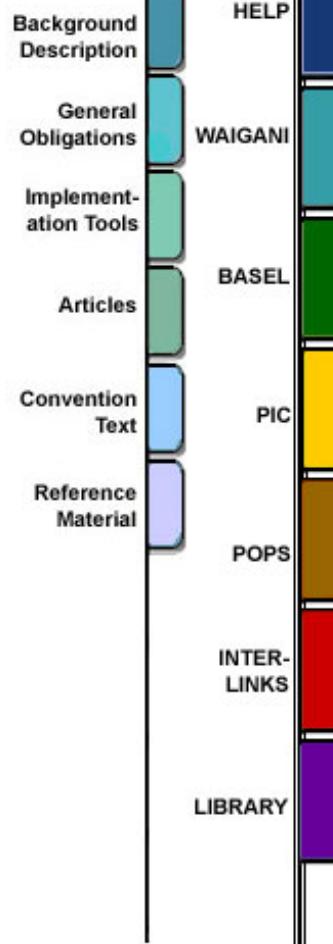
#Adobe pdf file 835KB



[National Profile to Assess the National Infrastructure for Management of Chemicals A Guidance Document](#)

UNITAR

#Adobe pdf file 562KB





BASEL CONVENTION

The Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal (1989)

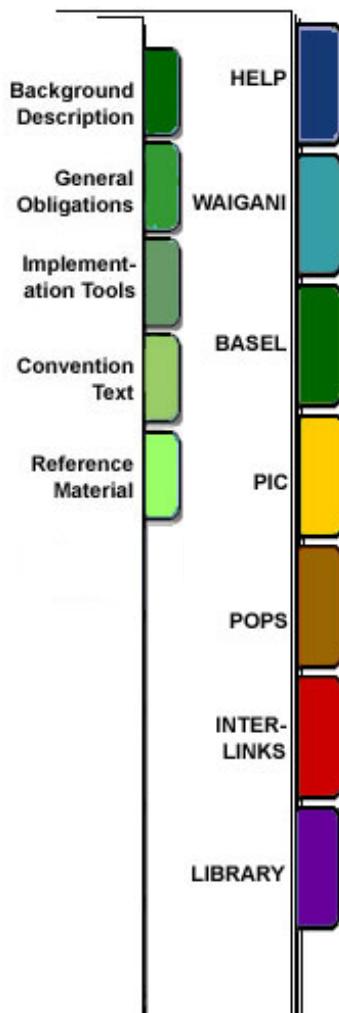
The Basel Convention is a global treaty that grew out of the need to stop the dumping by the developed countries of hazardous waste in developing countries who were ill-prepared to deal with its impacts. The primary objective of the Convention is to minimise, with the aim of eliminating, the generation and transboundary movement of hazardous waste. The Convention also aims at preventing illegal trafficking in waste.

By providing access to information and technical assistance on best practice guidelines and procedures for waste handling, storage and destruction, the Convention promotes the environmentally sound management and disposal of hazardous waste. The Basel Convention does not cover radioactive waste or waste discharged from ships. The Convention entered into force in 1992.

In 1995, the Ban Amendment was introduced to strengthen the Basel Convention by prohibiting the export of hazardous waste, for any reason, from a member state of the OECD to non-OECD countries.

In 1999, a protocol on liability and compensation was adopted.

The tabs in this section of the Handbook provide a description of the Basel Convention, its obligations and the tools needed to implement it. As well, resources documents and contacts are provided to make the task easier.





BASEL CONVENTION

Background Description

The Basel Convention at a Glance

Name:

Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal (1989)

(The Basel Convention)

What is the Purpose of the Convention?

The purpose of the Basel Convention is to:

- reduce transboundary movements of hazardous wastes;
- minimise the production of hazardous and toxic wastes;
- ensure that disposal of wastes is done in environmentally sound manner and as close to the possible source as possible; and
- assist developing countries in the environmentally sound management of hazardous and other wastes they generate.

What Substances or Chemicals Are Covered by the Convention?

The Convention covers toxic, poisonous, explosive, corrosive, flammable, ecotoxic and infectious wastes that are being moved from one country to another (transboundary movements).

What are the likely Scenarios where a Pacific Island Country would use this Convention?

Pacific Island countries are unlikely to be major producers of hazardous waste. They have some hazardous waste lying around (e.g., PCBs in old transformers or stockpiles of pesticides).

Pacific Island countries may possibly use the Convention for the following purposes:

- To get assistance in cleaning up hazardous wastes in their country.
- Getting a permit to export hazardous wastes for destruction in another country (e.g. exporting to Australia for destruction).
- Prohibiting the transshipment of hazardous wastes through the territorial seas of a PIC.
- Getting a permit to export elements of household waste to another country for recycling (e.g. aluminium cans).

What are the General Obligations on Countries?

Countries should ban the import of hazardous wastes. They should minimise the production of hazardous wastes and cooperate to ensure that wastes are treated and disposed of in an environmentally sound manner.

What are the Economic and Social Benefits of the Convention?

The Basel Convention is an international agreement that regulates the global trade in hazardous wastes. This means that movement of chemicals that are dangerous to human health and the environment will be severely restricted or banned. This will have significant benefits.

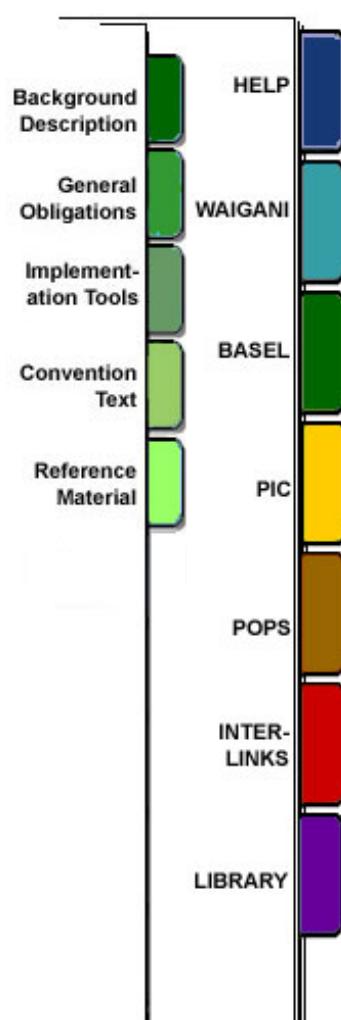
Furthermore, developing countries that ratify the Basel Convention are likely to attract financial support to help them administer their hazardous wastes. The major benefit will be a system of protection that will stop hazardous wastes being dumped in your country.

What Are Costs Associated with the Convention?

There is a small annual fee in being a party to the Convention.

Depending on the extent of hazardous waste in your country and the potential trade into your country, there will be some operational costs. The competent authorities (police, customs officers, port or airport authorities, coast guard) may need to carry out the following functions:

- identification of hazardous wastes;
- knowledge of companies' operations;
- knowledge of the United Nations Recommendations on the Transport of Dangerous Goods (all modes of transport);
- understanding of laboratory results on sampling and testing;
- familiarities with Notification and Movement Document, tracking documents, permits, contracts, financial guarantees;
- statistical information and processing of data provided by the World Customs Organization; and
- identification of cases of illegal traffic.



Financial assistance is provided by the Trust Fund to assist developing countries meet the costs of carrying out the obligations of the Convention.

What Personnel will be Required to Administer the Convention?

The Convention requires that a competent authority and a Focal Point be identified. The amount of staff time required to administer the Convention will depend on the volume of waste being held or transported. As a minimum, a country may need to allocate some time to customs officials, a Focal Point and possibly a scientist/engineer. As there is considerable overlap in responsibility with the Waigani Convention the tasks would be much the same.

Will National Legislation be Required?

Yes. The Secretariat of the Basel Convention has produced model legislation. This could be used as a guide. Basel legislation could be combined with legislation needed to meet obligations under other chemical conventions.

Are There Reporting Requirements?

Yes. Each year, a questionnaire is sent out to member countries, requesting information on variety of matters relating to hazardous wastes. This includes information on efforts to reduce the amount of hazardous wastes and information on the generation, export and import of hazardous wastes covered by the Convention.

Will There be Help in Administering the Convention?

Yes. The Secretariat of the Convention cooperates with national authorities in developing national legislation, setting up inventories of hazardous wastes, strengthening national institutions and preparing hazardous waste management plans.

Regional Centres for Training and Technology Transfer will assist developing countries to gain the skills and tools necessary to properly manage and dispose of their wastes in an environmentally sound way.

What is the Status of the Convention?

The Convention came into force in 1992

Are There Other Agreements Associated with the Convention?

Yes, there is The Basel Protocol on Liability and Compensation. There is also the Basel Ban Amendment (Decision III/I) which bans the trade in hazardous waste from EU, OECD and Liechtenstein to all other Parties.

Secretariat of the Basel Convention
International Environment House
15 chemin des Anemones
CH1219 Chatelaine, Geneva, Switzerland
Tel:(+41)22 9178218
Fax:(+41)22 7973454
e-mail: sbc@unep.ch
Internet: <http://www.basel.int>



BASEL CONVENTION

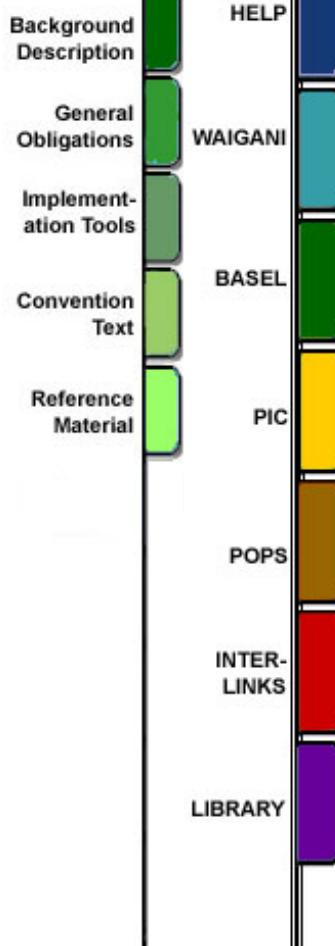
General Obligations

General Obligations of the Basel Convention

This section provides information on the obligations of the Basel Convention including:

- ➡ Obligations on South Pacific Countries
- ➡ The Basel Ban Amendment

It is important that the obligations of the Basel Convention are not seen as isolated from those of the Waigani Convention. The requirements of both conventions are quite similar.



What are the Obligations on Parties?

The obligations under the Convention require participating countries to take the following actions:

- Each Party can prohibit the import of hazardous wastes and other wastes. If it does, it should inform other Parties to the Convention (Article 4, paragraph 1 (a)).
- Each Party shall prevent the import of hazardous wastes and other wastes if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner (Article 4, paragraph 2 (g)).
- Each Party that intends to export hazardous or other waste shall ensure that the waste will be managed in an environmentally sound manner at the place of its destination. (Article 4, paragraph 8)
- Each Party shall not permit hazardous wastes or other wastes to be imported from a non-Party unless there is a bilateral, multilateral or regional agreement allowing this import (Article 4, paragraph 5) and (Article 11, paragraph 1)
- Each Party shall not permit hazardous wastes or other wastes to be exported to a non-Party unless there is a bilateral, multilateral or regional agreement allowing this import (Article 4, paragraph 5) and (Article 11, paragraph 1)
- Each Party shall ensure that persons involved in the management of hazardous wastes or other wastes shall prevent pollution and minimize potential impacts on human health and the environment (Article 4, paragraph 2 (c)).
- Each Party shall prohibit all persons under its national jurisdiction from transporting or disposing of hazardous wastes or other wastes unless such persons are authorized to do so (Article 4, paragraph 7 (a)).
- Each Party shall require that hazardous wastes and other wastes that are being transported to another country to be properly labelled according to international rules and standards (Article 4, paragraph 7 (b)).
- Each Party shall require that any person who takes charge of a transport of hazardous wastes or other wastes from one country to another to sign the movement document (see details of movement document) (Article 6, paragraph 9).
- Each Party shall require that any person who takes charge of a transport of hazardous wastes or other wastes that pass through (transits) another country to inform the transit country in writing. (Article 2, paragraph 13).
- Each Party shall notify the Secretariat of any bilateral, multilateral or regional agreements or arrangements it has agreed upon for the purposes of moving hazardous or other wastes. (Article 11, paragraph 2).
- Each Party which potentially could be an importer of hazardous or other wastes may write to the exporter and:
 - consent to the import with or without conditions,

- deny permission for the import, or
- request additional information (Article 6, paragraph 2)

● Each Party shall ensure that any export of hazardous or other wastes is covered by insurance, bond or other guarantee as required by the importer or transit country (Article 6, paragraph 11)

The Basel Ban Amendment

In March 1994, 65 Parties to the Basel Convention led by the G-77 group of developing countries and China voted by consensus for a full ban on all exports of hazardous wastes from the OECD (Organisation for Economic Cooperation and Development) countries to non-OECD countries.

However, it was argued that the 1994 decision was not legally binding unless it became part of the Basel Convention through amendment. Thus in 1995, a second decision to amend the Convention was also passed by a consensus of the Basel Convention Parties. Annex VII, describing the Parties and other States that are members of OECD, the European Commission (EC) and Liechtenstein is an integral part of the Amendment. It was adopted in 1995 by Decision III/1, amending the Basel Convention.

A new preambular paragraph was added to the Convention which recognised that transboundary movements of hazardous wastes, especially to developing countries, has a high risk of not constituting an environmentally sound management of hazardous wastes as required by this Convention.

A new Article was also included that states *"each Party listed in Annex VII shall prohibit all transboundary movements of hazardous wastes which are destined for operations according to Annex IV A, to States not listed in Annex VII" and "each Party listed in Annex VII shall phase out by 31 December 1997, and prohibit as of that date, all transboundary movements of hazardous wastes under Article 1(l)(a) of the Convention, which are destined for operations according to Annex IV B to States not listed in Annex VII. Such transboundary movement shall not be prohibited unless the wastes in question are characterised as hazardous under the Convention."*

While the amendments effectively banned (as of 1 January 1998) all forms of hazardous waste exports from the industrialized countries of the OECD to all non-OECD countries, in order for the amendment to enter the force of law it requires 62 countries to ratify it.



BASEL CONVENTION

Implementation Tools

Implementing the Basel Convention

This section provides information on the important components of implementing the Basel Convention. Each of the components is described and access is provided to appropriate reference materials and the documentation required for easy and effective implementation.

- ◆ Steps to Implementation
- ◆ Identifying Basel Convention Wastes
- ◆ Identifying Transboundary Movement
- ◆ The Control System
- ◆ Documentation Required
- ◆ Environmental Sound Hazardous Waste Management
- ◆ Basel Protocol on Liability and Compensation
- ◆ Example Scenario for Implementation - Lead Acid Batteries in the South Pacific

The most relevant Annexes are included here for convenience:

- ◆ Annex I Categories of Wastes to be Controlled
- ◆ Annex II Categories of Wastes requiring Special Consideration
- ◆ Annex III List of Hazardous Characteristics
- ◆ Annex VIII LIST A
- ◆ Annex IX LIST B

Note

To find a particular chemical or category of waste, use the find/search function in the Adobe Acrobat software provided.



Steps to Implementation

The main components of implementation consist of the identification of Basel Convention wastes, the establishment of the Control System and the accommodation of the Basel Ban Amendment and other restrictions on Transboundary Movements of waste including environmental sound management of hazardous waste.

To implement the Convention a country needs to identify a Focal Point and the Competent Authority and formally notify the Secretariat. It may be necessary to seek training and other capacity building support from the Basel Secretariat, for example, in implementing capacity building programs to familiarise the Customs Services with the obligations of the Convention.

It may also be necessary for a country to make changes to existing legislation or develop new legislation. Copies of the model legislation developed for the implementation of the Basel Convention are available in the Basel Convention Reference section. →

Detailed information is available in the "Manual for the Implementation of the Basel Convention" available in the Basel Convention Reference section. →



Identifying Basel Convention Wastes

Pacific Island countries are unlikely to be major producers of hazardous wastes, however each country is likely to have some wastes lying around (e.g. PCBs, pesticides, paints, solvents etc.). The following provides a guide to determining what waste is covered under the Basel Convention.

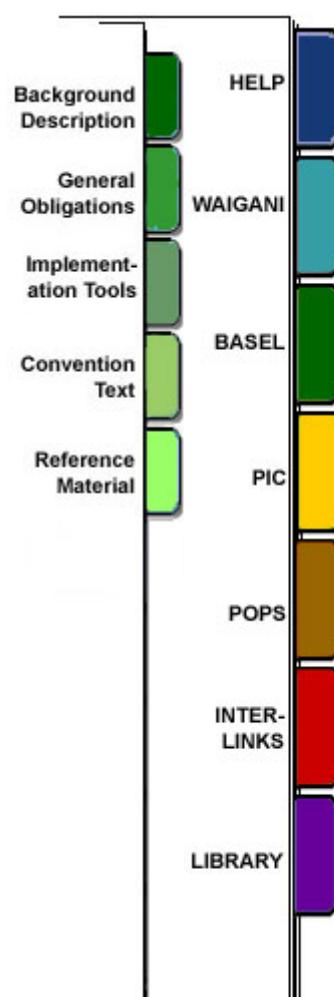
What is waste?

The Basel Convention defines wastes as "*substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law*" (Article 2, paragraph 1).

What are Hazardous Wastes?

Determining what is a hazardous waste under the Basel Convention is quite complicated. A series of steps have to be completed to determine whether or not a waste is hazardous under the Convention.

Step 1:



- Determine whether the wastes will be or are currently being transported between two countries.

Step 2

- Determine whether the wastes are included in Annex 1 to the Convention. This is known as the Y List (see below).

Step 3

- Determine whether the wastes are classified as hazardous by domestic legislation within the Party of export, import or transit.

Step 4

- Determine whether the wastes are included in Annex VIII (known as the A List) of the Convention, but not in Annex IX (known as the B List).

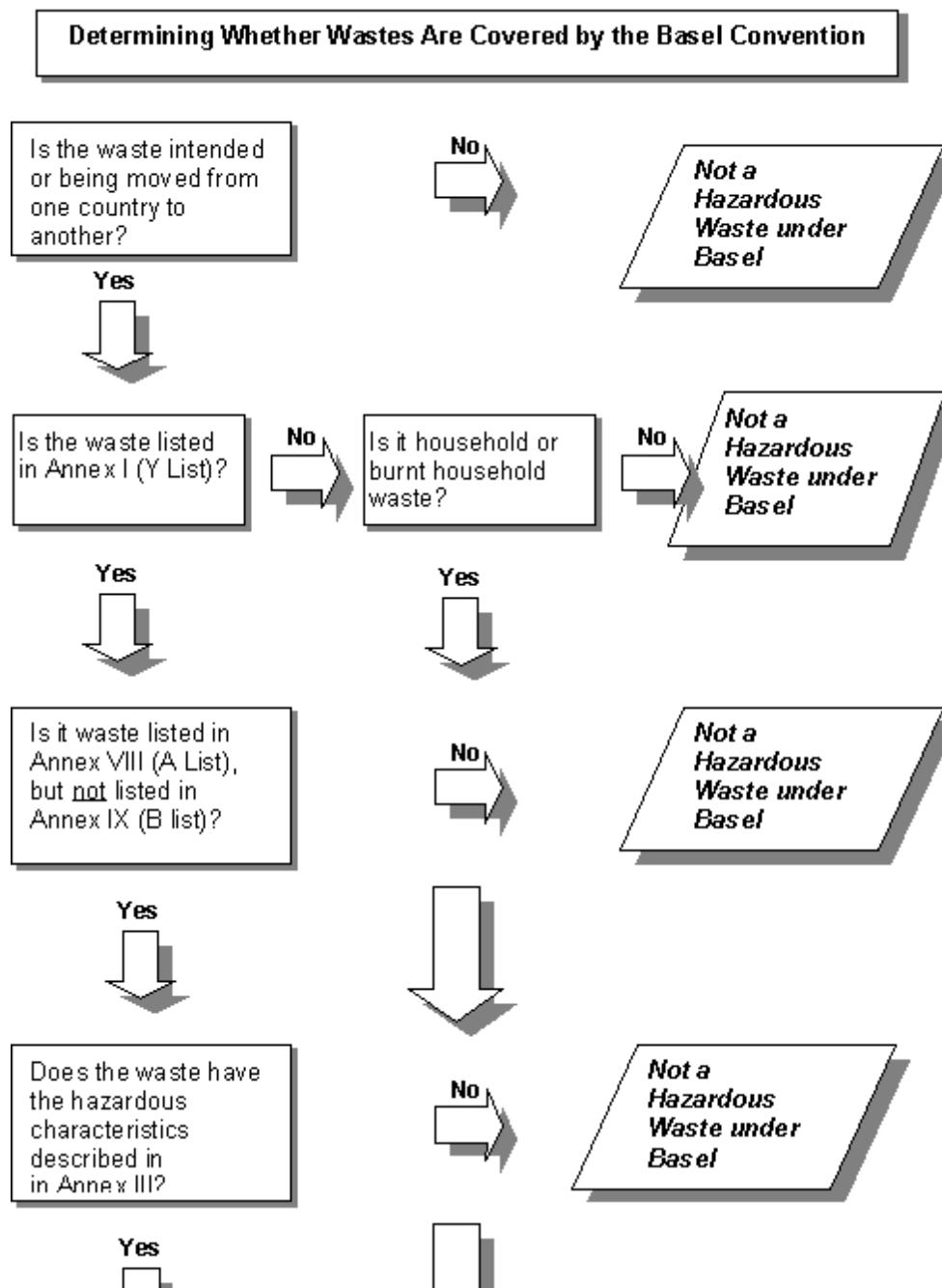
Step 5

- Determine if the wastes that they have been found to be on Annex I or Annex VIII, also exhibits one or more of hazardous characteristics contained in Annex III of the Convention. This is known as the H List (see below).

Step 6

- Determine whether the wastes are domestic or burnt domestic waste and are intended to be transported or are currently being transported between two countries.
If this is the case then they are classified as "other waste".

The following flow diagram explains the process of determining whether a waste is covered by the Basel Convention.





Hazardous Waste

"Other Waste"



What is "Transboundary Movement?"

"Transboundary movement" means any movement of hazardous wastes or other wastes from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State or to or through an area not under the national jurisdiction of any State, provided at least two States are involved in the movement (Article 2, paragraph 3).

Are there Exceptions?

Yes. The provisions of this Convention does not affect transboundary movements which take place pursuant to bilateral, multilateral or regional agreements, provided that such agreements are compatible with the environmentally sound management of hazardous wastes and other wastes as required by this Convention (Article 11, paragraph 2).

Other Restrictions on Transboundary Movements

There are a range of other restrictions on transboundary movements. For example, transboundary movements must be restricted to parties to the Convention and only to countries where environmental sound management is evident. Where a state of import has an import ban and not given its consent then the state of export must prohibit the export.



The Control System

The control system for the Basel Convention is simply a procedure for the notification of transboundary movements of hazardous waste or other waste, based on prior written consent. Each shipment of hazardous waste or other waste needs to be accompanied by a movement document from the point at which transboundary movement begins to of the point of disposal.

The control procedure in general is made up of:

- a responsibility to notify,
- documentation and general notification,
- contact between the exporter and disposer,
- insurers/financial guarantees,
- international transport rules and regulations, and
- environmentally sound management.

In any transboundary movement of waste, the state of import's written consent and confirmation of the sound management of waste is required, as is the written consent of the state of transit.



Documentation Required

The type of information that needs to be transmitted includes:

Export Notification: The Convention requires that an Exporting Party notify all countries concerned (i.e., any exporting, transiting or importing country) of any proposed transboundary movement of hazardous waste. The information needed for this notification is found in Annex V (A). It includes the reasons for the waste export, expected countries of transit, means of transport, type of packaging and method of disposal.

Movement Document: Each transboundary movement of hazardous waste must be accompanied by a Movement Document. The required information for this document is found in Annex V (B) and includes certification by the disposer of receipt at a designated disposal facility and an indication of the method of disposal and the approximate date of disposal.

Information to Secretariat: Countries are also required to inform the Secretariat if they change their national definitions of hazardous waste. They must also report any illegal hazardous waste activity, any hazardous wastes generated in their territory, any changes to the nominated focal point, competent authority, and any bilateral, regional or multilateral agreements or arrangements with Non-Parties.

Information on Sound Management of Wastes: Countries are required to provide information on request that relates to the promotion of environmentally sound management of hazardous wastes, including cleaner production methods.

Documentation Assistance: The Basel Convention Secretariat has drafted two standard documents for documenting the movement of wastes. These documents are:

- Transboundary Movement of Waste - Notification
- Transboundary Movement of Waste - Movement document

These are both available in the Basel Convention Reference section. 



Environmental Sound Hazardous Waste Management

Environmental sound management of hazardous waste underpins the rational and implementation of the Basel Convention. Guidance Documents (available in the Basel Convention Reference section) provide direction for the environmentally sound management of hazardous wastes to countries considering or controlling transboundary movements of such wastes destined for recovery operations, or for those practising recycling or recovery of materials. They also provide information to assist countries in their efforts to ensure, as far as practicable, the environmentally sound management of wastes subject to the Basel Convention within their national territory.

More detailed information on the implementation of the Basel Convention is available in the Basel Convention Reference section. 



Basel Protocol on Liability and Compensation

The Basel Protocol on Liability and Compensation was adopted at the Fifth Conference of Parties (COP-5) in December 1999. It was in response to the concerns of developing countries about their lack of funds and technologies for coping with illegal dumping or accidental spills. The objective of the Protocol is to provide for a comprehensive regime for liability as well as adequate compensation for any damage resulting from the transboundary movement of hazardous wastes.

The Protocol addresses who is financially responsible in the event of an incident. Each phase of a transboundary movement, from the point at which the wastes are loaded on the means of transport to their export, international transit, import, and final disposal, is considered.

The Basel Protocol on Liability and Compensation is available in the Basel Reference section. 



Example Scenario

Lead Acid Batteries in the South Pacific.

Buggerup Brothers Pty Ltd is a hypothetical used car dealer in a Pacific Island Developing Country. Buggerup Bros discovers that they have accumulated a large number of used lead-acid car batteries. They are lying around all over the place and are likely to constitute a public health hazard because of the battery acid and the lead. Alfred Buggerup wants to export the batteries overseas (and make a bit of money out of the lead). He contacts the environment department and asks them what he needs to do to export them. He is put in contact with Ms Eli, who is the Focal Point for the Waigani Convention.

The following are the possible steps Ms Eli may take in ensuring that the wastes are properly and safely exported out of her country.

Step	Scenario Response	Comment
Check to see if car batteries constitute hazardous waste under the government's environment legislation	<i>She finds that there is no list for hazardous wastes under their environment legislation</i>	It would be a good idea to start building a list of hazardous wastes and to legislate this list
Check to see if the batteries can be classified as controlled wastes under the Waigani Convention	<i>She finds that they contain lead</i>	Lead is classified as controlled waste: Y31 – {Lead,lead compounds}

Check to see if the batteries exhibit hazardous characteristics	<i>She finds that they contain corrosive substances because of the acid</i>	As the batteries contain acid they are classified as H8 Corrosives { Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or, in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards. }
Notify the exporter that the batteries constitute hazardous waste	<i>She notifies Mr Buggerup and tell him that he will need approval to export them</i>	
Notify the exporter to place the batteries in safe storage until they are exported	<i>She notifies Mr Buggerup</i>	This is part of the requirements for environmentally sound management of wastes
Provide the exporter with a Waigani Notification Form	<i>She sends Mr Buggerup a Notification Form and assists him in filling out this form.</i>	The Competent Authority i.e., the Environment Department in this case, has the ultimate responsibility for ensuring that the Notification form is filled out correctly. The Competent Authority can delegate this responsibility to the exporter, but it is wise to check that this has been done properly.
Ensure that the exporter fills out the form properly	<i>She checks that he has filled out all the sections</i>	<p>Key aspects of the Notification Form include:</p> <ul style="list-style-type: none"> · the reason for the export, · the exporter, · the generator, · the site of generation and the process by which the wastes are generated, · the nature of the wastes and their packaging · the intended itinerary, · the site of disposal, · the disposer, <p>the method of disposal as per Annex IV</p>
Check carefully proposed route of the waste shipment as indicated in the Notification Form as see whether the waste shipment transits through the Economic Exclusive Zones of any country.	<i>She checks the Notification Form and finds that the waste shipment will pass through the EEZ of:</i> i) <i>another Pacific Island Developing Country (Vanuatu)</i> ii) <i>a Non Party EEZ (New Caledonia)</i>	All transit countries need to be notified of the waste shipment and their approval sought.

Determine whether the country of import is: i. An “Other Party” under the Waigani Convention ii. A Non-Party under the Waigani Convention	<i>She checks her list of Parties to the Waigani Convention, on the SPREP website. She finds that the country of import (Australia) has ratified the Waigani Convention.</i>	“Other Parties” are the only countries Pacific Forum countries which are allowed to accept waste from Pacific Island Developing Countries under the Waigani Convention. Currently, the only two “Other Parties” are Australia and New Zealand. If it is found that the proposed country of export is a Non-Party, the focal point has the option of: i. refusing the export to that country ii. entering into a bilateral agreement with that country, so long as this agreement is consistent with the objectives of the Waigani Convention
Check that the “Other Party” has adequate treatment and disposal facilities for the environmentally sound management of the batteries	<i>She contacts the environment department in Australia and checks whether there are appropriate facilities for the appropriate treatment of batteries.</i>	The onus is on the country of export to ensure that the waste will be treated in an environmentally sound manner in the country of import.
Check that Notification documents are sent to the importing country (Australia) and the two transit countries, Vanuatu and New Caledonia.	<i>She checks that Mr Buggerup has sent Notification documents to all countries.</i>	Even though New Caledonia is a Non-Party it must be sent a Notification document.
Check that all countries concerned: i) Importing Party (Australia) ii) Transit Non-Party (New Caledonia) iii) The Transit Party (Vanuatu) have acknowledged receipt of the Notification.	<i>Ms Eli checks with Mr Buggerup after the appropriate period of time that each of these countries has acknowledged receipt of the Notification.</i>	The Importing Party, (Australia) and the Transit Party (Vanuatu) have fourteen days to acknowledge receipt of the Notification. The Non-Party Transit country (New Caledonia) does not have a time limit on responding.
Check that all countries concerned have given written consent to the transport of the waste.	<i>Ms Eli checks with Mr Buggerup to see if they have given consent and whether there are any conditions on this consent.</i>	The Importing Party and the Transit Party have sixty days after issuing their acknowledgement of receipt of the Notification to consent with or without conditions or deny permission for the movement of the waste.
Check that there is a contract between the exporter and disposer specifying that wastes will be managed in an environmentally sound manner.	<i>Ms Eli checks with Mr Buggerup that he has a contract with the company that is receiving the waste in Australia and that contract specifies that the wastes will be managed in an environmentally sound manner.</i>	The Convention states that environmentally sound management means taking all practical steps to ensure that the hazardous wastes are managed in a manner that will protect human health and the environment against the adverse effects that may result from such wastes.

Check whether the Importing Party of the Transit Party requires that the waste shipment be covered by insurance	<i>Ms Eli checks the written consents to see if insurance is required. In this case Vanuatu requires insurance</i>	The shipment must be covered by insurance if so required by any Transit Party or importing Party.
Check whether insurance has been taken out for the waste shipment.	<i>Ms Eli asks Mr Buggerup for written confirmation that he has taken out appropriate insurance for the waste shipment</i>	The Waigani Convention says that the Transit or Importing Party shall determine what sort of insurance they require from the exporter.
Check that all wastes are appropriately packaged and labelled before they are exported.	<i>Ms Eli checks with Customs to see whether the batteries are appropriately packaged and labelled.</i>	The labelling should include the Y number and UN number and its composition and information on any special handling requirements including emergency provisions in case of accidents.
Check that the wastes are accompanied by a Movement Document	<i>Ms Eli checks that Mr Buggerup has filled out the appropriate Movement Document</i>	The Movement Document has similar information to the Notification Document. Each person that takes charge of the transboundary movement of the hazardous waste must sign it, upon delivery or receipt.
Check that the waste has arrived safely and that there has been no accident on the way.	<i>Ms Eli checks with Mr Buggerup to ensure that the waste has arrived safely and without incident.</i>	If there has been an accident, the focal point should notify the Secretariat of the Waigani Convention (SPREP).
Check that the wastes have been disposed of in the appropriate manner.	<i>Ms Eli should receive from the disposer of the batteries in Australia, notification that the wastes have been disposed of in the appropriate manner. If she doesn't receive this information she should inform the Importing Party i.e. the environment department in Australia.</i>	The disposer must notify both the exporter (Mr Buggerup) and the Competent Authority (Ms Eli) that the wastes have been disposed of in the appropriate manner as indicated in the original Notification Document.

 **Annex I**

Annex I

CATEGORIES OF WASTES TO BE CONTROLLED

Waste Streams

- Y1** Clinical wastes from medical care in hospitals, medical centers and clinics
- Y2** Wastes from the production and preparation of pharmaceutical products
- Y3** Waste pharmaceuticals, drugs and medicines
- Y4** Wastes from the production, formulation and use of biocides and phytopharmaceuticals
- Y5** Wastes from the manufacture, formulation and use of wood preserving chemicals
- Y6** Wastes from the production, formulation and use of organic solvents
- Y7** Wastes from heat treatment and tempering operations containing cyanides
- Y8** Waste mineral oils unfit for their originally intended use
- Y9** Waste oils/water, hydrocarbons/water mixtures, emulsions

Y10 Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)

Y11 Waste tarry residues arising from refining, distillation and any pyrolytic treatment

Y12 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish

Y13 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives

Y14 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known

Y15 Wastes of an explosive nature not subject to other legislation

Y16 Wastes from production, formulation and use of photographic chemicals and processing materials

Y17 Wastes resulting from surface treatment of metals and plastics

Y18 Residues arising from industrial waste disposal operations

Wastes having as constituents:

Y19 Metal carbonyls

Y20 Beryllium; beryllium compounds

Y21 Hexavalent chromium compounds

Y22 Copper compounds

Y23 Zinc compounds

Y24 Arsenic; arsenic compounds

Y25 Selenium; selenium compounds

Y26 Cadmium; cadmium compounds

Y27 Antimony; antimony compounds

Y28 Tellurium; tellurium compounds

Y29 Mercury; mercury compounds

Y30 Thallium; thallium compounds

Y31 Lead; lead compounds

Y32 Inorganic fluorine compounds excluding calcium fluoride

Y33 Inorganic cyanides

Y34 Acidic solutions or acids in solid form

Y35 Basic solutions or bases in solid form

Y36 Asbestos (dust and fibres)

Y37 Organic phosphorus compounds

Y38 Organic cyanides

Y39 Phenols; phenol compounds including chlorophenols

Y40 Ethers

Y41 Halogenated organic solvents

Y42 Organic solvents excluding halogenated solvents

Y43 Any congener of polychlorinated dibenzo-furan

Y44 Any congener of polychlorinated dibenzo-p-dioxin

Y45 Organohalogen compounds other than substances referred to in this Annex (e.g. Y39, Y41, Y42, Y43, Y44)

(a) To facilitate the application of this Convention, and subject to paragraphs (b), (c) and (d), wastes listed in Annex VIII are characterized as hazardous pursuant to Article 1, paragraph 1 (a), of this Convention, and wastes listed in Annex IX are not covered by Article 1, paragraph 1 (a), of this Convention.

(b) Designation of a waste on Annex VIII does not preclude, in a particular case, the use of Annex III to demonstrate that a waste is not hazardous pursuant to Article 1, paragraph 1 (a), of

this Convention.

(c) Designation of a waste on Annex IX does not preclude, in a particular case, characterization of such a waste as hazardous pursuant to Article 1, paragraph 1 (a), of this Convention if it contains Annex I material to an extent causing it to exhibit an Annex III characteristic.

(d) Annexes VIII and IX do not affect the application of Article 1, paragraph 1 (a), of this Convention for the purpose of characterization of wastes.⁽¹⁾

Annex II

CATEGORIES OF WASTES REQUIRING SPECIAL CONSIDERATION

Y46 - Wastes collected from households

Y47 - Residues arising from the incineration of household wastes

Annex III

LIST OF HAZARDOUS CHARACTERISTICS

UN Class⁽²⁾ Code Characteristics

1 H1 Explosive

An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such speed as to cause damage to the surroundings.

3 H3 Flammable liquids

The word "flammable" has the same meaning as "inflammable." Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5 C, closed-cup test, or not more than 65.6C, open-cup test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such differences would be within the spirit of this definition.)

4.1 H4.1 Flammable solids

Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.

4.2 H4.2 Substances or wastes liable to spontaneous combustion

Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.

4.3 H4.3 Substances or wastes which, in contact with water emit flammable gases

Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.

5.1 H5.1 Oxidizing

Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.

5.2 H5.2 Organic Peroxides

Organic substances or wastes which contain the bivalent-O-O- structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.

6.1 H6.1 Poisonous (Acute)

Substances or wastes liable either to cause death or serious injury or to harm health if swallowed or inhaled or by skin contact.

6.2 H6.2 Infectious substances

Substances or wastes containing viable micro organisms or their toxins which are known or suspected to cause disease in animals or humans.

8 H8 Corrosives

Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or, in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.

9 H10 Liberation of toxic gases in contact with air or water

Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.

9 H11 Toxic (Delayed or chronic)

Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.

9 H12 Ecotoxic

Substances or wastes which if released present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation and/or toxic effects upon biotic systems.

9 H13 Capable, by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above.

Tests

The potential hazards posed by certain types of wastes are not yet fully documented; tests to define quantitatively these hazards do not exist. Further research is necessary in order to develop means to characterize potential hazards posed to man and/or the environment by these wastes. Standardized tests have been derived with respect to pure substances and materials. Many countries have developed national tests which can be applied to materials listed in Annex I, in order to decide if these materials exhibit any of the characteristics listed in this Annex.



Annex VIII

LIST A

Wastes contained in this Annex are characterized as hazardous under Article 1, paragraph 1 (a), of this Convention, and their designation on this Annex does not preclude the use of Annex III to demonstrate that a waste is not hazardous.

A1 Metal and metal-bearing wastes

A1010 Metal wastes and waste consisting of alloys of any of the following:

- " Antimony
- " Arsenic
- " Beryllium
- " Cadmium
- " Lead
- " Mercury
- " Selenium
- " Tellurium
- " Thallium

but excluding such wastes specifically listed on list B.

A1020 Waste having as constituents or contaminants, excluding metal waste in massive form, any of the following:

- " Antimony; antimony compounds

" Beryllium; beryllium compounds
" Cadmium; cadmium compounds
" Lead; lead compounds
" Selenium; selenium compounds
" Tellurium; tellurium compounds

A1030 Wastes having as constituents or contaminants any of the following:

" Arsenic; arsenic compounds
" Mercury; mercury compounds.
" Thallium; thallium compounds

A1040 Wastes having as constituents any of the following:

" Metal carbonyls
" Hexavalent chromium compounds

A1050 Galvanic sludges

A1060 Waste liquors from the pickling of metals

A1070 Leaching residues from zinc processing, dust and sludges such as jarosite, hematite, etc.

A1080 Waste zinc residues not included on list B, containing lead and cadmium in concentrations sufficient to exhibit Annex III characteristics

A1090 Ashes from the incineration of insulated copper wire

A1100 Dusts and residues from gas cleaning systems of copper smelters

A1110 Spent electrolytic solutions from copper electrorefining and electrowinning operations

A1120 Waste sludges, excluding anode slimes, from electrolyte purification systems in copper electrorefining and electrowinning operations

A1130 Spent etching solutions containing dissolved copper

A1140 Waste cupric chloride and copper cyanide catalysts

A1150 Precious metal ash from incineration of printed circuit boards not included on list B⁽⁴⁾

A1160 Waste lead-acid batteries, whole or crushed

A1170 Unsorted waste batteries excluding mixtures of only list B batteries. Waste batteries not specified on list B containing Annex I constituents to an extent to render them hazardous.

A1180 Waste electrical and electronic assemblies or scrap⁽⁵⁾ containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or contaminated with Annex I constituents (e.g., cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they possess any of the characteristics contained in Annex III (note the related entry on list B B1110)⁽⁶⁾

A2 Wastes containing principally inorganic constituents, which may contain metals and organic materials

A2010 Glass waste from cathode-ray tubes and other activated glasses

A2020 Waste inorganic fluorine compounds in the form of liquids or sludges but excluding such wastes specified on list B

A2030 Waste catalysts but excluding such wastes specified on list B

A2040 Waste gypsum arising from chemical industry processes, when containing Annex I constituents to the extent that it exhibits an Annex III hazardous characteristic (note the related entry on list B B2080)

A2050 Waste asbestos (dusts and fibres)

A2060 Coal-fired power plant fly-ash containing Annex I substances in concentrations sufficient to exhibit Annex III characteristics (note the related entry on list B B2050)

A3 Wastes containing principally organic constituents, which may contain metals and inorganic materials

A3010 Waste from the production or processing of petroleum coke and bitumen

A3020 Waste mineral oils unfit for their originally intended use

A3030 Wastes that contain, consist of or are contaminated with leaded anti-knock compound sludges

A3040 Waste thermal (heat transfer) fluids

A3050 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives excluding such wastes specified on list B (note the related entry on list B B4020)

A3060 Waste nitrocellulose

A3070 Waste phenols, phenol compounds including chlorophenol in the form of liquids or sludges

A3080 Waste ethers not including those specified on list B

A3090 Waste leather dust, ash, sludges and flours when containing hexavalent chromium compounds or biocides (note the related entry on list B B3100)

A3100 Waste paring and other waste of leather or of composition leather not suitable for the manufacture of leather articles containing hexavalent chromium compounds or biocides (note the related entry on list B B3090)

A3110 Fellmongery wastes containing hexavalent chromium compounds or biocides or infectious substances (note the related entry on list B B3110)

A3120 Fluff - light fraction from shredding

A3130 Waste organic phosphorous compounds

A3140 Waste non-halogenated organic solvents but excluding such wastes specified on list B

A3150 Waste halogenated organic solvents

A3160 Waste halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations

A3170 Wastes arising from the production of aliphatic halogenated hydrocarbons (such as chloromethane, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)

A3180 Wastes, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB), polychlorinated terphenyl (PCT), polychlorinated naphthalene (PCN) or polybrominated biphenyl (PBB), or any other polybrominated analogues of these compounds, at a concentration level of 50 mg/kg or more⁽⁷⁾

A3190 Waste tarry residues (excluding asphalt cements) arising from refining, distillation and any pyrolytic treatment of organic materials

A4 Wastes which may contain either inorganic or organic constituents

A4010 Wastes from the production, preparation and use of pharmaceutical products but excluding such wastes specified on list B

A4020 Clinical and related wastes; that is wastes arising from medical, nursing, dental, veterinary, or similar practices, and wastes generated in hospitals or other facilities during the investigation or treatment of patients, or research projects

A4030 Wastes from the production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides and herbicides which are off-specification, outdated,⁽⁸⁾ or unfit for their originally intended use

A4040 Wastes from the manufacture, formulation and use of wood-preserving chemicals⁽⁹⁾

A4050 Wastes that contain, consist of or are contaminated with any of the following:

" Inorganic cyanides, excepting precious-metal-bearing residues in solid form containing traces of inorganic cyanides

" Organic cyanides

A4060 Waste oils/water, hydrocarbons/water mixtures, emulsions

A4070 Wastes from the production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish excluding any such waste specified on list B (note the related entry on list B B4010)

A4080 Wastes of an explosive nature (but excluding such wastes specified on list B)

A4090 Waste acidic or basic solutions, other than those specified in the corresponding entry on list B (note the related entry on list B B2120)

A4100 Wastes from industrial pollution control devices for cleaning of industrial off-gases but excluding such wastes specified on list B

A4110 Wastes that contain, consist of or are contaminated with any of the following:

" Any congener of polychlorinated dibenzo-furan

" Any congener of polychlorinated dibenzo-dioxin

A4120 Wastes that contain, consist of or are contaminated with peroxides

A4130 Waste packages and containers containing Annex I substances in concentrations sufficient to exhibit Annex III hazard characteristics

A4140 Waste consisting of or containing off specification or outdated⁽¹⁰⁾ chemicals corresponding to Annex I categories and exhibiting Annex III hazard characteristics

A4150 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on human health and/or the environment are not known

A4160 Spent activated carbon not included on list B (note the related entry on list B B2060)



Annex IX

LIST B

Wastes contained in the Annex will not be wastes covered by Article 1, paragraph 1 (a), of this Convention unless they contain Annex I material to an extent causing them to exhibit an Annex III characteristic.

B1 Metal and metal-bearing wastes

B1010 Metal and metal-alloy wastes in metallic, non-dispersible form:

" Precious metals (gold, silver, the platinum group, but not mercury)

" Iron and steel scrap

" Copper scrap

" Nickel scrap

" Aluminium scrap

" Zinc scrap

" Tin scrap

" Tungsten scrap

" Molybdenum scrap

" Tantalum scrap

" Magnesium scrap

" Cobalt scrap

" Bismuth scrap

" Titanium scrap

" Zirconium scrap

" Manganese scrap

" Germanium scrap

" Vanadium scrap

" Scrap of hafnium, indium, niobium, rhenium and gallium

" Thorium scrap

" Rare earths scrap

B1020 Clean, uncontaminated metal scrap, including alloys, in bulk finished form (sheet, plate, beams, rods, etc), of:

" Antimony scrap

" Beryllium scrap

" Cadmium scrap

" Lead scrap (but excluding lead-acid batteries)

" Selenium scrap

" Tellurium scrap

B1030 Refractory metals containing residues

B1040 Scrap assemblies from electrical power generation not contaminated with lubricating oil, PCB or PCT to an extent to render them hazardous

B1050 Mixed non-ferrous metal, heavy fraction scrap, not containing Annex I materials in concentrations sufficient to exhibit Annex III characteristics⁽¹¹⁾

B1060 Waste selenium and tellurium in metallic elemental form including powder

B1070 Waste of copper and copper alloys in dispersible form, unless they contain Annex I constituents to an extent that they exhibit Annex III characteristics

B1080 Zinc ash and residues including zinc alloys residues in dispersible form unless containing Annex I constituents in concentration such as to exhibit Annex III characteristics or exhibiting hazard characteristic H4.3⁽¹²⁾

B1090 Waste batteries conforming to a specification, excluding those made with lead, cadmium or mercury

B1100 Metal-bearing wastes arising from melting, smelting and refining of metals:

" Hard zinc spelter

" Zinc-containing drosses:

- Galvanizing slab zinc top dross (>90% Zn)
- Galvanizing slab zinc bottom dross (>92% Zn)
- Zinc die casting dross (>85% Zn)
- Hot dip galvanizers slab zinc dross (batch)(>92% Zn)
- Zinc skimmings

" Aluminium skimmings (or skims) excluding salt slag

" Slags from copper processing for further processing or refining not containing arsenic, lead or cadmium to an extent that they exhibit Annex III hazard characteristics

" Wastes of refractory linings, including crucibles, originating from copper smelting

" Slags from precious metals processing for further refining

" Tantalum-bearing tin slags with less than 0.5% tin

B1110 Electrical and electronic assemblies:

" Electronic assemblies consisting only of metals or alloys

" Waste electrical and electronic assemblies or scrap⁽¹³⁾ (including printed circuit boards) not containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or not contaminated with Annex I constituents (e.g., cadmium, mercury, lead, polychlorinated biphenyl) or from which these have been removed, to an extent that they do not possess any of the characteristics contained in Annex III (note the related entry on list A A1180)

" Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct reuse,⁽¹⁴⁾ and not for recycling or final disposal⁽¹⁵⁾

B1120 Spent catalysts excluding liquids used as catalysts, containing any of:

Transition metals, excluding waste catalysts (spent catalysts, liquid used catalysts or other catalysts) on list A:	Scandium	Titanium
	Vanadium	Chromium
	Manganese	Iron
	Cobalt	Nickel
	Copper	Zinc
	Yttrium	Zirconium
	Niobium	Molybdenum
	Hafnium	Tantalum
Lanthanides (rare earth metals):	Tungsten	Rhenium
	Lanthanum	Cerium
	Praseodymium	Neody
	Samarium	Europium
	Gadolinium	Terbium
	Dysprosium	Holmium
	Erbium	Thulium
	Ytterbium	Lutetium

B1130 Cleaned spent precious-metal-bearing catalysts

B1140 Precious-metal-bearing residues in solid form which contain traces of inorganic cyanides

B1150 Precious metals and alloy wastes (gold, silver, the platinum group, but not mercury) in a dispersible, non-liquid form with appropriate packaging and labelling

B1160 Precious-metal ash from the incineration of printed circuit boards (note the related entry on list A A1150)

B1170 Precious-metal ash from the incineration of photographic film

B1180 Waste photographic film containing silver halides and metallic silver

B1190 Waste photographic paper containing silver halides and metallic silver

B1200 Granulated slag arising from the manufacture of iron and steel

B1210 Slag arising from the manufacture of iron and steel including slags as a source of TiO₂ and vanadium

B1220 Slag from zinc production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications (e.g., DIN 4301) mainly for construction

B1230 Mill scaling arising from the manufacture of iron and steel

B1240 Copper oxide mill-scale

B2 Wastes containing principally inorganic constituents, which may contain metals and organic materials

B2010 Wastes from mining operations in non-dispersible form:

- " Natural graphite waste
- " Slate waste, whether or not roughly trimmed or merely cut, by sawing or otherwise
- " Mica waste
- " Leucite, nepheline and nepheline syenite waste
- " Feldspar waste
- " Fluorspar waste
- " Silica wastes in solid form excluding those used in foundry operations

B2020 Glass waste in non-dispersible form:

- " Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses

B2030 Ceramic wastes in non-dispersible form:

- " Cermet wastes and scrap (metal ceramic composites)
- " Ceramic based fibres not elsewhere specified or included

B2040 Other wastes containing principally inorganic constituents:

- " Partially refined calcium sulphate produced from flue-gas desulphurization (FGD)
- " Waste gypsum wallboard or plasterboard arising from the demolition of buildings
- " Slag from copper production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications (e.g., DIN 4301 and DIN 8201) mainly for construction and abrasive applications

" Sulphur in solid form

" Limestone from the production of calcium cyanamide (having a pH less than 9)

" Sodium, potassium, calcium chlorides

" Carborundum (silicon carbide)

" Broken concrete

" Lithium-tantalum and lithium-niobium containing glass scraps

B2050 Coal-fired power plant fly-ash, not included on list A (note the related entry on list A A2060)

B2060 Spent activated carbon resulting from the treatment of potable water and processes of the food industry and vitamin production (note the related entry on list A A4160)

B2070 Calcium fluoride sludge

B2080 Waste gypsum arising from chemical industry processes not included on list A (note the related entry on list A A2040)

B2090 Waste anode butts from steel or aluminium production made of petroleum coke or bitumen and cleaned to normal industry specifications (excluding anode butts from chlor alkali electrolyses and from metallurgical industry)

B2100 Waste hydrates of aluminium and waste alumina and residues from alumina production excluding such materials used for gas cleaning, flocculation or filtration processes

B2110 Bauxite residue ("red mud") (pH moderated to less than 11.5)

B2120 Waste acidic or basic solutions with a pH greater than 2 and less than 11.5, which are not corrosive or otherwise hazardous (note the related entry on list A A4090)

B3 Wastes containing principally organic constituents, which may contain metals and inorganic materials

B3010 Solid plastic waste:

The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification:

" Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following [\(16\)](#):

- ethylene
- styrene
- polypropylene
- polyethylene terephthalate
- acrylonitrile
- butadiene
- polyacetals
- polyamides
- polybutylene terephthalate
- polycarbonates
- polyethers
- polyphenylene sulphides
- acrylic polymers
- alkanes C10-C13 (plasticiser)

- polyurethane (not containing CFCs)
- polysiloxanes
- polymethyl methacrylate
- polyvinyl alcohol
- polyvinyl butyral
- polyvinyl acetate

" Cured waste resins or condensation products including the following:

- urea formaldehyde resins
- phenol formaldehyde resins
- melamine formaldehyde resins
- epoxy resins
- alkyd resins
- polyamides

" The following fluorinated polymer wastes⁽¹⁷⁾

- perfluoroethylene/propylene (FEP)
- perfluoroalkoxy alkane (PFA)
- perfluoroalkoxy alkane (MFA)
- polyvinylfluoride (PVF)
- polyvinylidenefluoride (PVDF)

B3020 Paper, paperboard and paper product wastes

The following materials, provided they are not mixed with hazardous wastes:

Waste and scrap of paper or paperboard of:

- " unbleached paper or paperboard or of corrugated paper or paperboard
- " other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass
- " paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter)
- " other, including but not limited to 1) laminated paperboard 2) unsorted scrap.

B3030 Textile wastes

The following materials, provided they are not mixed with other wastes and are prepared to a specification:

- " Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock)
- not carded or combed
- other

" Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock

- noils of wool or of fine animal hair
- other waste of wool or of fine animal hair
- waste of coarse animal hair

" Cotton waste (including yarn waste and garnetted stock)

- yarn waste (including thread waste)
- garnetted stock
- other

" Flax tow and waste

" Tow and waste (including yarn waste and garnetted stock) of true hemp (Cannabis sativa L.)

" Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie)

" Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus *Agave*

" Tow, noils and waste (including yarn waste and garnetted stock) of coconut

" Tow, noils and waste (including yarn waste and garnetted stock) of abaca (Manila hemp or *Musa textilis* Nee)

" Tow, noils and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included

" Waste (including noils, yarn waste and garnetted stock) of man-made fibres

- of synthetic fibres

- of artificial fibres

" Worn clothing and other worn textile articles

" Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials

- sorted

- other

B3040 Rubber wastes

The following materials, provided they are not mixed with other wastes:

" Waste and scrap of hard rubber (e.g., ebonite)

" Other rubber wastes (excluding such wastes specified elsewhere)

B3050 Untreated cork and wood waste:

" Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms

" Cork waste: crushed, granulated or ground cork

B3060 Wastes arising from agro-food industries provided it is not infectious:

" Wine lees

" Dried and sterilized vegetable waste, residues and byproducts, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included

" Degras: residues resulting from the treatment of fatty substances or animal or vegetable waxes

" Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised

" Fish waste

" Cocoa shells, husks, skins and other cocoa waste

" Other wastes from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption

B3070 The following wastes:

" Waste of human hair

" Waste straw

" Deactivated fungus mycelium from penicillin production to be used as animal feed

B3080 Waste parings and scrap of rubber

B3090 Paring and other wastes of leather or of composition leather not suitable for the manufacture of leather articles, excluding leather sludges, not containing hexavalent chromium compounds and biocides (note the related entry on list A A3100)

B3100 Leather dust, ash, sludges or flours not containing hexavalent chromium compounds or biocides (note the related entry on list A A3090)

B3110 Fellmongery wastes not containing hexavalent chromium compounds or biocides or infectious substances (note the related entry on list A A3110)

B3120 Wastes consisting of food dyes

B3130 Waste polymer ethers and waste non-hazardous monomer ethers incapable of forming peroxides

B3140 Waste pneumatic tyres, excluding those destined for Annex IVA operations

B4 Wastes which may contain either inorganic or organic constituents

B4010 Wastes consisting mainly of water-based/latex paints, inks and hardened varnishes not containing organic solvents, heavy metals or biocides to an extent to render them hazardous (note the related entry on list A A4070)

B4020 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives, not listed on list A, free of solvents and other contaminants to an extent that they do not exhibit Annex III characteristics, e.g., water-based, or glues based on casein starch, dextrin, cellulose ethers, polyvinyl alcohols (note the related entry on list A A3050)

B4030 Used single-use cameras, with batteries not included on list A

Footnotes

1. Characterization of wastes:

2. Corresponds to the hazard classification system included in the United Nations Recommendations on the Transport of Dangerous Goods (ST/SG/AC.10/1Rev.5, United Nations, New York, 1988)

3. Decision III/1 (AMENDMENT TO THE BASEL CONVENTION)

The Conference,

Decides to adopt the following amendment to the Convention:

"Insert new preambular paragraph 7 bis:

Recognizing that transboundary movements of hazardous wastes, especially to developing countries, have a high risk of not constituting an environmentally sound management of hazardous wastes as required by this Convention;

Insert new Article 4A:

- 1. Each Party listed in Annex VII shall prohibit all transboundary movements of hazardous wastes which are destined for operations according to Annex IV A, to States not listed in Annex VII.
- 2. Each Party listed in Annex VII shall phase out by 31 December 1997, and prohibit as of that date, all transboundary movements of hazardous wastes under Article 1(l)(a) of the Convention which are destined for operations according to Annex IV B to States not listed in Annex VII. Such transboundary movement shall not be prohibited unless the wastes in question are characterised as hazardous under the Convention.

Annex VII Parties and other States which are members of OECD, EC, Liechtenstein"

4. Note that mirror entry on List B (B1160) does not specify exceptions.

5. This entry does not include scrap assemblies from electric power generation.

6. PCBs are at a concentration level of 50 mg/kg or more.

7. The 50 mg/kg level is considered to be an internationally practical level for all wastes. However, many individual countries have established lower regulatory levels (e.g., 20 mg/kg) for specific wastes.

8. "Outdated" means unused within the period recommended by the manufacturer.

9. This entry does not include wood treated with wood preserving chemicals.

10. "Outdated" means unused within the period recommended by the manufacturer.

11. Note that even where low level contamination with Annex I materials initially exists, subsequent processes, including recycling processes, may result in separated fractions containing significantly enhanced concentrations of those Annex I materials.

12. The status of zinc ash is currently under review and there is a recommendation with the United Nations Conference on Trade and Development (UNCTAD) that zinc ashes should not be dangerous goods.

13. This entry does not include scrap from electrical power generation.

14. Reuse can include repair, refurbishment or upgrading, but not major reassembly.

15. In some countries these materials destined for direct re-use are not considered wastes.

16. It is understood that such scraps are completely polymerized.

17. - Post-consumer wastes are excluded from this entry

- Wastes shall not be mixed

- Problems arising from open-burning practices to be considered.



BASEL CONVENTION

Convention Text

Preamble

Articles Index

Annexes Index

Background Description

General Obligations

Implementation Tools

Convention Text

Reference Material

HELP

WAIGANI

BASEL

PIC

POPS

INTER-LINKS

LIBRARY

**BASEL CONVENTION
ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS
OF HAZARDOUS WASTES AND THEIR DISPOSAL
ADOPTED BY THE CONFERENCE OF THE PLENIPOTENTIARIES
ON 22 MARCH 1989**

ENTRY INTO FORCE

5 MAY 1992

ARTICLES INDEX

- Article 1. Scope of the Convention
- Article 2. Definitions
- Article 3. National Definitions of Hazardous Wastes
- Article 4. General Obligations
- Article 5. Designation of Competent Authorities and Focal Point
- Article 6. Transboundary Movement between Parties
- Article 7. Transboundary Movement from a Party through States which are not Parties
- Article 8. Duty to Re-import
- Article 9. Illegal Traffic
- Article 10. International Co-operation
- Article 11. Bilateral, Multilateral and Regional Agreements
- Article 12. Consultations on Liability
- Article 13. Transmission of Information
- Article 14. Financial Aspects
- Article 15. Conference of the Parties
- Article 16. Secretariat
- Article 17. Amendment of the Convention
- Article 18. Adoption and Amendment of Annexes
- Article 19. Verification
- Article 20. Settlement of Disputes
- Article 21. Signature
- Article 22. Ratification, Acceptance, Formal Confirmation or Approval
- Article 23. Accession
- Article 24. Right to Vote
- Article 25. Entry into Force
- Article 26. Reservations and Declarations
- Article 27. Withdrawal
- Article 28. Depository
- Article 29. Authentic texts

ANNEXES INDEX

- ➡ Annex I. CATEGORIES OF WASTES TO BE CONTROLLED
- ➡ Annex II. CATEGORIES OF WASTES REQUIRING SPECIAL CONSIDERATION
- ➡ Annex III. LIST OF HAZARDOUS CHARACTERISTICS
- ➡ Annex IV. DISPOSAL OPERATIONS
- ➡ Annex V. A INFORMATION TO BE PROVIDED ON NOTIFICATION
- ➡ Annex V. B INFORMATION TO BE PROVIDED ON THE MOVEMENT DOCUMENT
- ➡ Annex VI. ARBITRATION
- ➡ Annex VII. Annex VII is not yet into force
- ➡ Annex VIII. LIST A
- ➡ Annex IX. LIST B

Preamble

The Parties to this Convention,

Aware of the risk of damage to human health and the environment caused by hazardous wastes and other wastes and the transboundary movement thereof,

Mindful of the growing threat to human health and the environment posed by the increased generation and complexity, and transboundary movement of hazardous wastes and other wastes,

Mindful also that the most effective way of protecting human health and the environment from the dangers posed by such wastes is the reduction of their generation to a minimum in terms of quantity and/or hazard potential,

Convinced that States should take necessary measures to ensure that the management of hazardous wastes and other wastes including their transboundary movement and disposal is consistent with the protection of human health and the environment whatever the place of disposal,

Noting that States should ensure that the generator should carry out duties with regards to the transport and disposal of hazardous wastes and other wastes in a manner that is consistent with the protection of the environment, whatever the place of disposal.

Fully recognizing that any State has the sovereign right to ban the entry or disposal of foreign hazardous wastes and other wastes in its territory,

Recognizing also the increasing desire for the prohibition of transboundary movements of hazardous wastes and their disposal in other States, especially developing countries,

Convinced that hazardous wastes and other wastes should, as far as is compatible with environmentally sound and efficient management, be disposed of in the State where they were generated,

Aware also that transboundary movements of such wastes from the State of their generation to any other State should be permitted only when conducted under conditions which do not endanger human health and the environment, and under conditions in conformity with the provisions of this Convention,

Considering that enhanced control of transboundary movement of hazardous wastes and other wastes will act as an incentive for their environmentally sound management and for the reduction of the volume of such transboundary movement,

Convinced that States should take measures for the proper exchange of information on and control of the transboundary movement of hazardous wastes and other wastes from and to those States,

Noting that a number of international and regional agreements have addressed the issue of protection and preservation of the environment with regard to the transit of dangerous goods,

Taking into account the Declaration of the United Nations Conference on the Human Environment (Stockholm, 1972), the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes adopted by the Governing Council of the United Nations Environment Programme (UNEP) by decision 14/30 of 17 June 1987, the Recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods (formulated in 1957 and updated biennially), relevant recommendations, declarations, instruments and regulations adopted within the United Nations system and the

work and studies done within other international and regional organizations,

Mindful of the spirit, principles, aims and functions of the World Charter for Nature adopted by the General Assembly of the United Nations at its thirty-seventh session (1982) as the rule of ethics in respect of the protection of the human environment and the conservation of natural resources,

Affirming that States are responsible for the fulfilment of their international obligations concerning the protection of human health and protection and preservation of the environment, and are liable in accordance with international law,

Recognizing that in the case of a material breach of the provisions of this Convention or any protocol thereto the relevant international law of treaties shall apply,

Aware of the need to continue the development and implementation of environmentally sound low-waste technologies, recycling options, good house-keeping and management systems with a view to reducing to a minimum the generation of hazardous wastes and other wastes,

Aware also of the growing international concern about the need for stringent control of transboundary movement of hazardous wastes and other wastes, and of the need as far as possible to reduce such movement to a minimum,

Concerned about the problem of illegal transboundary traffic in hazardous wastes and other wastes,

Taking into account also the limited capabilities of the developing countries to manage hazardous wastes and other wastes,

Recognizing the need to promote the transfer of technology for the sound management of hazardous wastes and other wastes produced locally, particularly to the developing countries in accordance with the spirit of the Cairo Guidelines and decision 14/16 of the Governing Council of UNEP on Promotion of the transfer of environmental protection technology,

Recognizing also that hazardous wastes and other wastes should be transported in accordance with relevant international conventions and recommendations,

Convinced also that the transboundary movement of hazardous wastes and other wastes should be permitted only when the transport and the ultimate disposal of such wastes is environmentally sound, and

Determined to protect, by strict control, human health and the environment against the adverse effects which may result from the generation and management of hazardous wastes and other wastes,

HAVE AGREED AS FOLLOWS:



Article 1

Scope of the Convention

1. The following wastes that are subject to transboundary movement shall be "hazardous wastes" for the purposes of this Convention:
 - (a) Wastes that belong to any category contained in Annex I, unless they do not possess any of the characteristics contained in Annex III; and
 - (b) Wastes that are not covered under paragraph (a) but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the Party of export, import or transit.
2. Wastes that belong to any category contained in Annex II that are subject to transboundary movement shall be "other wastes" for the purposes of this Convention.
3. Wastes which, as a result of being radioactive, are subject to other international control systems, including international instruments, applying specifically to radioactive materials, are excluded from the scope of this Convention.
4. Wastes which derive from the normal operations of a ship, the discharge of which is covered by another international instrument, are excluded from the scope of this Convention.



Article 2

Definitions

For the purposes of this Convention:

1. "Wastes" are substances or objects which are disposed of or are intended to be disposed

of or are required to be disposed of by the provisions of national law;

2. "Management" means the collection, transport and disposal of hazardous wastes or other wastes, including after-care of disposal sites;

3. "Transboundary movement" means any movement of hazardous wastes or other wastes from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State or to or through an area not under the national jurisdiction of any State, provided at least two States are involved in the movement;

4. "Disposal" means any operation specified in Annex IV to this Convention;

5. "Approved site or facility" means a site or facility for the disposal of hazardous wastes or other wastes which is authorized or permitted to operate for this purpose by a relevant authority of the State where the site or facility is located;

6. "Competent authority" means one governmental authority designated by a Party to be responsible, within such geographical areas as the Party may think fit, for receiving the notification of a transboundary movement of hazardous wastes or other wastes, and any information related to it, and for responding to such a notification, as provided in Article 6;

7. "Focal point" means the entity of a Party referred to in Article 5 responsible for receiving and submitting information as provided for in Articles 13 and 16;

8. "Environmentally sound management of hazardous wastes or other wastes" means taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes;

9. "Area under the national jurisdiction of a State" means any land, marine area or air space within which a State exercises administrative and regulatory responsibility in accordance with international law in regard to the protection of human health or the environment;

10. "State of export" means a Party from which a transboundary movement of hazardous wastes or other wastes is planned to be initiated or is initiated;

11. "State of import" means a Party to which a transboundary movement of hazardous wastes or other wastes is planned or takes place for the purpose of disposal therein or for the purpose of loading prior to disposal in an area not under the national jurisdiction of any State;

12. "State of transit" means any State, other than the State of export or import, through which a movement of hazardous wastes or other wastes is planned or takes place;

13. "States concerned" means Parties which are States of export or import, or transit States, whether or not Parties;

14. "Person" means any natural or legal person;

15. "Exporter" means any person under the jurisdiction of the State of export who arranges for hazardous wastes or other wastes to be exported;

16. "Importer" means any person under the jurisdiction of the State of import who arranges for hazardous wastes or other wastes to be imported;

17. "Carrier" means any person who carries out the transport of hazardous wastes or other wastes;

18. "Generator" means any person whose activity produces hazardous wastes or other wastes or, if that person is not known, the person who is in possession and/or control of those wastes;

19. "Disposer" means any person to whom hazardous wastes or other wastes are shipped and who carries out the disposal of such wastes;

20. "Political and/or economic integration organization" means an organization constituted by sovereign States to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve, formally confirm or accede to it;

21. "Illegal traffic" means any transboundary movement of hazardous wastes or other wastes as specified in Article 9.



Article 3

National Definitions of Hazardous Wastes

1. Each Party shall, within six months of becoming a Party to this Convention, inform the Secretariat of the Convention of the wastes, other than those listed in Annexes I and II, considered or defined as hazardous under its national legislation and of any requirements

concerning transboundary movement procedures applicable to such wastes.

2. Each Party shall subsequently inform the Secretariat of any significant changes to the information it has provided pursuant to paragraph 1.

3. The Secretariat shall forthwith inform all Parties of the information it has received pursuant to paragraphs 1 and 2.

4. Parties shall be responsible for making the information transmitted to them by the Secretariat under paragraph 3 available to their exporters.

Article 4

General Obligations

1. (a) Parties exercising their right to prohibit the import of hazardous wastes or other wastes for disposal shall inform the other Parties of their decision pursuant to Article 13.

(b) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes to the Parties which have prohibited the import of such wastes, when notified pursuant to subparagraph (a) above.

(c) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes if the State of import does not consent in writing to the specific import, in the case where that State of import has not prohibited the import of such wastes.

2. Each Party shall take the appropriate measures to:

(a) Ensure that the generation of hazardous wastes and other wastes within it is reduced to a minimum, taking into account social, technological and economic aspects;

(b) Ensure the availability of adequate disposal facilities, for the environmentally sound management of hazardous wastes and other wastes, that shall be located, to the extent possible, within it, whatever the place of their disposal;

(c) Ensure that persons involved in the management of hazardous wastes or other wastes within it take such steps as are necessary to prevent pollution due to hazardous wastes and other wastes arising from such management and, if such pollution occurs, to minimize the consequences thereof for human health and the environment;

(d) Ensure that the transboundary movement of hazardous wastes and other wastes is reduced to the minimum consistent with the environmentally sound and efficient management of such wastes, and is conducted in a manner which will protect human health and the environment against the adverse effects which may result from such movement;

(e) Not allow the export of hazardous wastes or other wastes to a State or group of States belonging to an economic and/or political integration organization that are Parties, particularly developing countries, which have prohibited by their legislation all imports, or if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner, according to criteria to be decided on by the Parties at their first meeting.

(f) Require that information about a proposed transboundary movement of hazardous wastes and other wastes be provided to the States concerned, according to Annex V A, to state clearly the effects of the proposed movement on human health and the environment;

(g) Prevent the import of hazardous wastes and other wastes if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner;

(h) Co-operate in activities with other Parties and interested organizations, directly and through the Secretariat, including the dissemination of information on the transboundary movement of hazardous wastes and other wastes, in order to improve the environmentally sound management of such wastes and to achieve the prevention of illegal traffic.

3. The Parties consider that illegal traffic in hazardous wastes or other wastes is criminal.

4. Each Party shall take appropriate legal, administrative and other measures to implement and enforce the provisions of this Convention, including measures to prevent and punish conduct in contravention of the Convention.

5. A Party shall not permit hazardous wastes or other wastes to be exported to a non-Party or to be imported from a non-Party.

6. The Parties agree not to allow the export of hazardous wastes or other wastes for disposal within the area south of 60° South latitude, whether or not such wastes are subject to transboundary movement.

7. Furthermore, each Party shall:

(a) Prohibit all persons under its national jurisdiction from transporting or disposing of hazardous wastes or other wastes unless such persons are authorized or allowed to perform

such types of operations;

(b) Require that hazardous wastes and other wastes that are to be the subject of a transboundary movement be packaged, labelled, and transported in conformity with generally accepted and recognized international rules and standards in the field of packaging, labelling, and transport, and that due account is taken of relevant internationally recognized practices;

(c) Require that hazardous wastes and other wastes be accompanied by a movement document from the point at which a transboundary movement commences to the point of disposal.

8. Each Party shall require that hazardous wastes or other wastes, to be exported, are managed in an environmentally sound manner in the State of import or elsewhere. Technical guidelines for the environmentally sound management of wastes subject to this Convention shall be decided by the Parties at their first meeting.

9. Parties shall take the appropriate measures to ensure that the transboundary movement of hazardous wastes and other wastes only be allowed if:

(a) The State of export does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose of the wastes in question in an environmentally sound and efficient manner; or

(b) The wastes in question are required as a raw material for recycling or recovery industries in the State of import; or

(c) The transboundary movement in question is in accordance with other criteria to be decided by the Parties, provided those criteria do not differ from the objectives of this Convention.

10. The obligation under this Convention of States in which hazardous wastes and other wastes are generated to require that those wastes are managed in an environmentally sound manner may not under any circumstances be transferred to the States of import or transit.

11. Nothing in this Convention shall prevent a Party from imposing additional requirements that are consistent with the provisions of this Convention, and are in accordance with the rules of international law, in order better to protect human health and the environment.

12. Nothing in this Convention shall affect in any way the sovereignty of States over their territorial sea established in accordance with international law, and the sovereign rights and the jurisdiction which States have in their exclusive economic zones and their continental shelves in accordance with international law, and the exercise by ships and aircraft of all States of navigational rights and freedoms as provided for in international law and as reflected in relevant international instruments.

13. Parties shall undertake to review periodically the possibilities for the reduction of the amount and/or the pollution potential of hazardous wastes and other wastes which are exported to other States, in particular to developing countries.



Article 5

Designation of Competent Authorities and Focal Point

To facilitate the implementation of this Convention, the Parties shall:

1. Designate or establish one or more competent authorities and one focal point. One competent authority shall be designated to receive the notification in case of a State of transit.

2. Inform the Secretariat, within three months of the date of the entry into force of this Convention for them, which agencies they have designated as their focal point and their competent authorities.

3. Inform the Secretariat, within one month of the date of decision, of any changes regarding the designation made by them under paragraph 2 above.



Article 6

Transboundary Movement between Parties

1. The State of export shall notify, or shall require the generator or exporter to notify, in writing, through the channel of the competent authority of the State of export, the competent authority of the States concerned of any proposed transboundary movement of hazardous wastes or other wastes. Such notification shall contain the declarations and information specified in Annex V A, written in a language acceptable to the State of import. Only one

notification needs to be sent to each State concerned.

2. The State of import shall respond to the notifier in writing, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. A copy of the final response of the State of import shall be sent to the competent authorities of the States concerned which are Parties.

3. The State of export shall not allow the generator or exporter to commence the transboundary movement until it has received written confirmation that:

(a) The notifier has received the written consent of the State of import; and

(b) The notifier has received from the State of import confirmation of the existence of a contract between the exporter and the disposer specifying environmentally sound management of the wastes in question.

4. Each State of transit which is a Party shall promptly acknowledge to the notifier receipt of the notification. It may subsequently respond to the notifier in writing, within 60 days, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. The State of export shall not allow the transboundary movement to commence until it has received the written consent of the State of transit. However, if at any time a Party decides not to require prior written consent, either generally or under specific conditions, for transit transboundary movements of hazardous wastes or other wastes, or modifies its requirements in this respect, it shall forthwith inform the other Parties of its decision pursuant to Article 13. In this latter case, if no response is received by the State of export within 60 days of the receipt of a given notification by the State of transit, the State of export may allow the export to proceed through the State of transit.

5. In the case of a transboundary movement of wastes where the wastes are legally defined as or considered to be hazardous wastes only:

(a) By the State of export, the requirements of paragraph 9 of this Article that apply to the importer or disposer and the State of import shall apply mutatis mutandis to the exporter and State of export, respectively;

(b) By the State of import, or by the States of import and transit which are Parties, the requirements of paragraphs 1, 3, 4 and 6 of this Article that apply to the exporter and State of export shall apply mutatis mutandis to the importer or disposer and State of import, respectively; or

(c) By any State of transit which is a Party, the provisions of paragraph 4 shall apply to such State.

6. The State of export may, subject to the written consent of the States concerned, allow the generator or the exporter to use a general notification where hazardous wastes or other wastes having the same physical and chemical characteristics are shipped regularly to the same disposer via the same customs office of exit of the State of export via the same customs office of entry of the State of import, and, in the case of transit, via the same customs office of entry and exit of the State or States of transit.

7. The States concerned may make their written consent to the use of the general notification referred to in paragraph 6 subject to the supply of certain information, such as the exact quantities or periodical lists of hazardous wastes or other wastes to be shipped.

8. The general notification and written consent referred to in paragraphs 6 and 7 may cover multiple shipments of hazardous wastes or other wastes during a maximum period of 12 months.

9. The Parties shall require that each person who takes charge of a transboundary movement of hazardous wastes or other wastes sign the movement document either upon delivery or receipt of the wastes in question. They shall also require that the disposer inform both the exporter and the competent authority of the State of export of receipt by the disposer of the wastes in question and, in due course, of the completion of disposal as specified in the notification. If no such information is received within the State of export, the competent authority of the State of export or the exporter shall so notify the State of import.

10. The notification and response required by this Article shall be transmitted to the competent authority of the Parties concerned or to such governmental authority as may be appropriate in the case of non-Parties.

11. Any transboundary movement of hazardous wastes or other wastes shall be covered by insurance, bond or other guarantee as may be required by the State of import or any State of transit which is a Party.



Article 7

Transboundary Movement from a Party through

States which are not Parties

Paragraph 1 of Article 6 of the Convention shall apply mutatis mutandis to transboundary movement of hazardous wastes or other wastes from a Party through a State or States which are not Parties.

Article 8

Duty to Re-import

When a transboundary movement of hazardous wastes or other wastes to which the consent of the States concerned has been given, subject to the provisions of this Convention, cannot be completed in accordance with the terms of the contract, the State of export shall ensure that the wastes in question are taken back into the State of export, by the exporter, if alternative arrangements cannot be made for their disposal in an environmentally sound manner, within 90 days from the time that the importing State informed the State of export and the Secretariat, or such other period of time as the States concerned agree. To this end, the State of export and any Party of transit shall not oppose, hinder or prevent the return of those wastes to the State of export.

Article 9

Illegal Traffic

1. For the purpose of this Convention, any transboundary movement of hazardous wastes or other wastes:

- (a) without notification pursuant to the provisions of this Convention to all States concerned; or
- (b) without the consent pursuant to the provisions of this Convention of a State concerned; or
- (c) with consent obtained from States concerned through falsification, misrepresentation or fraud; or
- (d) that does not conform in a material way with the documents; or
- (e) that results in deliberate disposal (e.g. dumping) of hazardous wastes or other wastes in contravention of this Convention and of general principles of international law,

shall be deemed to be illegal traffic.

2. In case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the exporter or generator, the State of export shall ensure that the wastes in question are:

(a) taken back by the exporter or the generator or, if necessary, by itself into the State of export, or, if impracticable,

(b) are otherwise disposed of in accordance with the provisions of this Convention,

within 30 days from the time the State of export has been informed about the illegal traffic or such other period of time as States concerned may agree. To this end the Parties concerned shall not oppose, hinder or prevent the return of those wastes to the State of export.

3. In the case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the importer or disposer, the State of import shall ensure that the wastes in question are disposed of in an environmentally sound manner by the importer or disposer or, if necessary, by itself within 30 days from the time the illegal traffic has come to the attention of the State of import or such other period of time as the States concerned may agree. To this end, the Parties concerned shall co-operate, as necessary, in the disposal of the wastes in an environmentally sound manner.

4. In cases where the responsibility for the illegal traffic cannot be assigned either to the exporter or generator or to the importer or disposer, the Parties concerned or other Parties, as appropriate, shall ensure, through co-operation, that the wastes in question are disposed of as soon as possible in an environmentally sound manner either in the State of export or the State of import or elsewhere as appropriate.

5. Each Party shall introduce appropriate national/domestic legislation to prevent and punish illegal traffic. The Parties shall co-operate with a view to achieving the objects of this Article.

Article 10

International Co-operation

1. The Parties shall co-operate with each other in order to improve and achieve environmentally sound management of hazardous wastes and other wastes.
2. To this end, the Parties shall:
 - (a) Upon request, make available information, whether on a bilateral or multilateral basis, with a view to promoting the environmentally sound management of hazardous wastes and other wastes, including harmonization of technical standards and practices for the adequate management of hazardous wastes and other wastes;
 - (b) Co-operate in monitoring the effects of the management of hazardous wastes on human health and the environment;
 - (c) Co-operate, subject to their national laws, regulations and policies, in the development and implementation of new environmentally sound low-waste technologies and the improvement of existing technologies with a view to eliminating, as far as practicable, the generation of hazardous wastes and other wastes and achieving more effective and efficient methods of ensuring their management in an environmentally sound manner, including the study of the economic, social and environmental effects of the adoption of such new or improved technologies;
 - (d) Co-operate actively, subject to their national laws, regulations and policies, in the transfer of technology and management systems related to the environmentally sound management of hazardous wastes and other wastes. They shall also co-operate in developing the technical capacity among Parties, especially those which may need and request technical assistance in this field;
 - (e) Co-operate in developing appropriate technical guidelines and/or codes of practice.

3. The Parties shall employ appropriate means to co-operate in order to assist developing countries in the implementation of subparagraphs a, b, c and d of paragraph 2 of Article 4.

4. Taking into account the needs of developing countries, co-operation between Parties and the competent international organizations is encouraged to promote, *inter alia*, public awareness, the development of sound management of hazardous wastes and other wastes and the adoption of new low-waste technologies.



Article 11

Bilateral, Multilateral and Regional Agreements

1. Notwithstanding the provisions of Article 4 paragraph 5, Parties may enter into bilateral, multilateral, or regional agreements or arrangements regarding transboundary movement of hazardous wastes or other wastes with Parties or non-Parties provided that such agreements or arrangements do not derogate from the environmentally sound management of hazardous wastes and other wastes as required by this Convention. These agreements or arrangements shall stipulate provisions which are not less environmentally sound than those provided for by this Convention in particular taking into account the interests of developing countries.
2. Parties shall notify the Secretariat of any bilateral, multilateral or regional agreements or arrangements referred to in paragraph 1 and those which they have entered into prior to the entry into force of this Convention for them, for the purpose of controlling transboundary movements of hazardous wastes and other wastes which take place entirely among the Parties to such agreements. The provisions of this Convention shall not affect transboundary movements which take place pursuant to such agreements provided that such agreements are compatible with the environmentally sound management of hazardous wastes and other wastes as required by this Convention.



Article 12

Consultations on Liability

The Parties shall co-operate with a view to adopting, as soon as practicable, a protocol setting out appropriate rules and procedures in the field of liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes.



Article 13

Transmission of Information

1. The Parties shall, whenever it comes to their knowledge, ensure that, in the case of an accident occurring during the transboundary movement of hazardous wastes or other wastes or their disposal, which are likely to present risks to human health and the environment in other States, those states are immediately informed.

2. The Parties shall inform each other, through the Secretariat, of:

(a) Changes regarding the designation of competent authorities and/or focal points, pursuant to Article 5;

(b) Changes in their national definition of hazardous wastes, pursuant to Article 3;

and, as soon as possible,

(c) Decisions made by them not to consent totally or partially to the import of hazardous wastes or other wastes for disposal within the area under their national jurisdiction;

(d) Decisions taken by them to limit or ban the export of hazardous wastes or other wastes;

(e) Any other information required pursuant to paragraph 4 of this Article.

3. The Parties, consistent with national laws and regulations, shall transmit, through the Secretariat, to the Conference of the Parties established under Article 15, before the end of each calendar year, a report on the previous calendar year, containing the following information:

(a) Competent authorities and focal points that have been designated by them pursuant to Article 5;

(b) Information regarding transboundary movements of hazardous wastes or other wastes in which they have been involved, including:

(i) The amount of hazardous wastes and other wastes exported, their category, characteristics, destination, any transit country and disposal method as stated on the response to notification;

(ii) The amount of hazardous wastes and other wastes imported, their category, characteristics, origin, and disposal methods;

(iii) Disposals which did not proceed as intended;

(iv) Efforts to achieve a reduction of the amount of hazardous wastes or other wastes subject to transboundary movement;

(c) Information on the measures adopted by them in implementation of this Convention;

(d) Information on available qualified statistics which have been compiled by them on the effects on human health and the environment of the generation, transportation and disposal of hazardous wastes or other wastes;

(e) Information concerning bilateral, multilateral and regional agreements and arrangements entered into pursuant to Article 11 of this Convention;

(f) Information on accidents occurring during the transboundary movement and disposal of hazardous wastes and other wastes and on the measures undertaken to deal with them;

(g) Information on disposal options operated within the area of their national jurisdiction;

(h) Information on measures undertaken for development of technologies for the reduction and/or elimination of production of hazardous wastes and other wastes; and

(i) Such other matters as the Conference of the Parties shall deem relevant.

4. The Parties, consistent with national laws and regulations, shall ensure that copies of each notification concerning any given transboundary movement of hazardous wastes or other wastes, and the response to it, are sent to the Secretariat when a Party considers that its environment may be affected by that transboundary movement has requested that this should be done.



Article 14

Financial Aspects

1. The Parties agree that, according to the specific needs of different regions and subregions, regional or sub-regional centres for training and technology transfers regarding the management of hazardous wastes and other wastes and the minimization of their generation should be established. The Parties shall decide on the establishment of appropriate funding mechanisms of a voluntary nature.

2. The Parties shall consider the establishment of a revolving fund to assist on an interim basis in case of emergency situations to minimize damage from accidents arising from transboundary movements of hazardous wastes and other wastes or during the disposal of those wastes.

Article 15

Conference of the Parties

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Executive Director of UNEP not later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.

2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure for itself and for any subsidiary body it may establish, as well as financial rules to determine in particular the financial participation of the Parties under this Convention.

4. The Parties at their first meeting shall consider any additional measures needed to assist them in fulfilling their responsibilities with respect to the protection and the preservation of the marine environment in the context of this Convention.

5. The Conference of the Parties shall keep under continuous review and evaluation the effective implementation of this Convention, and, in addition, shall:

(a) Promote the harmonization of appropriate policies, strategies and measures for minimizing harm to human health and the environment by hazardous wastes and other wastes;

(b) Consider and adopt, as required, amendments to this Convention and its annexes, taking into consideration, *inter alia*, available scientific, technical, economic and environmental information;

(c) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention in the light of experience gained in its operation and in the operation of the agreements and arrangements envisaged in Article 11;

(d) Consider and adopt protocols as required; and

(e) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention.

6. The United Nations, its specialized agencies, as well as any State not Party to this Convention, may be represented as observers at meetings of the Conference of the Parties. Any other body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to hazardous wastes or other wastes which has informed the Secretariat of its wish to be represented as an observer at a meeting of the Conference of Parties, may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

7. The Conference of the Parties shall undertake three years after the entry into force of this Convention, and at least every six years thereafter, an evaluation of its effectiveness and, if deemed necessary, to consider the adoption of a complete or partial ban of transboundary movements of hazardous wastes and other wastes in light of the latest scientific, environmental, technical and economic information.

Article 16

Secretariat

1. The functions of the Secretariat shall be:

(a) To arrange for and service meetings provided for in Articles 15 and 17;

(b) To prepare and transmit reports based upon information received in accordance with Articles 3, 4, 6, 11 and 13 as well as upon information derived from meetings of subsidiary bodies established under Article 15 as well as upon, as appropriate, information provided by relevant intergovernmental and non-governmental entities;

(c) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;

(d) To ensure the necessary coordination with relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its function;

(e) To communicate with Focal Points and Competent Authorities established by the Parties in accordance with Article 5 of this Convention;

(f) To compile information concerning authorized national sites and facilities of Parties available for the disposal of their hazardous wastes and other wastes and to circulate this information among Parties;

(g) To receive and convey information from and to Parties on:

- sources of technical assistance and training;
- available technical and scientific know-how;
- sources of advice and expertise; and
- availability of resources

with a view to assisting them, upon request, in such areas as:

- the handling of the notification system of this Convention;
- the management of hazardous wastes and other wastes;
- environmentally sound technologies relating to hazardous wastes and other wastes; such as low- and non-waste technology;
- the assessment of disposal capabilities and sites;
- the monitoring of hazardous wastes and other wastes; and
- emergency responses;

(h) To provide Parties, upon request, with information on consultants or consulting firms having the necessary technical competence in the field, which can assist them to examine a notification for a transboundary movement, the concurrence of a shipment of hazardous wastes or other wastes with the relevant notification, and/or the fact that the proposed disposal facilities for hazardous wastes or other wastes are environmentally sound, when they have reason to believe that the wastes in question will not be managed in an environmentally sound manner. Any such examination would not be at the expense of the Secretariat;

(i) To assist Parties upon request in their identification of cases of illegal traffic and to circulate immediately to the Parties concerned any information it has received regarding illegal traffic;

(j) To co-operate with Parties and with relevant and competent international organizations and agencies in the provision of experts and equipment for the purpose of rapid assistance to States in the event of an emergency situation; and

(k) To perform such other functions relevant to the purposes of this Convention as may be determined by the Conference of the Parties.

2. The Secretariat functions will be carried out on an interim basis by UNEP until the completion of the first meeting of the Conference of the Parties held pursuant to Article 15.

3. At its first meeting, the Conference of the Parties shall designate the Secretariat from among those existing competent intergovernmental organizations which have signified their willingness to carry out the Secretariat functions under this Convention. At this meeting, the Conference of the Parties shall also evaluate the implementation by the interim Secretariat of the functions assigned to it, in particular under paragraph 1 above, and decide upon the structures appropriate for those functions.



Article 17

Amendment of the Convention

1. Any Party may propose amendments to this Convention and any Party to a protocol may propose amendments to that protocol. Such amendments shall take due account, *inter alia*, of relevant scientific and technical considerations.

2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the protocol in question. The text of any proposed amendment to this Convention or to any

protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the Signatories to this Convention for information.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority of the Parties present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, approval, formal confirmation or acceptance.

4. The procedure mentioned in paragraph 3 above shall apply to amendments to any protocol, except that a two-thirds majority of the Parties to that protocol present and voting at the meeting shall suffice for their adoption.

5. Instruments of ratification, approval, formal confirmation or acceptance of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraphs 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 of ratification, approval, formal confirmation or acceptance by at least three-fourths of the Parties who accepted them or by at least two thirds of the Parties to the protocol concerned who accepted them, except as may otherwise be provided in such protocol. The amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval, formal confirmation or acceptance of the amendments.

6. For the purpose of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.



Article 18

Adoption and Amendment of Annexes

1. The annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:

(a) Annexes to this Convention and its protocols shall be proposed and adopted according to the procedure laid down in Article 17, paragraphs 2, 3 and 4;

(b) Any Party that is unable to accept an additional annex to this Convention or an annex to any protocol to which it is party shall so notify the Depositary, in writing, within six months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annexes shall thereupon enter into force for that Party;

(c) On the expiry of six months from the date of the circulation of the communication by the Depositary, the annex shall become effective for all Parties to this Convention or to any protocol concerned, which have not submitted a notification in accordance with the provision of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, *inter alia*, of relevant scientific and technical considerations.

4. If an additional annex or an amendment to an annex involves an amendment to this Convention or to any protocol, the additional annex or amended annex shall not enter into force until such time the amendment to this Convention or to the protocol enters into force.



Article 19

Verification

Any Party which has reason to believe that another Party is acting or has acted in breach of its obligations under this Convention may inform the Secretariat thereof, and in such an event, shall simultaneously and immediately inform, directly or through the Secretariat, the Party against whom the allegations are made. All relevant information should be submitted

by the Secretariat to the Parties.

Article 20

Settlement of Disputes

1. In case of a dispute between Parties as to the interpretation or application of, or compliance with, this Convention or any protocol thereto, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.
2. If the Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute, if the Parties to the dispute agree, shall be submitted to the International Court of Justice or to arbitration under the conditions set out in Annex VI on Arbitration. However, failure to reach common agreement on submission of the dispute to the International Court of Justice or to arbitration shall not absolve the Parties from the responsibility of continuing to seek to resolve it by the means referred to in paragraph 1.
3. When ratifying, accepting, approving, formally confirming or acceding to this Convention, or at any time thereafter, a State or political and/or economic integration organization may declare that it recognizes as compulsory ipso facto and without special agreement, in relation to any Party accepting the same obligation:
 - (a) submission of the dispute to the International Court of Justice; and/or
 - (b) arbitration in accordance with the procedures set out in Annex VI.

Such declaration shall be notified in writing to the Secretariat which shall communicate it to the Parties.

Article 21

Signature

This Convention shall be open for signature by States, by Namibia, represented by the United Nations Council for Namibia, and by political and/or economic integration organizations, in Basel on 22 March 1989, at the Federal Department of Foreign Affairs of Switzerland in Berne from 23 March 1989 to 30 June 1989 and at United Nations Headquarters in New York from 1 July 1989 to 22 March 1990.

Article 22

Ratification, Acceptance, Formal Confirmation or Approval

1. This Convention shall be subject to ratification, acceptance or approval by States and by Namibia, represented by the United Nations Council for Namibia, and to formal confirmation or approval by political and/or economic integration organizations. Instruments of ratification, acceptance, formal confirmation, or approval shall be deposited with the Depositary.
2. Any organization referred to in paragraph 1 above which becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to the Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.
3. In their instruments of formal confirmation or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who will inform the Parties of any substantial modification in the extent of their competence.

Article 23

Accession

1. This Convention shall be open for accession by States, by Namibia, represented by the United Nations Council for Namibia, and by political and/or economic integration organizations from the day after the date on which the Convention is closed for signature. The instruments of accession shall be deposited with the Depositary.

2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

3. The provisions of Article 22, paragraph 2, shall apply to political and/or economic integration organizations which accede to this Convention.

Article 24

Right to Vote

1. Except as provided for in paragraph 2 below, each Contracting Party to this Convention shall have one vote.
2. Political and/or economic integration organizations, in matters within their competence, in accordance with Article 22, paragraph 3, and Article 23, paragraph 2, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to the Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Article 25

Entry into Force

1. This Convention shall enter into force on the ninetieth day after the day of deposit of the twentieth instrument of ratification, acceptance, formal confirmation, approval or accession.
2. For each State or political and/or economic integration organization which ratifies, accepts, approves or formally confirms this Convention or accedes thereto after the date of the deposit of the twentieth instrument of ratification, acceptance, approval, formal confirmation or accession, it shall enter into force on the ninetieth day after the date of deposit by such State or political and/or economic integration organization of its instrument of ratification, acceptance, approval, formal confirmation or accession.
3. For the purpose of paragraphs 1 and 2 above, any instrument deposited by a political and/or economic integration organization shall not be counted as additional to those deposited by member States of such organization.

Article 26

Reservations and Declarations

1. No reservation or exception may be made to this Convention.
2. Paragraph 1 of this Article does not preclude a State or political and/or economic integration organization, when signing, ratifying, accepting, approving, formally confirming or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, *inter alia*, to the harmonization of its laws and regulations with the provisions of this Convention, provided that such declarations or statements do not purport to exclude or to modify the legal effects of the provisions of the Convention in their application to that State.

Article 27

Withdrawal

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.
2. Withdrawal shall be effective one year from receipt of notification by the Depositary, or on such later date as may be specified in the notification.

Article 28

Depository

The Secretary-General of the United Nations shall be the Depository of this Convention and of any protocol thereto.



Article 29

Authentic texts

The original Arabic, Chinese, English, French, Russian and Spanish texts of this Convention are equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at.....on the.....day of.....1989



Annex I

CATEGORIES OF WASTES TO BE CONTROLLED

Waste Streams

Y1 Clinical wastes from medical care in hospitals, medical centers and clinics

Y2 Wastes from the production and preparation of pharmaceutical products

Y3 Waste pharmaceuticals, drugs and medicines

Y4 Wastes from the production, formulation and use of biocides and phytopharmaceuticals

Y5 Wastes from the manufacture, formulation and use of wood preserving chemicals

Y6 Wastes from the production, formulation and use of organic solvents

Y7 Wastes from heat treatment and tempering operations containing cyanides

Y8 Waste mineral oils unfit for their originally intended use

Y9 Waste oils/water, hydrocarbons/water mixtures, emulsions

Y10 Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)

Y11 Waste tarry residues arising from refining, distillation and any pyrolytic treatment

Y12 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish

Y13 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives

Y14 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known

Y15 Wastes of an explosive nature not subject to other legislation

Y16 Wastes from production, formulation and use of photographic chemicals and processing materials

Y17 Wastes resulting from surface treatment of metals and plastics

Y18 Residues arising from industrial waste disposal operations

Wastes having as constituents:

Y19 Metal carbonyls

Y20 Beryllium; beryllium compounds

Y21 Hexavalent chromium compounds

Y22 Copper compounds

Y23 Zinc compounds

Y24 Arsenic; arsenic compounds

Y25 Selenium; selenium compounds

Y26 Cadmium; cadmium compounds

Y27 Antimony; antimony compounds

Y28 Tellurium; tellurium compounds

Y29 Mercury; mercury compounds

Y30 Thallium; thallium compounds

Y31 Lead; lead compounds

Y32 Inorganic fluorine compounds excluding calcium fluoride

Y33 Inorganic cyanides

Y34 Acidic solutions or acids in solid form

Y35 Basic solutions or bases in solid form

Y36 Asbestos (dust and fibres)

Y37 Organic phosphorus compounds

Y38 Organic cyanides

Y39 Phenols; phenol compounds including chlorophenols

Y40 Ethers

Y41 Halogenated organic solvents

Y42 Organic solvents excluding halogenated solvents

Y43 Any congener of polychlorinated dibenzo-furan

Y44 Any congener of polychlorinated dibenzo-p-dioxin

Y45 Organohalogen compounds other than substances referred to in this Annex (e.g. Y39, Y41, Y42, Y43, Y44)

(a) To facilitate the application of this Convention, and subject to paragraphs (b), (c) and (d), wastes listed in Annex VIII are characterized as hazardous pursuant to Article 1, paragraph 1 (a), of this Convention, and wastes listed in Annex IX are not covered by Article 1, paragraph 1 (a), of this Convention.

(b) Designation of a waste on Annex VIII does not preclude, in a particular case, the use of Annex III to demonstrate that a waste is not hazardous pursuant to Article 1, paragraph 1 (a), of this Convention.

(c) Designation of a waste on Annex IX does not preclude, in a particular case, characterization of such a waste as hazardous pursuant to Article 1, paragraph 1 (a), of this Convention if it contains Annex I material to an extent causing it to exhibit an Annex III characteristic.

(d) Annexes VIII and IX do not affect the application of Article 1, paragraph 1 (a), of this Convention for the purpose of characterization of wastes.⁽¹⁾



Annex II

CATEGORIES OF WASTES REQUIRING SPECIAL CONSIDERATION

Y46 - Wastes collected from households

Y47 - Residues arising from the incineration of household wastes



Annex III

LIST OF HAZARDOUS CHARACTERISTICS

UN Class(2) Code Characteristics

1 H1 Explosive

An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such speed as to cause damage to the surroundings.

3 H3 Flammable liquids

The word "flammable" has the same meaning as "inflammable." Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5 C, closed-cup test, or not more than 65.6C, open-cup test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such differences would be within the spirit of this definition.)

4.1 H4.1 Flammable solids

Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.

4.2 H4.2 Substances or wastes liable to spontaneous combustion

Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.

4.3 H4.3 Substances or wastes which, in contact with water emit flammable gases

Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.

5.1 H5.1 Oxidizing

Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.

5.2 H5.2 Organic Peroxides

Organic substances or wastes which contain the bivalent-O-O- structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.

6.1 H6.1 Poisonous (Acute)

Substances or wastes liable either to cause death or serious injury or to harm health if swallowed or inhaled or by skin contact.

6.2 H6.2 Infectious substances

Substances or wastes containing viable micro organisms or their toxins which are known or suspected to cause disease in animals or humans.

8 H8 Corrosives

Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or, in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.

9 H10 Liberation of toxic gases in contact with air or water

Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.

9 H11 Toxic (Delayed or chronic)

Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.

9 H12 Ecotoxic

Substances or wastes which if released present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation and/or toxic effects upon biotic systems.

9 H13 Capable, by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above.

Tests

The potential hazards posed by certain types of wastes are not yet fully documented; tests to define quantitatively these hazards do not exist. Further research is necessary in order to develop means to characterize potential hazards posed to man and/or the environment by these wastes. Standardized tests have been derived with respect to pure substances and materials. Many countries have developed national tests which can be applied to materials listed in Annex I, in order to decide if these materials exhibit any of the characteristics listed in this Annex.



Annex IV

DISPOSAL OPERATIONS

A. OPERATIONS WHICH DO NOT LEAD TO THE POSSIBILITY OF RESOURCE

RECOVERY, RECYCLING, RECLAMATION, DIRECT RE-USE OR

ALTERNATIVE USES

Section A encompasses all such disposal operations which occur in practice.

D1 Deposit into or onto land, (e.g., landfill, etc.)

D2 Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)

D3 Deep injection, (e.g., injection of pumpable discards into wells, salt domes of naturally occurring repositories, etc.)

D4 Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)

D5 Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)

D6 Release into a water body except seas/oceans

D7 Release into seas/oceans including sea-bed insertion

D8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A

D9 Physico chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A, (e.g., evaporation, drying, calcination, neutralization, precipitation, etc.)

D10 Incineration on land

D11 Incineration at sea

D12 Permanent storage (e.g., emplacement of containers in a mine, etc.)

D13 Blending or mixing prior to submission to any of the operations in Section A

D14 Repackaging prior to submission to any of the operations in Section A

D15 Storage pending any of the operations in Section A

B. OPERATIONS WHICH MAY LEAD TO RESOURCE RECOVERY, RECYCLING

RECLAMATION, DIRECT RE-USE OR ALTERNATIVE USES

Section B encompasses all such operations with respect to materials

legally defined as or considered to be hazardous wastes and which

otherwise would have been destined for operations included in Section A

R1 Use as a fuel (other than in direct incineration) or other means to generate energy

R2 Solvent reclamation/regeneration

R3 Recycling/reclamation of organic substances which are not used as solvents

R4 Recycling/reclamation of metals and metal compounds

R5 Recycling/reclamation of other inorganic materials

R6 Regeneration of acids or bases

R7 Recovery of components used for pollution abatement

R8 Recovery of components from catalysts

R9 Used oil re-refining or other reuses of previously used oil

R10 Land treatment resulting in benefit to agriculture or ecological improvement

R11 Uses of residual materials obtained from any of the operations numbered R1-R10

R12 Exchange of wastes for submission to any of the operations numbered R1-R11

R13 Accumulation of material intended for any operation in Section B



Annex V A

INFORMATION TO BE PROVIDED ON NOTIFICATION

1. Reason for waste export
2. Exporter of the waste 1/
3. Generator(s) of the waste and site of generation 1/
4. Disposer of the waste and actual site of disposal 1/
5. Intended carrier(s) of the waste or their agents, if known 1/
6. Country of export of the waste
Competent authority 2/
7. Expected countries of transit
Competent authority 2/
8. Country of import of the waste
Competent authority 2/
9. General or single notification
10. Projected date(s) of shipment(s) and period of time over which waste is to be exported and proposed itinerary (including point of entry and exit) 3/
11. Means of transport envisaged (road, rail, sea, air, inland waters)
12. Information relating to insurance 4/
13. Designation and physical description of the waste including Y number and UN number and its composition 5/ and information on any special handling requirements including emergency provisions in case of accidents
14. Type of packaging envisaged (e.g. bulk, drummed, tanker)
15. Estimated quantity in weight/volume 6/
16. Process by which the waste is generated 7/
17. For wastes listed in Annex I, classifications from Annex III: hazardous characteristic, H number, and UN class
18. Method of disposal as per Annex IV
19. Declaration by the generator and exporter that the information is correct
20. Information transmitted (including technical description of the plant) to the exporter or generator from the disposer of the waste upon which the latter has based his assessment that there was no reason to believe that the wastes will not be managed in an environmentally sound manner in accordance with the laws and regulations of the country of import.
21. Information concerning the contract between the exporter and disposer.

Notes

1/ Full name and address, telephone or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted.

2/ Full name and address, telephone, telex or telefax number.

3/ In the case of a general notification covering several shipments, either the expected dates of each shipment or, if this is not known, the expected frequency of the shipments will be required.

4/ Information to be provided on relevant insurance requirements and how they are met by exporter, carrier and disposer.

5/ The nature and the concentration of the most hazardous components, in terms of toxicity and other dangers presented by the waste both in handling and in relation to the proposed disposal method.

6/ In the case of a general notification covering several shipments, both the estimated total quantity and the estimated quantities for each individual shipment will be required.

7/ Insofar as this is necessary to assess the hazard and determine the appropriateness of the proposed disposal operation.

Annex V B

INFORMATION TO BE PROVIDED ON THE MOVEMENT DOCUMENT

1. Exporter of the waste 1/
2. Generator(s) of the waste and site of generation 1/
3. Disposer of the waste and actual site of disposal 1/
4. Carrier(s) of the waste 1/ or his agent(s)
5. Subject of general or single notification
6. The date the transboundary movement started and date(s) and signature on receipt by each person who takes charge of the waste
7. Means of transport (road, rail, inland waterway, sea, air) including countries of export, transit and import, also point of entry and exit where these have been designated
8. General description of the waste (physical state, proper UN shipping name and class, UN number, Y number and H number as applicable)
9. Information on special handling requirements including emergency provision in case of accidents
10. Type and number of packages
11. Quantity in weight/volume
12. Declaration by the generator or exporter that the information is correct
13. Declaration by the generator or exporter indicating no objection from the competent authorities of all States concerned which are Parties
14. Certification by disposer of receipt at designated disposal facility and indication of method of disposal and of the approximate date of disposal.

Notes

The information required on the movement document shall where possible be integrated in one document with that required under transport rules. Where this is not possible the information should complement rather than duplicate that required under the transport rules. The movement document shall carry instructions as to who is to provide information and fill-out any form.

1/ Full name and address, telephone or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted in case of emergency.

Annex VI

ARBITRATION

Article 1

Unless the agreement referred to in Article 20 of the Convention provides otherwise, the arbitration procedure shall be conducted in accordance with Articles 2 to 10 below.

Article 2

The claimant party shall notify the Secretariat that the Parties have agreed to submit the dispute to arbitration pursuant to paragraph 2 or paragraph 3 of Article 20 and include, in

particular, the Articles of the Convention the interpretation or application of which are at issue. The Secretariat shall forward the information thus received to all Parties to the Convention.

Article 3

The arbitral tribunal shall consist of three members. Each of the Parties to the dispute shall appoint an arbitrator, and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the chairman of the tribunal. The latter shall not be a national of one of the Parties to the dispute, nor have his usual place of residence in the territory of one of these Parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

Article 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of either Party, designate him within a further two months period.

2. If one of the Parties to the dispute does not appoint an arbitrator within two months of the receipt of the request, the other Party may inform the Secretary-General of the United Nations who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the arbitral tribunal shall request the Party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the Secretary-General of the United Nations, who shall make this appointment within a further two months' period.

Article 5

1. The arbitral tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Convention.

2. Any arbitral tribunal constituted under the provisions of this Annex shall draw up its own rules of procedure.

Article 6

1. The decisions of the arbitral tribunal both on procedure and on substance, shall be taken by majority vote of its members.

2. The tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the Parties, recommend essential interim measures of protection.

3. The Parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.

4. The absence or default of a Party in the dispute shall not constitute an impediment to the proceedings.

Article 7

The tribunal may hear and determine counter-claims arising directly out of the subject-matter of the dispute.

Article 8

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the Parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the Parties.

Article 9

Any Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

Article 10

1. The tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time-limit for a period which should not exceed five months.

2. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the Parties to the dispute.

3. Any dispute which may arise between the Parties concerning the interpretation or execution of the award may be submitted by either Party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another tribunal constituted for this purpose in the same manner as the first.

Annex VII

Annex VII is not yet into force. Annex VII is an integral part of Amendment. It was adopted in 1995 by Decision III/1 which amended the Basel Convention.[\(3\)](#)



Annex VIII

LIST A

Wastes contained in this Annex are characterized as hazardous under Article 1, paragraph 1 (a), of this Convention, and their designation on this Annex does not preclude the use of Annex III to demonstrate that a waste is not hazardous.

A1 Metal and metal-bearing wastes

A1010 Metal wastes and waste consisting of alloys of any of the following:

- " Antimony
- " Arsenic
- " Beryllium
- " Cadmium
- " Lead
- " Mercury
- " Selenium
- " Tellurium
- " Thallium

but excluding such wastes specifically listed on list B.

A1020 Waste having as constituents or contaminants, excluding metal waste in massive form, any of the following:

- " Antimony; antimony compounds
- " Beryllium; beryllium compounds
- " Cadmium; cadmium compounds
- " Lead; lead compounds
- " Selenium; selenium compounds
- " Tellurium; tellurium compounds

A1030 Wastes having as constituents or contaminants any of the following:

- " Arsenic; arsenic compounds
- " Mercury; mercury compounds.
- " Thallium; thallium compounds

A1040 Wastes having as constituents any of the following:

- " Metal carbonyls
- " Hexavalent chromium compounds

A1050 Galvanic sludges

A1060 Waste liquors from the pickling of metals

A1070 Leaching residues from zinc processing, dust and sludges such as jarosite, hematite, etc.

A1080 Waste zinc residues not included on list B, containing lead and cadmium in concentrations sufficient to exhibit Annex III characteristics

A1090 Ashes from the incineration of insulated copper wire

A1100 Dusts and residues from gas cleaning systems of copper smelters

A1110 Spent electrolytic solutions from copper electrorefining and electrowinning operations

A1120 Waste sludges, excluding anode slimes, from electrolyte purification systems in copper electrorefining and electrowinning operations

A1130 Spent etching solutions containing dissolved copper

A1140 Waste cupric chloride and copper cyanide catalysts

A1150 Precious metal ash from incineration of printed circuit boards not included on list B⁽⁴⁾

A1160 Waste lead-acid batteries, whole or crushed

A1170 Unsorted waste batteries excluding mixtures of only list B batteries. Waste batteries not specified on list B containing Annex I constituents to an extent to render them hazardous.

A1180 Waste electrical and electronic assemblies or scrap⁽⁵⁾ containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or contaminated with Annex I constituents (e.g., cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they possess any of the characteristics contained in Annex III (note the related entry on list B B1110)⁽⁶⁾

A2 Wastes containing principally inorganic constituents, which may contain metals and organic materials

A2010 Glass waste from cathode-ray tubes and other activated glasses

A2020 Waste inorganic fluorine compounds in the form of liquids or sludges but excluding such wastes specified on list B

A2030 Waste catalysts but excluding such wastes specified on list B

A2040 Waste gypsum arising from chemical industry processes, when containing Annex I constituents to the extent that it exhibits an Annex III hazardous characteristic (note the related entry on list B B2080)

A2050 Waste asbestos (dusts and fibres)

A2060 Coal-fired power plant fly-ash containing Annex I substances in concentrations sufficient to exhibit Annex III characteristics (note the related entry on list B B2050)

A3 Wastes containing principally organic constituents, which may contain metals and inorganic materials

A3010 Waste from the production or processing of petroleum coke and bitumen

A3020 Waste mineral oils unfit for their originally intended use

A3030 Wastes that contain, consist of or are contaminated with leaded anti-knock compound sludges

A3040 Waste thermal (heat transfer) fluids

A3050 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives excluding such wastes specified on list B (note the related entry on list B B4020)

A3060 Waste nitrocellulose

A3070 Waste phenols, phenol compounds including chlorophenol in the form of liquids or sludges

A3080 Waste ethers not including those specified on list B

A3090 Waste leather dust, ash, sludges and flours when containing hexavalent chromium compounds or biocides (note the related entry on list B B3100)

A3100 Waste paring and other waste of leather or of composition leather not suitable for the manufacture of leather articles containing hexavalent chromium compounds or biocides (note the related entry on list B B3090)

A3110 Fellmongery wastes containing hexavalent chromium compounds or biocides or infectious substances (note the related entry on list B B3110)

A3120 Fluff - light fraction from shredding

A3130 Waste organic phosphorous compounds

A3140 Waste non-halogenated organic solvents but excluding such wastes specified on list B

A3150 Waste halogenated organic solvents

A3160 Waste halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations

A3170 Wastes arising from the production of aliphatic halogenated hydrocarbons (such as chloromethane, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)

A3180 Wastes, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB), polychlorinated terphenyl (PCT), polychlorinated naphthalene (PCN) or polybrominated biphenyl (PBB), or any other polybrominated analogues of these compounds, at a concentration level of 50 mg/kg or more⁽⁷⁾

A3190 Waste tarry residues (excluding asphalt cements) arising from refining, distillation and any pyrolytic treatment of organic materials

A4 Wastes which may contain either inorganic or organic constituents

A4010 Wastes from the production, preparation and use of pharmaceutical products but excluding such wastes specified on list B

A4020 Clinical and related wastes; that is wastes arising from medical, nursing, dental, veterinary, or similar practices, and wastes generated in hospitals or other facilities during the investigation or treatment of patients, or research projects

A4030 Wastes from the production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides and herbicides which are off-specification, outdated,⁽⁸⁾ or unfit for their originally intended use

A4040 Wastes from the manufacture, formulation and use of wood-preserving chemicals⁽⁹⁾

A4050 Wastes that contain, consist of or are contaminated with any of the following:

" Inorganic cyanides, excepting precious-metal-bearing residues in solid form containing traces of inorganic cyanides

" Organic cyanides

A4060 Waste oils/water, hydrocarbons/water mixtures, emulsions

A4070 Wastes from the production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish excluding any such waste specified on list B (note the related entry on list B B4010)

A4080 Wastes of an explosive nature (but excluding such wastes specified on list B)

A4090 Waste acidic or basic solutions, other than those specified in the corresponding entry on list B (note the related entry on list B B2120)

A4100 Wastes from industrial pollution control devices for cleaning of industrial off-gases but excluding such wastes specified on list B

A4110 Wastes that contain, consist of or are contaminated with any of the following:

" Any congenor of polychlorinated dibenzo-furan

" Any congenor of polychlorinated dibenzo-dioxin

A4120 Wastes that contain, consist of or are contaminated with peroxides

A4130 Waste packages and containers containing Annex I substances in concentrations sufficient to exhibit Annex III hazard characteristics

A4140 Waste consisting of or containing off specification or outdated⁽¹⁰⁾ chemicals corresponding to Annex I categories and exhibiting Annex III hazard characteristics

A4150 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on human health and/or the environment are not known

A4160 Spent activated carbon not included on list B (note the related entry on list B B2060)



Annex IX

LIST B

Wastes contained in the Annex will not be wastes covered by Article 1, paragraph 1 (a), of this Convention unless they contain Annex I material to an extent causing them to exhibit an Annex III characteristic.

B1 Metal and metal-bearing wastes

B1010 Metal and metal-alloy wastes in metallic, non-dispersible form:

- " Precious metals (gold, silver, the platinum group, but not mercury)
- " Iron and steel scrap
- " Copper scrap
- " Nickel scrap
- " Aluminium scrap
- " Zinc scrap
- " Tin scrap
- " Tungsten scrap
- " Molybdenum scrap
- " Tantalum scrap
- " Magnesium scrap
- " Cobalt scrap
- " Bismuth scrap
- " Titanium scrap
- " Zirconium scrap
- " Manganese scrap
- " Germanium scrap
- " Vanadium scrap
- " Scrap of hafnium, indium, niobium, rhenium and gallium
- " Thorium scrap
- " Rare earths scrap

B1020 Clean, uncontaminated metal scrap, including alloys, in bulk finished form (sheet, plate, beams, rods, etc), of:

- " Antimony scrap
- " Beryllium scrap
- " Cadmium scrap
- " Lead scrap (but excluding lead-acid batteries)
- " Selenium scrap
- " Tellurium scrap

B1030 Refractory metals containing residues

B1040 Scrap assemblies from electrical power generation not contaminated with lubricating oil, PCB or PCT to an extent to render them hazardous

B1050 Mixed non-ferrous metal, heavy fraction scrap, not containing Annex I materials in concentrations sufficient to exhibit Annex III characteristics⁽¹¹⁾

B1060 Waste selenium and tellurium in metallic elemental form including powder

B1070 Waste of copper and copper alloys in dispersible form, unless they contain Annex I constituents to an extent that they exhibit Annex III characteristics

B1080 Zinc ash and residues including zinc alloys residues in dispersible form unless containing Annex I constituents in concentration such as to exhibit Annex III characteristics or exhibiting hazard characteristic H4.3⁽¹²⁾

B1090 Waste batteries conforming to a specification, excluding those made with lead, cadmium or mercury

B1100 Metal-bearing wastes arising from melting, smelting and refining of metals:

- " Hard zinc spelter
- " Zinc-containing drosses:
 - Galvanizing slab zinc top dross (>90% Zn)
 - Galvanizing slab zinc bottom dross (>92% Zn)

- Zinc die casting dross (>85% Zn)
- Hot dip galvanizers slab zinc dross (batch)(>92% Zn)
- Zinc skimmings
- " Aluminium skimmings (or skims) excluding salt slag
- " Slags from copper processing for further processing or refining not containing arsenic, lead or cadmium to an extent that they exhibit Annex III hazard characteristics
- " Wastes of refractory linings, including crucibles, originating from copper smelting
- " Slags from precious metals processing for further refining
- " Tantalum-bearing tin slags with less than 0.5% tin

B1110 Electrical and electronic assemblies:

- " Electronic assemblies consisting only of metals or alloys
- " Waste electrical and electronic assemblies or scrap⁽¹³⁾ (including printed circuit boards) not containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or not contaminated with Annex I constituents (e.g., cadmium, mercury, lead, polychlorinated biphenyl) or from which these have been removed, to an extent that they do not possess any of the characteristics contained in Annex III (note the related entry on list A A1180)
- " Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct reuse,⁽¹⁴⁾ and not for recycling or final disposal⁽¹⁵⁾

B1120 Spent catalysts excluding liquids used as catalysts, containing any of:

Transition metals, excluding waste catalysts (spent catalysts, liquid used catalysts or other catalysts) on list A:	Scandium	Titanium
	Vanadium	Chromium
	Manganese	Iron
	Cobalt	Nickel
	Copper	Zinc
	Yttrium	Zirconium
	Niobium	Molybdenum
	Hafnium	Tantalum
	Tungsten	Rhenium
Lanthanides (rare earth metals):	Lanthanum	Cerium
	Praseodymium	Neody
	Samarium	Europium
	Gadolinium	Terbium
	Dysprosium	Holmium
	Erbium	Thulium
	Ytterbium	Lutetium

B1130 Cleaned spent precious-metal-bearing catalysts

B1140 Precious-metal-bearing residues in solid form which contain traces of inorganic cyanides

B1150 Precious metals and alloy wastes (gold, silver, the platinum group, but not mercury) in a dispersible, non-liquid form with appropriate packaging and labelling

B1160 Precious-metal ash from the incineration of printed circuit boards (note the related entry on list A A1150)

B1170 Precious-metal ash from the incineration of photographic film

B1180 Waste photographic film containing silver halides and metallic silver

B1190 Waste photographic paper containing silver halides and metallic silver

B1200 Granulated slag arising from the manufacture of iron and steel

B1210 Slag arising from the manufacture of iron and steel including slags as a source of TiO₂ and vanadium

B1220 Slag from zinc production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications (e.g., DIN 4301) mainly for construction

B1230 Mill scaling arising from the manufacture of iron and steel

B1240 Copper oxide mill-scale

B2 Wastes containing principally inorganic constituents, which may contain metals and organic materials

B2010 Wastes from mining operations in non-dispersible form:

- " Natural graphite waste
- " Slate waste, whether or not roughly trimmed or merely cut, by sawing or otherwise
- " Mica waste
- " Leucite, nepheline and nepheline syenite waste
- " Feldspar waste
- " Fluorspar waste
- " Silica wastes in solid form excluding those used in foundry operations

B2020 Glass waste in non-dispersible form:

- " Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses

B2030 Ceramic wastes in non-dispersible form:

- " Cermet wastes and scrap (metal ceramic composites)
- " Ceramic based fibres not elsewhere specified or included

B2040 Other wastes containing principally inorganic constituents:

- " Partially refined calcium sulphate produced from flue-gas desulphurization (FGD)
- " Waste gypsum wallboard or plasterboard arising from the demolition of buildings
- " Slag from copper production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications (e.g., DIN 4301 and DIN 8201) mainly for construction and abrasive applications
- " Sulphur in solid form
- " Limestone from the production of calcium cyanamide (having a pH less than 9)
- " Sodium, potassium, calcium chlorides
- " Carborundum (silicon carbide)
- " Broken concrete
- " Lithium-tantalum and lithium-niobium containing glass scraps

B2050 Coal-fired power plant fly-ash, not included on list A (note the related entry on list A A2060)

B2060 Spent activated carbon resulting from the treatment of potable water and processes of the food industry and vitamin production (note the related entry on list A A4160)

B2070 Calcium fluoride sludge

B2080 Waste gypsum arising from chemical industry processes not included on list A (note the related entry on list A A2040)

B2090 Waste anode butts from steel or aluminium production made of petroleum coke or bitumen and cleaned to normal industry specifications (excluding anode butts from chlor alkali electrolyses and from metallurgical industry)

B2100 Waste hydrates of aluminium and waste alumina and residues from alumina production excluding such materials used for gas cleaning, flocculation or filtration processes

B2110 Bauxite residue ("red mud") (pH moderated to less than 11.5)

B2120 Waste acidic or basic solutions with a pH greater than 2 and less than 11.5, which are not corrosive or otherwise hazardous (note the related entry on list A A4090)

B3 Wastes containing principally organic constituents, which may contain metals and inorganic materials

B3010 Solid plastic waste:

The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification:

" Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following⁽¹⁶⁾:

- ethylene
- styrene
- polypropylene
- polyethylene terephthalate
- acrylonitrile
- butadiene
- polyacetals
- polyamides
- polybutylene terephthalate
- polycarbonates
- polyethers
- polyphenylene sulphides
- acrylic polymers
- alkanes C10-C13 (plasticiser)
- polyurethane (not containing CFCs)
- polysiloxanes
- polymethyl methacrylate
- polyvinyl alcohol
- polyvinyl butyral
- polyvinyl acetate

" Cured waste resins or condensation products including the following:

- urea formaldehyde resins
- phenol formaldehyde resins
- melamine formaldehyde resins
- epoxy resins
- alkyd resins
- polyamides

" The following fluorinated polymer wastes⁽¹⁷⁾

- perfluoroethylene/propylene (FEP)
- perfluoroalkoxy alkane (PFA)
- perfluoroalkoxy alkane (MFA)
- polyvinylfluoride (PVF)
- polyvinylidenefluoride (PVDF)

B3020 Paper, paperboard and paper product wastes

The following materials, provided they are not mixed with hazardous wastes:

Waste and scrap of paper or paperboard of:

- " unbleached paper or paperboard or of corrugated paper or paperboard
- " other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass
- " paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter)
- " other, including but not limited to 1) laminated paperboard 2) unsorted scrap.

B3030 Textile wastes

The following materials, provided they are not mixed with other wastes and are prepared to a specification:

- " Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock)
 - not carded or combed
 - other
- " Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock
 - noils of wool or of fine animal hair
 - other waste of wool or of fine animal hair
 - waste of coarse animal hair
- " Cotton waste (including yarn waste and garnetted stock)
 - yarn waste (including thread waste)
 - garnetted stock
 - other
- " Flax tow and waste
- " Tow and waste (including yarn waste and garnetted stock) of true hemp (Cannabis sativa L.)
 - " Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie)
 - " Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus Agave
 - " Tow, noils and waste (including yarn waste and garnetted stock) of coconut
 - " Tow, noils and waste (including yarn waste and garnetted stock) of abaca (Manila hemp or Musa textilis Nee)
 - " Tow, noils and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included
 - " Waste (including noils, yarn waste and garnetted stock) of man-made fibres
 - of synthetic fibres
 - of artificial fibres
 - " Worn clothing and other worn textile articles
 - " Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials
 - sorted
 - other

B3040 Rubber wastes

The following materials, provided they are not mixed with other wastes:

- " Waste and scrap of hard rubber (e.g., ebonite)
- " Other rubber wastes (excluding such wastes specified elsewhere)

B3050 Untreated cork and wood waste:

- " Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
- " Cork waste: crushed, granulated or ground cork

B3060 Wastes arising from agro-food industries provided it is not infectious:

" Wine lees

" Dried and sterilized vegetable waste, residues and byproducts, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included

" Degras: residues resulting from the treatment of fatty substances or animal or vegetable waxes

" Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised

" Fish waste

" Cocoa shells, husks, skins and other cocoa waste

" Other wastes from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption

B3070 The following wastes:

" Waste of human hair

" Waste straw

" Deactivated fungus mycelium from penicillin production to be used as animal feed

B3080 Waste parings and scrap of rubber

B3090 Paring and other wastes of leather or of composition leather not suitable for the manufacture of leather articles, excluding leather sludges, not containing hexavalent chromium compounds and biocides (note the related entry on list A A3100)

B3100 Leather dust, ash, sludges or flours not containing hexavalent chromium compounds or biocides (note the related entry on list A A3090)

B3110 Fellmongery wastes not containing hexavalent chromium compounds or biocides or infectious substances (note the related entry on list A A3110)

B3120 Wastes consisting of food dyes

B3130 Waste polymer ethers and waste non-hazardous monomer ethers incapable of forming peroxides

B3140 Waste pneumatic tyres, excluding those destined for Annex IVA operations

B4 Wastes which may contain either inorganic or organic constituents

B4010 Wastes consisting mainly of water-based/latex paints, inks and hardened varnishes not containing organic solvents, heavy metals or biocides to an extent to render them hazardous (note the related entry on list A A4070)

B4020 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives, not listed on list A, free of solvents and other contaminants to an extent that they do not exhibit Annex III characteristics, e.g., water-based, or glues based on casein starch, dextrin, cellulose ethers, polyvinyl alcohols (note the related entry on list A A3050)

B4030 Used single-use cameras, with batteries not included on list A

Footnotes

1. Characterization of wastes: &

2. Corresponds to the hazard classification system included in the United Nations Recommendations on the Transport of Dangerous Goods (ST/SG/AC.10/1Rev.5, United Nations, New York, 1988)

3. Decision III/1 (AMENDMENT TO THE BASEL CONVENTION)

The Conference,

Decides to adopt the following amendment to the Convention:

"Insert new preambular paragraph 7 bis:

Recognizing that transboundary movements of hazardous wastes, especially to developing countries, have a high risk of not constituting an environmentally sound management of hazardous wastes as required by this Convention;

Insert new Article 4A:

1. Each Party listed in Annex VII shall prohibit all transboundary movements of hazardous

wastes which are destined for operations according to Annex IV A, to States not listed in Annex VII.

2. Each Party listed in Annex VII shall phase out by 31 December 1997, and prohibit as of that date, all transboundary movements of hazardous wastes under Article 1(l)(a) of the Convention which are destined for operations according to Annex IV B to States not listed in Annex VII. Such transboundary movement shall not be prohibited unless the wastes in question are characterised as hazardous under the Convention.

Annex VII

Parties and other States which are members of OECD, EC, Liechtenstein"

4. Note that mirror entry on list B (B1160) does not specify exceptions.

5. This entry does not include scrap assemblies from electric power generation.

6. PCBs are at a concentration level of 50 mg/kg or more.

7. The 50 mg/kg level is considered to be an internationally practical level for all wastes. However, many individual countries have established lower regulatory levels (e.g., 20 mg/kg) for specific wastes.

8. "Outdated" means unused within the period recommended by the manufacturer.

9. This entry does not include wood treated with wood preserving chemicals.

10. "Outdated" means unused within the period recommended by the manufacturer.

11. Note that even where low level contamination with Annex I materials initially exists, subsequent processes, including recycling processes, may result in separated fractions containing significantly enhanced concentrations of those Annex I materials.

12. The status of zinc ash is currently under review and there is a recommendation with the United Nations Conference on Trade and Development (UNCTAD) that zinc ashes should not be dangerous goods.

13. This entry does not include scrap from electrical power generation.

14. Reuse can include repair, refurbishment or upgrading, but not major reassembly.

15. In some countries these materials destined for direct re-use are not considered wastes.

16. It is understood that such scraps are completely polymerized.

17. - Post-consumer wastes are excluded from this entry

- Wastes shall not be mixed
- Problems arising from open-burning practices to be considered.



BASEL CONVENTION

Reference Material

This page provides direct access to resource material on the Basel Convention.



[Basel Notification Form](#)

TRANSBOUNDARY MOVEMENT OF WASTE - Notification Form
This form can be printed and filled out as required.

#Adobe pdf file 24KB



[Basel Movement Form](#)

TRANSBOUNDARY MOVEMENT OF WASTE - Movement Form
This form can be printed and filled out as required.

#Adobe pdf file 24KB



[\[Basel\]](#)

[Guidance Document on the Preparation of Technical Guidelines for the Environmentally Sound Management of Wastes Subject to the Basel Convention](#)

Basel Convention Secretariat

#Adobe pdf file 41KB



[\[Basel\]](#)

[Guide to the Basel Convention Control System for Hazardous Wastes](#)

Guide to the Control System Instruction Manual (February 1998)

#Adobe pdf file 282KB



[\[Basel\]](#)

[Guidance Document on Transboundary Movements of Hazardous Wastes Destined for Recovery Operations](#)

#Adobe pdf file 70KB



[\[Basel\]](#)

[Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and Their Disposal and of the Decision Regarding the Basel Protocol.](#)

#Adobe pdf file 29KB



[\[Basel\]](#)

[Model National Legislation](#)

#Adobe pdf file 48KB



[\[Basel\]](#)

[Basel Convention](#)

Full Text of the Basel Convention

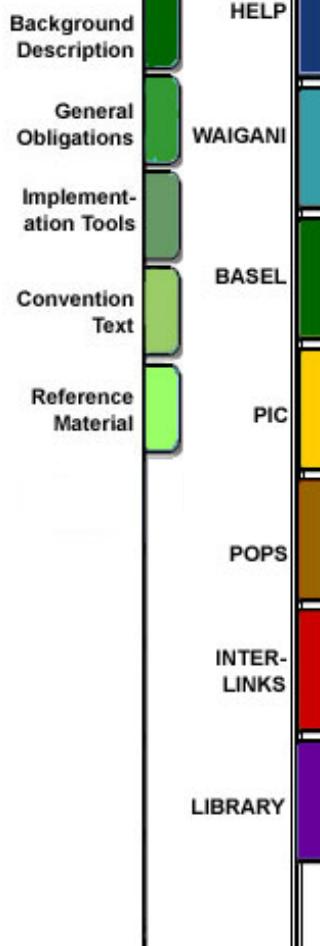
#Adobe pdf file 106KB



[\[Basel\]](#)

[National Enforcement Requirements](#)

#Adobe pdf file 29KB





[Basel]

[Technical Guidelines on Wastes Collected from Households](#)

#Adobe pdf file 15KB



[Basel]

[Technical Guidelines on Waste Oils from Petroleum Origins and Sources](#)

#Adobe pdf file 18KB



[National Profile to Assess the National Infrastructure for Management of Chemicals](#)

Preparing a National Profile to Assess the National Infrastructure for Management of Chemicals A Guidance Document - UNITAR

#Adobe pdf file 562KB

SPREP Waigani Convention Handbook



ROTTERDAM CONVENTION on PIC

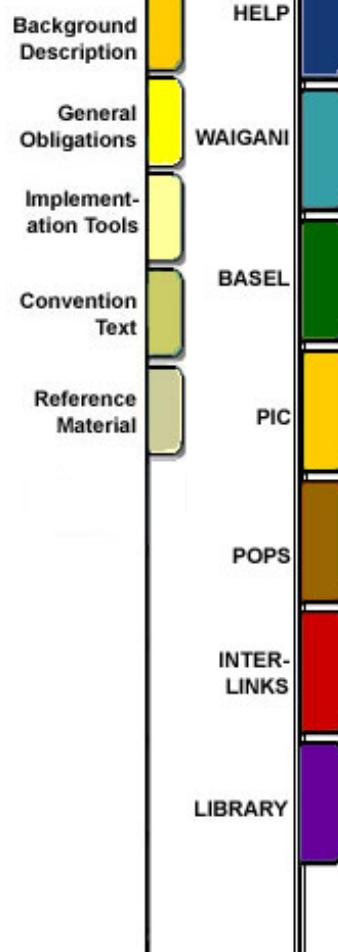
The Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)

The objective of the Rotterdam Convention is to promote shared responsibility and cooperative efforts among parties in the international trade in hazardous chemicals. The long-term goal is to reduce the risk to human health and the environment from hazardous chemicals.

Addressing the dramatic growth in chemical production and trade of toxic chemicals, the Rotterdam Convention helps participating countries learn more about the characteristics of potentially hazardous chemicals and pesticide formulations. It provides countries with the information and the means to stop the unwanted imports of toxic chemicals. The Convention puts the requirement on the exporter to advise of an export of potentially hazardous substances and an onus on the exporting country to comply with the decisions of importing countries and those transit countries through whose territory the waste will pass.

A voluntary information exchange program set up in 1989 allows interim prior informed consent (PIC) procedures to operate until the Rotterdam Convention comes into force.

The tabs in this section of the Handbook provide a description of the Rotterdam Convention, its obligations and the tools needed to implement it. As well, resource documents and contacts are provided to make the task easier.





ROTTERDAM CONVENTION on PIC

Background Description

The Rotterdam Convention at a Glance

Name: The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)

(The Rotterdam or PIC Convention)

What is the Purpose of the Convention?

The purpose of this Convention is to promote shared responsibility and cooperation in the international trade in certain hazardous chemicals. In order to protect human health and the environment from potential harm, the Convention facilitates the sharing of information and prior informed consent among Parties and contributes to the environmentally sound management of certain hazardous chemicals.

What Substances or Chemicals Are Covered by the Convention?

The Convention covers 27 pesticides (including five severely hazardous formulations) and five industrial chemicals. Additional pesticides, industrial chemicals or formulation are added as they meet the Convention's criteria.

What are the likely Scenarios where a Pacific Island Country would use this Convention?

Pacific Island countries can use the Rotterdam Convention to set up a mechanism to ban the import of certain pesticides and industrial chemicals from other countries that are Parties to the Convention. The pesticides and industrial chemicals are those that have been banned or severely restricted for health or environmental reasons in other countries. Pacific Island countries are also encouraged to investigate and notify pesticides that are causing health or environmental problems under the conditions of use in their country, even though these pesticides may not be banned elsewhere.

What are the Economic and Social Benefits of the Convention?

The Convention will improve the flow of information to Pacific Island countries, warning them of health and environmental problems associated with certain hazardous chemicals. The effect will be to prevent unwanted imports of hazardous chemicals into the Pacific, saving the community and environment from exposure to dangerous chemicals. The Convention will also play a central role in developing capacity building initiatives to help governments improve their regulation of chemicals. Parties to the Convention receive six monthly updates that inform of regulatory actions taken by other countries to ban or severely restrict a pesticide or industrial chemical.

What are the Costs Associated with the Convention?

Once the Convention comes into force there will be an administration fee. There will also be some costs associated with the national administration of the Convention.

What Personnel will be Required to Administer the Convention?

A national authority responsible for prior informed consent (PIC) will need to identify at least one person to be the contact point for receiving information on chemical imports. If a Pacific Island country is a producer and exporter of listed chemicals, they will need to ensure that someone carries out the appropriate notification requirements.

Will National Legislation be Required?

Yes. National legislation is required if a country wants to restrict or ban the use or import of certain hazardous chemicals.

Are There Reporting Requirements?

Yes. Each Party is required to report on all chemicals that they have listed as banned or severely restricted substances, if this is a result of human health and environmental concerns. Developing countries are encouraged to report on pesticides causing health or environmental problems because of the conditions of use in their country. Parties need to respond to each chemical included on the PIC List with a decision of whether they prohibit or agree to its import. If a Pacific Island country produces or exports chemicals that it has banned or restricted chemicals, they must inform the importing country. If a Pacific Island country produces or exports any chemicals included on the PIC List, they must ensure that the importing country has consented to its import.

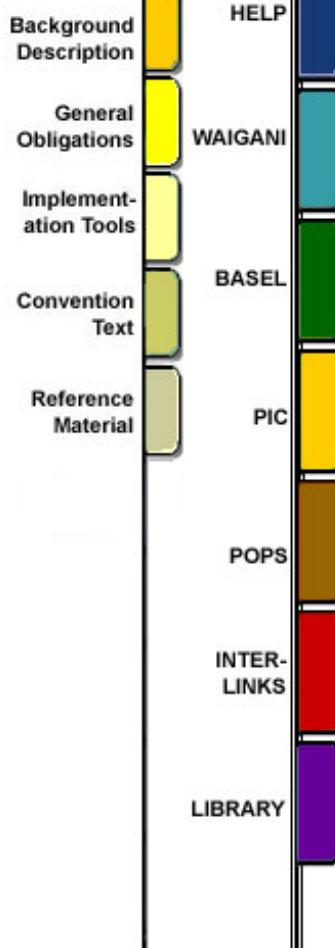
Will There be Help in Administering the Convention?

Yes. Parties with more advanced programs for regulating chemicals should provide technical assistance, including training, to other Parties.

What is the Status of the Convention?

The Convention has yet to enter into force.

Are There Other Agreements Associated with the Convention?



The Rotterdam Convention is complementary to the Stockholm Convention in that they deal with some similar chemicals. PIC provides information on chemicals which may support the Basel and Waigani Conventions, which deal primarily with hazardous and chemical waste.

Secretariat at FAO
Plant Protection Service
Food and Agriculture Organisation of the United Nations
Viale delle Terme di Caracalla
00100 Rome, Italy
Tel:(+39)06 57053441
Fax:(+39)06 57056347
e-mail: pic@fao.org

Secretariat at UNEP
UNEP Chemicals
11-13, chemin des Anemones
CH1219 Chatelaine, Geneva, Switzerland
Tel:(+41)22 9178177
Fax:(+41)22 7973460
e-mail: pic@unep.ch

Internet: <http://www.pic.int>



ROTTERDAM CONVENTION on PIC

General Obligations

General Obligations of the Rotterdam Convention

This section provides information on the obligations of the Rotterdam Convention, including :

- ➡ Chemicals Covered by the Convention
- ➡ Obligations on South Pacific Countries



What Chemicals does the Convention apply to?

The Convention applies to:

- Banned or severely restricted chemicals; and
- Severely hazardous pesticide formulations; (Article 3)

What Chemicals does the Convention not apply to?

The Convention does not apply to:

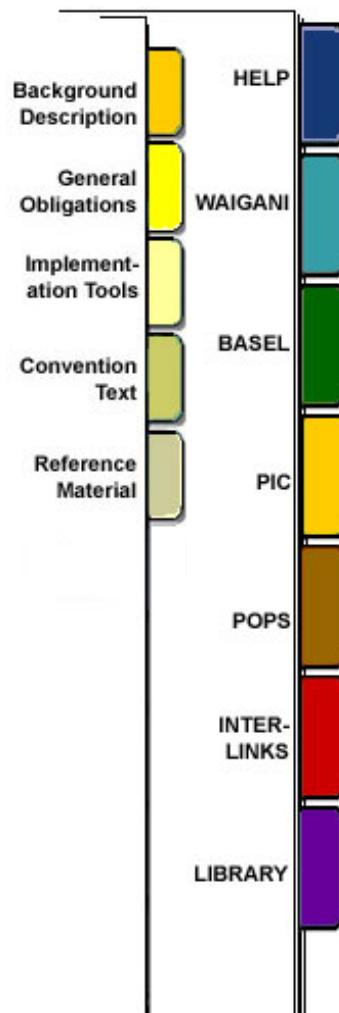
- Narcotic drugs and psychotropic substances;
- Radioactive materials;
- Wastes;
- Chemical weapons;
- Pharmaceuticals, including human and veterinary drugs;
- Chemical used as food additives;
- Food; and
- Chemicals in quantities not likely to affect human health or the environment provided they are imported for the purpose of research or analysis, or by an individual for his or her own personal use in quantities reasonable for such use.

What Chemicals are Currently Listed under the Convention?

The Convention currently lists both pesticides and industrial chemicals.

Pesticides include:

- 2,4,5-T (dioxin contamination)
- aldrin
- binapacryl (new listed at INC6)
- captafol
- chlordane
- chlordimeform
- chlorobenzilate
- DDT
- dieldrin
- dinoseb and dinoseb salts
- 1,2-dibromoethane (EDB, or ethylene dibromide)
- ethylene dichloride (INC7)
- ethylene oxide (INC7)
- fluoroacetamide
- HCH, mixed isomers
- heptachlor
- hexachlorobenzene
- lindane
- mercury compounds, including mercuric oxide mercurous chloride, Calomel, other inorganic mercury compounds, alkyl mercury compounds and alkoxyalkyl / aryl mercury compounds
- pentachlorophenol



- toxaphene
- monocrotophos 600 g/l (SL) formulation and higher
- methamidophos 600 g/l (SL) formulation and higher
- phosphamidon 1000 g/l (SL) formulation and higher
- methyl parathion emulsifiable concentrates (EC) with 19.5%, 50%, 50%, 60% active ingredients and dusts containing 1.5%, 2% and 3% active ingredient)
- parathion all formulations - aerosols, dustable powder (DP), emulsifiable concentrate (EC), granules (GR) and wettable powders (WP) of this substance are included, except capsule suspensions (CS)

Industrial chemicals include:

- crocidolite
- polybrominated biphenyls (PBB)
- polychlorinated biphenyls (PCB), except mono-
- and dichlorinated
- polychlorinated terphenyls (PCT)
- ris (2,3 dibromopropyl) phosphate

**What are the General Obligations on Parties?**

The obligations under the Convention require a number of actions. Each participating country must do the following:

- Each party shall designate a National Authority and notify the Secretariat of their identity (Article 4);
- Each Party which has banned or severely restricted a chemical shall notify the Secretariat in writing of the action. The notification should contain the information required by Annex 1 (Article 5);
- Each Party shall notify the Secretariat in writing, of final regulatory actions in effect (Article 5);
- Each developing country Party may propose to the Secretariat a listing of a severely hazardous pesticide for inclusion in Annex III (Article 6);
- Each Party shall implement appropriate legislative or administrative measures to ensure timely decisions with respect to the import of chemicals listed in Annex III (Article 10);
- Each Party shall ensure that the chemicals listed in Annex III are not exported from its territory to an importing Party contrary to the import decision notified by the Party (Article 11);
- Each party which has banned or severely restricted a chemical shall provide an export notification to the importing Party unless the chemical is already listed on Annex 111 (Article 12);
- Each importing Party shall acknowledge receipt of the export notification received (Article 12);
- Each Party shall require that both chemicals listed in Annex III and chemicals banned or severely restricted in its territory are subject to labelling requirements that ensure adequate availability of information with regard to risks and/or hazards to human health or the environment (Article 13);
- Each Party shall exchange scientific technical, economic and legal information concerning the chemicals within the scope of this Convention including toxicology, ecotoxicology and safety information (Article 14);
- Each Party shall provide information to other Parties on domestic regulatory actions they have taken that substantially restricts one or more uses of chemicals. Some confidential information can be protected (Article 14);
- Each Party shall take measures to establish and strengthen its national infrastructures and institutions for the effective implementation of this Convention (Article 15); and

● Each Party shall ensure that the public has appropriate access to information on chemical handling and accident management and on alternatives that are safer for human health or the environment (Article 15).



ROTTERDAM CONVENTION on PIC Implementation Tools

Implementing the Rotterdam Convention

This section provides information on the important components of implementing the Rotterdam Convention. Each of the components is described and access is provided to appropriate reference materials and the documentation required for easy and effective implementation.

- ▶ Steps to Implementation
- ▶ Establishing a Designated National Authority
- ▶ What a Country Can Do About a Hazardous Chemical
- ▶ What Happens to Chemicals Once They Are Listed in the Convention



Steps to Implementation

As the key elements of the Rotterdam Convention are information exchange and the prior informed consent procedure, the implementation tasks of the Rotterdam Convention focus on exchanging information and are not onerous.

Countries can seek assistance through the Interim Secretariat for all stages of the implementation and in particular, legislative requirements and training for Customs officers.



Establish a Designated National Authority (DNA)

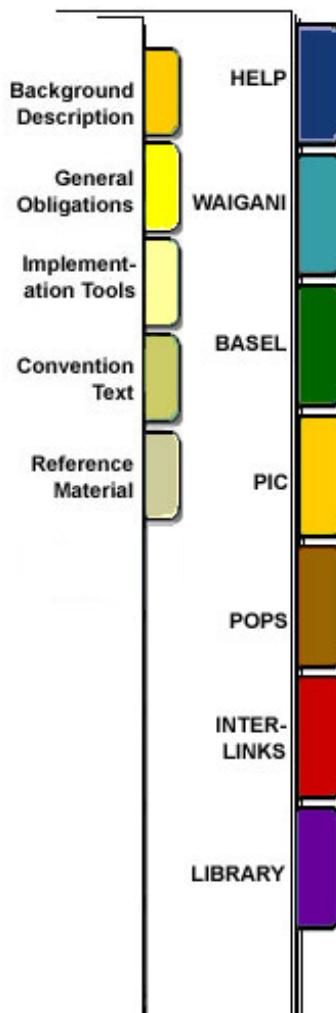
A country needs to nominate a Designated National Authority and formally advise the Interim Secretariat. A DNA is responsible for the administrative functions required by the Convention and is usually based in the governing department responsible for chemicals used in a country. Depending on the specific country's administrative set up, a DNA may be established for both industrial chemicals and pesticides or one DNA may serve as the focal point for both. A list of duties for the DNA will need to be prepared and for example, a DNA may be required to:

- Receive and respond to information on final regulatory actions and decision guidance documents (DGD);
- Notify the Secretariat of any banned or severely restricted chemical in their country;
- Provide an export notification to the importing Party of any banned or severely restricted chemical;
- Prepare and forward an importing country response for Annex 111 chemicals;
- Prepare information on transit movements;
- Prepare a proposal for nominating a chemical to the lists and notify the Secretariat;
- Exchange scientific technical, economic and legal information concerning the chemicals within the scope of this Convention;
- Ensure that chemicals banned or severely restricted are labelled with adequate information in regard to risks or hazards to human health or the environment; and
- Provide the public with appropriate access to information on chemical handling, accident management and alternatives

Training and capacity building of the DNA may be needed.

To complete these tasks, four standard forms are provided.

- Importing Country Response
- Notification of Final Regulatory Action to Ban or Severely Restrict a Chemical



- Severely Hazardous Pesticide Formulation Report (health)
- Severely Hazardous Pesticide Formulation Report (environment)

These are available in the Rotterdam Convention Reference section. →

Legislation and Infrastructure

Appropriate administrative and legislative frameworks will need to be determined and established but both SPREP and the Interim Secretariat can assist countries in this task.

Measures will also need to be taken to strengthen the national infrastructures to effectively implement the Convention. While training may be required for staff in chemicals management, most importantly, Customs Officers will need capacity building in identifying and notifying chemical imports.



What Can a Country do about a Hazardous Chemical?

A Party can ban or severely restrict a chemical (this is known as a *final regulatory action*). Once a country has taken a final regulatory action, it must notify the Secretariat and include information listed in Annex I (See below)

How Does a Chemical Get Listed under Annex III?

Getting a Chemical Listed on Annex III of the Convention requires a number of steps:

Step 1: Proposing a chemical for listing:

There are two means whereby a chemical can be proposed for listing:

(i) Developing Country Route:

A developing country Party which is experiencing problems with a severely hazardous pesticide may propose to the Secretariat that that chemical be listed on Annex III (Article 6). The type of information that needs to be submitted to the Secretariat includes:

- Name of formulation;
- Name of active ingredient;
- Relative amount;
- Type of formulation;
- Trade names and names of producers;
- Common use of the formulation;
- A description of incidents related to the problem; and
- Any regulatory or administrative action taken with regard to the incidents.

(ii) Double Nomination Route:

One notification can be received from each of two Prior Informed Consent regions, (determined at the first Conference of Parties).

Step 2: Consideration by Chemical Review Committee:

The Secretariat forwards the notifications with the appropriate information, to the Chemical Review Committee (CRC) (which is the scientific body for the Convention). The CRC then makes recommendations to the Conference of Parties to list or not list a new chemical in Annex III. The CRC must use the criteria for listing banned or severely restricted chemicals found in Annex II to the Convention. (Article 7)

Step 3: Consideration by the Conference of Parties:

Recommendations for listing by the CRC are then presented to the Conference of Parties (COP). The COP decides whether a chemical is listed on Annex III (and hence be subject to prior informed consent requirements.)

Annex 1 describes the information required for the notification (Article 5).

Annex 1 - Information Required for Notification of a Banned or Severely Restricted Chemical

1. Properties, identification and uses:

- (a) Common name;
- (b) Chemical name according to an internationally recognised nomenclature (for

example, International National Union of Pure and Applied Chemistry (IUPAC)), where such nomenclature exists;

- (c) Trade names and names of preparations;
- (d) Code numbers: Chemical Abstract Service (CAS) number, Harmonised System customs code and other numbers;
- (e) Information on hazard classification, whether chemical is subject to classification requirements;
- (f) Use or uses of the chemical; and
- (g) Physico-chemical, toxicology and ecotoxicological properties.

2. Final regulatory action

(a) Information specific to the final regulatory action:

- (i) Summary of the final regulatory action;
- (ii) Reference to the regulatory document;
- (iii) Date of entry into force of the final regulatory action;
- (iv) Indication of whether the final regulatory action was taken on the basis of a risk or hazard evaluation and, if so, information on such evaluation, covering a reference to the relevant documentation;
- (v) Reasons for the final regulatory action relevant to human health, including the health of consumers and workers, or the environment;
- (vi) Summary of the hazards and risks presented by the chemical to human health, including the health of consumers and workers, or the environment and the expected effects of the final regular regulatory action.

(b) Category or categories where the final regulatory action has been taken, and for each category:

- (i) Use or uses is prohibited by the final regulatory action;
- (ii) Use or uses remain allowed; and
- (iii) Estimation, where available, of quantities of the chemical produced, imported, exported and used.

(c) An indication, to the extent possible, of the likely relevance of the final regulatory action to other States and regions;

(d) Other relevant information that may cover:

- (i) Assessment of socio-economic effects of the final regulatory action; and
- (ii) Information on alternatives and their relative risks, where available, such as:
 - Integrated pest management strategies;
 - Industrial practices and processes, including cleaner technology.



What Happens to Chemicals Once They are Listed in the Convention?

Chemicals that are listed under Annex III of the Convention require 'Prior Informed Consent Procedures'. This means that before these chemicals are to be exported, the exporting country must ensure that the importing country has consented to its import. Countries must not allow chemicals to be exported contrary to an import decision.

However, there can be a time delay between listing of a chemical on Annex III and the appropriate decision guidance documents being supplied to the Parties for their response.



ROTTERDAM CONVENTIEK

ROTTERDAM CONVENTIEK



ROTTERDAM CONVENTION on PIC Convention Text

Preamble

Articles Index

Annexes Index

ROTTERDAM CONVENTION
ON THE PRIOR INFORMED CONSENT PROCEDURE
FOR CERTAIN HAZARDOUS
CHEMICALS AND PESTICIDES
IN INTERNATIONAL TRADE

(PIC CONVENTION)

ROTTERDAM 1998



ARTICLES INDEX

- 1. Objective
- 2. Definitions
- 3. Scope of the Convention
- 4. Designated national authorities
- 5. Procedures for banned or severely restricted chemicals
- 6. Procedures for severely hazardous pesticide formulations
- 7. Listing of chemicals in Annex III
- 8. Chemicals in the voluntary Prior Informed Consent procedure
- 9. Removal of chemicals from Annex III
- 10. Obligations in relation to imports of chemicals listed in Annex III
- 11. Obligations in relation to exports of chemicals listed in Annex III
- 12. Export notification
- 13. Information to accompany exported chemicals
- 14. Information exchange
- 15. Implementation of the Convention
- 16. Technical assistance
- 17. Non-Compliance
- 18. Conference of the Parties
- 19. Secretariat
- 20. Settlement of disputes
- 21. Amendments to the Convention
- 22. Adoption and amendment of annexes
- 23. Voting
- 24. Signature
- 25. Ratification, acceptance, approval or accession
- 26. Entry into force
- 27. Reservations
- 28. Withdrawal
- 29. Depositary
- 30. Authentic texts

ANNEXES INDEX

- ANNEX I. INFORMATION REQUIREMENTS FOR NOTIFICATIONS MADE PURSUANT TO ARTICLE 5
- ANNEX II. CRITERIA FOR LISTING BANNED OR SEVERELY RESTRICTED CHEMICALS
- ANNEX III. CHEMICALS SUBJECT TO THE PRIOR INFORMED CONSENT PROCEDURE

Background Description

HELP

General Obligations

WAIGAN

Implementation Tools

BASEL

Convention Text

1000

Reference Material

PIG

POPS

INTER LINKS

LIBRARY

Preamble

The Parties to this Convention

Aware of the harmful impact on human health and the environment from certain hazardous chemicals and pesticides in international trade,

Recalling the pertinent provisions of the Rio Declaration on Environment and Development and chapter 19 of Agenda 21 on 'Environmentally sound management of toxic chemicals, including prevention of illegal international traffic in toxic and dangerous products',

Mindful of the work undertaken by the United Nations Environment Programme (UNEP) and the Food and Agriculture Organization of the United Nations (FAO) in the operation of the voluntary Prior Informed Consent procedure, as set out in the UNEP Amended London Guidelines for the Exchange of Information on Chemicals in International Trade (hereinafter referred to as the 'Amended London Guidelines') and the FAO International Code of Conduct on the Distribution and Use of Pesticides (hereinafter referred to as the 'International Code of Conduct'),

Taking into account the circumstances and particular requirements of developing countries and countries with economies in transition, in particular the need to strengthen national capabilities and capacities for the management of chemicals, including transfer of technology, providing financial and technical assistance and promoting cooperation among the Parties,

Noting the specific needs of some countries for information on transit movements,

Recognizing that good management practices for chemicals should be promoted in all countries, taking into account, *inter alia*, the voluntary standards laid down in the International Code of Conduct and the UNEP Code of Ethics on the International Trade in Chemicals,

Desiring to ensure that hazardous chemicals that are exported from their territory are packaged and labelled in a manner that is adequately protective of human health and the environment, consistent with the principles of the Amended London Guidelines and the International Code of Conduct,

Recognizing that trade and environmental policies should be mutually supportive with a view to achieving sustainable development,

Emphasizing that nothing in this Convention shall be interpreted as implying in any way a change in the rights and obligations of a Party under any existing international agreement applying to chemicals in international trade or to environmental protection,

Understanding that the above recital is not intended to create a hierarchy between this Convention and other international agreements,

Determined to protect human health, including the health of consumers and workers, and the environment against potentially harmful impacts from certain hazardous chemicals and pesticides in international trade,

Have agreed as follows:

Article 1

Objective

The objective of this Convention is to promote shared responsibility and cooperative efforts among Parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use, by facilitating information exchange about their characteristics, by providing for a national

decision-making process on their import and export and by disseminating these decisions to Parties.

Article 2

Definitions

For the purposes of this Convention:

- (a) 'Chemical' means a substance whether by itself or in a mixture or preparation and whether manufactured or obtained from nature, but does not include any living organism. It consists of the following categories: pesticide (including severely hazardous pesticide formulations) and industrial;
- (b) 'Banned chemical' means a chemical all uses of which within one or more categories have been prohibited by final regulatory action, in order to protect human health or the environment. It includes a chemical that has been refused approval for first-time use or has been withdrawn by industry either from the domestic market or from further consideration in the domestic approval process and where there is clear evidence that such action has been taken in order to protect human health or the environment;
- (c) 'Severely restricted chemical' means a chemical virtually all use of which within one or more categories has been prohibited by final regulatory action in order to protect human health or the environment, but for which certain specific uses remain allowed. It includes a chemical that has, for virtually all use, been refused for approval or been withdrawn by industry either from the domestic market or from further consideration in the domestic approval process, and where there is clear evidence that such action has been taken in order to protect human health or the environment;
- (d) 'Severely hazardous pesticide formulation' means a chemical formulated for pesticidal use that produces severe health or environmental effects observable within a short period of time after single or multiple exposure, under conditions of use;
- (e) 'Final regulatory action' means an action taken by a Party, that does not require subsequent regulatory action by that Party, the purpose of which is to ban or severely restrict a chemical;
- (f) 'Export' and 'import' mean, in their respective connotations, the movement of a chemical from one Party to another Party, but exclude mere transit operations;
- (g) 'Party' means a State or regional economic integration organization that has consented to be bound by this Convention and for which the Convention is in force;
- (h) 'Regional economic integration organization' means an organization constituted by sovereign States of a given region to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Convention;
- (i) 'Chemical Review Committee' means the subsidiary body referred to in paragraph 6 of Article 18.

Article 3

Scope of the Convention

1. This Convention applies to:
 - (a) Banned or severely restricted chemicals; and
 - (b) Severely hazardous pesticide formulations.
2. This Convention does not apply to:
 - (a) Narcotic drugs and psychotropic substances;
 - (b) Radioactive materials;
 - (c) Wastes;

- (d) Chemical weapons;
- (e) Pharmaceuticals, including human and veterinary drugs;
- (f) Chemicals used as food additives;
- (g) Food;
- (h) Chemicals in quantities not likely to affect human health or the environment provided they are imported:
 - (i) For the purpose of research or analysis; or
 - (ii) By an individual for his or her own personal use in quantities reasonable for such use.

Article 4

Designated national authorities

1. Each Party shall designate one or more national authorities that shall be authorized to act on its behalf in the performance of the administrative functions required by this Convention.
2. Each Party shall seek to ensure that such authority or authorities have sufficient resources to perform their tasks effectively.
3. Each Party shall, no later than the date of the entry into force of this Convention for it, notify the name and address of such authority or authorities to the Secretariat. It shall forthwith notify the Secretariat of any changes in the name and address of such authority or authorities.
4. The Secretariat shall forthwith inform the Parties of the notifications it receives under paragraph 3.

Article 5

Procedures for banned or severely restricted chemicals

1. Each Party that has adopted a final regulatory action shall notify the Secretariat in writing of such action. Such notification shall be made as soon as possible, and in any event no later than ninety days after the date on which the final regulatory action has taken effect, and shall contain the information required by Annex I, where available.
2. Each Party shall, at the date of entry into force of this Convention for it, notify the Secretariat in writing of its final regulatory actions in effect at that time, except that each Party that has submitted notifications of final regulatory actions under the Amended London Guidelines or the International Code of Conduct need not resubmit those notifications.
3. The Secretariat shall, as soon as possible, and in any event no later than six months after receipt of a notification under paragraphs 1 and 2, verify whether the notification contains the information required by Annex I. If the notification contains the information required, the Secretariat shall forthwith forward to all Parties a summary of the information received. If the notification does not contain the information required, it shall inform the notifying Party accordingly.
4. The Secretariat shall every six months communicate to the Parties a synopsis of the information received pursuant to paragraphs 1 and 2, including information regarding those notifications which do not contain all the information required by Annex I.
5. When the Secretariat has received at least one notification from each of two Prior Informed Consent regions regarding a particular chemical that it has verified meet the requirements of Annex I, it shall forward them to the Chemical Review Committee. The composition of the Prior Informed Consent regions shall be defined in a decision to be adopted by consensus at the first meeting of the Conference of the Parties.
6. The Chemical Review Committee shall review the information provided in such notifications and, in accordance with the criteria set out in Annex II, recommend to the Conference of the Parties whether the chemical in question should be

made subject to the Prior Informed Consent procedure and, accordingly, be listed in Annex III.

Article 6

Procedures for severely hazardous pesticide formulations

1. Any Party that is a developing country or a country with an economy in transition and that is experiencing problems caused by a severely hazardous pesticide formulation under conditions of use in its territory, may propose to the Secretariat the listing of the severely hazardous pesticide formulation in Annex III. In developing a proposal, the Party may draw upon technical expertise from any relevant source. The proposal shall contain the information required by part 1 of Annex IV.
2. The Secretariat shall, as soon as possible, and in any event no later than six months after receipt of a proposal under paragraph 1, verify whether the proposal contains the information required by part 1 of Annex IV. If the proposal contains the information required, the Secretariat shall forthwith forward to all Parties a summary of the information received. If the proposal does not contain the information required, it shall inform the proposing Party accordingly.
3. The Secretariat shall collect the additional information set out in part 2 of Annex IV regarding the proposal forwarded under paragraph 2.
4. When the requirements of paragraphs 2 and 3 above have been fulfilled with regard to a particular severely hazardous pesticide formulation, the Secretariat shall forward the proposal and the related information to the Chemical Review Committee.
5. The Chemical Review Committee shall review the information provided in the proposal and the additional information collected and, in accordance with the criteria set out in part 3 of Annex IV, recommend to the Conference of the Parties whether the severely hazardous pesticide formulation in question should be made subject to the Prior Informed Consent procedure and, accordingly, be listed in Annex III.

Article 7

Listing of chemicals in Annex III

1. For each chemical that the Chemical Review Committee has decided to recommend for listing in Annex III, it shall prepare a draft decision guidance document. The decision guidance document should, at a minimum, be based on the information specified in Annex I, or, as the case may be, Annex IV, and include information on uses of the chemical in a category other than the category for which the final regulatory action applies.
2. The recommendation referred to in paragraph 1 together with the draft decision guidance document shall be forwarded to the Conference of the Parties. The Conference of the Parties shall decide whether the chemical should be made subject to the Prior Informed Consent procedure and, accordingly, list the chemical in Annex III and approve the draft decision guidance document.
3. When a decision to list a chemical in Annex III has been taken and the related decision guidance document has been approved by the Conference of the Parties, the Secretariat shall forthwith communicate this information to all Parties.

Article 8

Chemicals in the voluntary Prior Informed Consent procedure

For any chemical, other than a chemical listed in Annex III, that has been included in the voluntary Prior Informed Consent procedure before the date of the first meeting of the Conference of the Parties, the Conference of the Parties shall decide at that meeting to list the chemical in Annex III, provided that it is satisfied that all the requirements for listing in that Annex have been fulfilled.

Article 9

Removal of chemicals from Annex III

1. If a Party submits to the Secretariat information that was not available at the time of the decision to list a chemical in Annex III and that information indicates that its listing may no longer be justified in accordance with the relevant criteria in Annex II or, as the case may be, Annex IV, the Secretariat shall forward the information to the Chemical Review Committee.
2. The Chemical Review Committee shall review the information it receives under paragraph 1. For each chemical that the Chemical Review Committee decides, in accordance with the relevant criteria in Annex II or, as the case may be, Annex IV, to recommend for removal from Annex III, it shall prepare a revised draft decision guidance document.
3. A recommendation referred to in paragraph 2 shall be forwarded to the Conference of the Parties and be accompanied by a revised draft decision guidance document. The Conference of the Parties shall decide whether the chemical should be removed from Annex III and whether to approve the revised draft decision guidance document.
4. When a decision to remove a chemical from Annex III has been taken and the revised decision guidance document has been approved by the Conference of the Parties, the Secretariat shall forthwith communicate this information to all Parties.

Article 10

Obligations in relation to imports of chemicals listed in Annex III

1. Each Party shall implement appropriate legislative or administrative measures to ensure timely decisions with respect to the import of chemicals listed in Annex III.
2. Each Party shall transmit to the Secretariat, as soon as possible, and in any event no later than nine months after the date of dispatch of the decision guidance document referred to in paragraph 3 of Article 7, a response concerning the future import of the chemical concerned. If a Party modifies this response, it shall forthwith submit the revised response to the Secretariat.
3. The Secretariat shall, at the expiration of the time period in paragraph 2, forthwith address to a Party that has not provided such a response, a written request to do so. Should the Party be unable to provide a response, the Secretariat shall, where appropriate, help it to provide a response within the time period specified in the last sentence of paragraph 2 of Article 11.
4. A response under paragraph 2 shall consist of either:
 - (a) A final decision, pursuant to legislative or administrative measures:
 - (i) To consent to import;
 - (ii) Not to consent to import; or
 - (iii) To consent to import only subject to specified conditions; or
 - (b) An interim response, which may include:
 - (i) An interim decision consenting to import with or without specified conditions, or not consenting to import during the interim period;
 - (ii) A statement that a final decision is under active consideration;
 - (iii) A request to the Secretariat, or to the Party that notified the final regulatory action, for further information;
 - (iv) A request to the Secretariat for assistance in evaluating the chemical.
5. A response under subparagraphs (a) or (b) of paragraph 4 shall relate to the category or categories specified for the chemical in Annex III.

6. A final decision should be accompanied by a description of any legislative or administrative measures upon which it is based.

7. Each Party shall, no later than the date of entry into force of this Convention for it, transmit to the Secretariat responses with respect to each chemical listed in Annex III. A Party that has provided such responses under the Amended London Guidelines or the International Code of Conduct need not resubmit those responses.

8. Each Party shall make its responses under this Article available to those concerned within its jurisdiction, in accordance with its legislative or administrative measures.

9. A Party that, pursuant to paragraphs 2 and 4 above and paragraph 2 of Article 11, takes a decision not to consent to import of a chemical or to consent to its import only under specified conditions shall, if it has not already done so, simultaneously prohibit or make subject to the same conditions:

- (a) Import of the chemical from any source; and
- (b) Domestic production of the chemical for domestic use.

10. Every six months the Secretariat shall inform all Parties of the responses it has received. Such information shall include a description of the legislative or administrative measures on which the decisions have been based, where available. The Secretariat shall, in addition, inform the Parties of any cases of failure to transmit a response.

Article 11

Obligations in relation to exports of chemicals listed in Annex III

1. Each exporting Party shall:

- (a) Implement appropriate legislative or administrative measures to communicate the responses forwarded by the Secretariat in accordance with paragraph 10 of Article 10 to those concerned within its jurisdiction;
- (b) Take appropriate legislative or administrative measures to ensure that exporters within its jurisdiction comply with decisions in each response no later than six months after the date on which the Secretariat first informs the Parties of such response in accordance with paragraph 10 of Article 10;
- (c) Advise and assist importing Parties, upon request and as appropriate:
 - (i) To obtain further information to help them to take action in accordance with paragraph 4 of Article 10 and paragraph 2 (c) below; and
 - (ii) To strengthen their capacities and capabilities to manage chemicals safely during their life-cycle.

2. Each Party shall ensure that a chemical listed in Annex III is not exported from its territory to any importing Party that, in exceptional circumstances, has failed to transmit a response or has transmitted an interim response that does not contain an interim decision, unless:

- (a) It is a chemical that, at the time of import, is registered as a chemical in the importing Party; or
- (b) It is a chemical for which evidence exists that it has previously been used in, or imported into, the importing Party and in relation to which no regulatory action to prohibit its use has been taken; or
- (c) Explicit consent to the import has been sought and received by the exporter through a designated national authority of the importing Party. The importing Party shall respond to such a request within sixty days and shall promptly notify the Secretariat of its decision.

The obligations of exporting Parties under this paragraph shall apply with effect from the expiration of a period of six months from the date on which the Secretariat first informs the Parties, in accordance with paragraph 10 of Article 10, that a Party has failed to transmit a response or has transmitted an interim response that does not contain an interim decision, and shall apply for one year.



Article 12

Export notification

1. Where a chemical that is banned or severely restricted by a Party is exported from its territory, that Party shall provide an export notification to the importing Party. The export notification shall include the information set out in Annex V.
2. The export notification shall be provided for that chemical prior to the first export following adoption of the corresponding final regulatory action. Thereafter, the export notification shall be provided before the first export in any calendar year. The requirement to notify before export may be waived by the designated national authority of the importing Party.
3. An exporting Party shall provide an updated export notification after it has adopted a final regulatory action that results in a major change concerning the ban or severe restriction of that chemical.
4. The importing Party shall acknowledge receipt of the first export notification received after the adoption of the final regulatory action. If the exporting Party does not receive the acknowledgement within thirty days of the dispatch of the export notification, it shall submit a second notification. The exporting Party shall make reasonable efforts to ensure that the importing Party receives the second notification.
5. The obligations of a Party set out in paragraph 1 shall cease when:
 - (a) The chemical has been listed in Annex III;
 - (b) The importing Party has provided a response for the chemical to the Secretariat in accordance with paragraph 2 of Article 10; and
 - (c) The Secretariat has distributed the response to the Parties in accordance with paragraph 10 of Article 10.



Article 13

Information to accompany exported chemicals

1. The Conference of the Parties shall encourage the World Customs Organization to assign specific Harmonized System customs codes to the individual chemicals or groups of chemicals listed in Annex III, as appropriate. Each Party shall require that, whenever a code has been assigned to such a chemical, the shipping document for that chemical bears the code when exported.
2. Without prejudice to any requirements of the importing Party, each Party shall require that both chemicals listed in Annex III and chemicals banned or severely restricted in its territory are, when exported, subject to labelling requirements that ensure adequate availability of information with regard to risks and/or hazards to human health or the environment, taking into account relevant international standards.
3. Without prejudice to any requirements of the importing Party, each Party may require that chemicals subject to environmental or health labelling requirements in its territory are, when exported, subject to labelling requirements that ensure adequate availability of information with regard to risks and/or hazards to human health or the environment, taking into account relevant international standards.
4. With respect to the chemicals referred to in paragraph 2 that are to be used for occupational purposes, each exporting Party shall require that a safety data sheet that follows an internationally recognized format, setting out the most up-to-date information available, is sent to each importer.
5. The information on the label and on the safety data sheet should, as far as practicable, be given in one or more of the official languages of the importing Party.

Article 14

Information exchange

1. Each Party shall, as appropriate and in accordance with the objective of this Convention, facilitate:

- (a) The exchange of scientific, technical, economic and legal information concerning the chemicals within the scope of this Convention, including toxicological, ecotoxicological and safety information;
- (b) The provision of publicly available information on domestic regulatory actions relevant to the objectives of this Convention; and
- (c) The provision of information to other Parties, directly or through the Secretariat, on domestic regulatory actions that substantially restrict one or more uses of the chemical, as appropriate.

2. Parties that exchange information pursuant to this Convention shall protect any confidential information as mutually agreed.

3. The following information shall not be regarded as confidential for the purposes of this Convention:

- (a) The information referred to in Annexes I and IV, submitted pursuant to Articles 5 and 6 respectively;
- (b) The information contained in the safety data sheet referred to in paragraph 4 of Article 13;
- (c) The expiry date of the chemical;
- (d) Information on precautionary measures, including hazard classification, the nature of the risk and the relevant safety advice; and
- (e) The summary results of the toxicological and ecotoxicological tests.

4. The production date of the chemical shall generally not be considered confidential for the purposes of this Convention.

5. Any Party requiring information on transit movements through its territory of chemicals listed in Annex III may report its need to the Secretariat, which shall inform all Parties accordingly.

Article 15

Implementation of the Convention

1. Each Party shall take such measures as may be necessary to establish and strengthen its national infrastructures and institutions for the effective implementation of this Convention. These measures may include, as required, the adoption or amendment of national legislative or administrative measures and may also include:

- (a) The establishment of national registers and databases including safety information for chemicals;
- (b) The encouragement of initiatives by industry to promote chemical safety; and
- (c) The promotion of voluntary agreements, taking into consideration the provisions of Article 16.

2. Each Party shall ensure, to the extent practicable, that the public has appropriate access to information on chemical handling and accident management and on alternatives that are safer for human health or the environment than the chemicals listed in Annex III.

3. The Parties agree to cooperate, directly or, where appropriate, through competent international organizations, in the implementation of this Convention at the subregional, regional and global levels.

4. Nothing in this Convention shall be interpreted as restricting the right of the Parties to take action that is more stringently protective of human health and the environment than that called for in this Convention, provided that such action is consistent with the provisions of this Convention and is in accordance with



Article 16

Technical assistance

The Parties shall, taking into account in particular the needs of developing countries and countries with economies in transition, cooperate in promoting technical assistance for the development of the infrastructure and the capacity necessary to manage chemicals to enable implementation of this Convention. Parties with more advanced programmes for regulating chemicals should provide technical assistance, including training, to other Parties in developing their infrastructure and capacity to manage chemicals throughout their life-cycle.



Article 17

Non-Compliance

The Conference of the Parties shall, as soon as practicable, develop and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Convention and for treatment of Parties found to be in non-compliance.



Article 18

Conference of the Parties

1. A Conference of the Parties is hereby established.
2. The first meeting of the Conference of the Parties shall be convened by the Executive Director of UNEP and the Director-General of FAO, acting jointly, no later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference.
3. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party provided that it is supported by at least one third of the Parties.
4. The Conference of the Parties shall by consensus agree upon and adopt at its first meeting rules of procedure and financial rules for itself and any subsidiary bodies, as well as financial provisions governing the functioning of the Secretariat.
5. The Conference of the Parties shall keep under continuous review and evaluation the implementation of this Convention. It shall perform the functions assigned to it by the Convention and, to this end, shall:
 - (a) Establish, further to the requirements of paragraph 6 below, such subsidiary bodies, as it considers necessary for the implementation of the Convention;
 - (b) Cooperate, where appropriate, with competent international organizations and intergovernmental and non-governmental bodies; and
 - (c) Consider and undertake any additional action that may be required for the achievement of the objectives of the Convention.
6. The Conference of the Parties shall, at its first meeting, establish a subsidiary body, to be called the Chemical Review Committee, for the purposes of performing the functions assigned to that Committee by this Convention. In this regard:
 - (a) The members of the Chemical Review Committee shall be appointed by the Conference of the Parties. Membership of the Committee shall consist of a limited number of

government-designated experts in chemicals management. The members of the Committee shall be appointed on the basis of equitable geographical distribution, including ensuring a balance between developed and developing Parties;

- (b) The Conference of the Parties shall decide on the terms of reference, organization and operation of the Committee;
- (c) The Committee shall make every effort to make its recommendations by consensus. If all efforts at consensus have been exhausted, and no consensus reached, such recommendation shall as a last resort be adopted by a two-thirds majority vote of the members present and voting.

7. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to this Convention, may be represented at meetings of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in matters covered by the Convention, and which has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

 **Article 19**

Secretariat

1. A Secretariat is hereby established.

2. The functions of the Secretariat shall be:

- (a) To make arrangements for meetings of the Conference of the Parties and its subsidiary bodies and to provide them with services as required;
- (b) To facilitate assistance to the Parties, particularly developing Parties and Parties with economies in transition, on request, in the implementation of this Convention;
- (c) To ensure the necessary coordination with the secretariats of other relevant international bodies;
- (d) To enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and
- (e) To perform the other secretariat functions specified in this Convention and such other functions as may be determined by the Conference of the Parties.

3. The secretariat functions for this Convention shall be performed jointly by the Executive Director of UNEP and the Director-General of FAO, subject to such arrangements as shall be agreed between them and approved by the Conference of the Parties.

4. The Conference of the Parties may decide, by a three-fourths majority of the Parties present and voting, to entrust the secretariat functions to one or more other competent international organizations, should it find that the Secretariat is not functioning as intended.

 **Article 20**

Settlement of disputes

- 1. Parties shall settle any dispute between them concerning the interpretation or application of this Convention through negotiation or other peaceful means of their own choice.
- 2. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party that is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, with

respect to any dispute concerning the interpretation or application of the Convention, it recognizes one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:

(a) Arbitration in accordance with procedures to be adopted by the Conference of the Parties in an annex as soon as practicable; and

(b) Submission of the dispute to the International Court of Justice.

3. A Party that is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedure referred to in paragraph 2 (a).

4. A declaration made pursuant to paragraph 2 shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

5. The expiry of a declaration, a notice of revocation or a new declaration shall not in any way affect proceedings pending before an arbitral tribunal or the International Court of Justice unless the parties to the dispute otherwise agree.

6. If the parties to a dispute have not accepted the same or any procedure pursuant to paragraph 2, and if they have not been able to settle their dispute within twelve months following notification by one party to another that a dispute exists between them, the dispute shall be submitted to a conciliation commission at the request of any party to the dispute. The conciliation commission shall render a report with recommendations. Additional procedures relating to the conciliation commission shall be included in an annex to be adopted by the Conference of the Parties no later than the second meeting of the Conference.

Article 21

Amendments to the Convention

1. Amendments to this Convention may be proposed by any Party.

2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. The text of any proposed amendment shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate the proposed amendment to the signatories to this Convention and, for information, to the Depositary.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting.

4. The amendment shall be communicated by the Depositary to all Parties for ratification, acceptance or approval.

5. Ratification, acceptance or approval of an amendment shall be notified to the Depositary in writing. An amendment adopted in accordance with paragraph 3 shall enter into force for the Parties having accepted it on the ninetieth day after the date of deposit of instruments of ratification, acceptance or approval by at least three fourths of the Parties. Thereafter, the amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits its instrument of ratification, acceptance or approval of the amendment.

Article 22

Adoption and amendment of annexes

1. Annexes to this Convention shall form an integral part thereof and, unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to any annexes thereto.

2. Annexes shall be restricted to procedural, scientific, technical or administrative matters.

3. The following procedure shall apply to the proposal, adoption and entry into

force of additional annexes to this Convention:

- (a) Additional annexes shall be proposed and adopted according to the procedure laid down in paragraphs 1, 2 and 3 of Article 21;
- (b) Any Party that is unable to accept an additional annex shall so notify the Depositary, in writing, within one year from the date of communication of the adoption of the additional annex by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time withdraw a previous notification of non-acceptance in respect of an additional annex and the annex shall thereupon enter into force for that Party subject to subparagraph (c) below; and
- (c) On the expiry of one year from the date of the communication by the Depositary of the adoption of an additional annex, the annex shall enter into force for all Parties that have not submitted a notification in accordance with the provisions of subparagraph (b) above.

4. Except in the case of Annex III, the proposal, adoption and entry into force of amendments to annexes to this Convention shall be subject to the same procedures as for the proposal, adoption and entry into force of additional annexes to the Convention.

5. The following procedure shall apply to the proposal, adoption and entry into force of amendments to Annex III:

- (a) Amendments to Annex III shall be proposed and adopted according to the procedure laid down in Articles 5 to 9 and paragraph 2 of Article 21;
- (b) The Conference of the Parties shall take its decisions on adoption by consensus;
- (c) A decision to amend Annex III shall forthwith be communicated to the Parties by the Depositary. The amendment shall enter into force for all Parties on a date to be specified in the decision.

6. If an additional annex or an amendment to an annex is related to an amendment to this Convention, the additional annex or amendment shall not enter into force until such time as the amendment to the Convention enters into force.

 **Article 23**

Voting

1. Each Party to this Convention shall have one vote, except as provided for in paragraph 2 below.
2. A regional economic integration organization, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.
3. For the purposes of this Convention, 'Parties present and voting' means Parties present and casting an affirmative or negative vote.

 **Article 24**

Signature

This Convention shall be open for signature at Rotterdam by all States and regional economic integration organizations on 11 September 1998, and at United Nations Headquarters in New York from 12 September 1998 to 10 September 1999.



Article 25

Ratification, acceptance, approval or accession

1. This Convention shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. It shall be open for accession by States and by regional economic integration organizations from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

2. Any regional economic integration organization that becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to this Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In its instrument of ratification, acceptance, approval or accession, a regional economic integration organization shall declare the extent of its competence in respect of the matters governed by this Convention. Any such organization shall also inform the Depositary, who shall in turn inform the Parties, of any relevant modification in the extent of its competence.



Article 26

Entry into force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.

2. For each State or regional economic integration organization that ratifies, accepts or approves this Convention or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.

3. For the purpose of paragraphs 1 and 2, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of that organization.



Article 27

Reservations

No reservations may be made to this Convention.



Article 28

Withdrawal

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.



Article 29

Depositary

The Secretary-General of the United Nations shall be the Depositary of this Convention.

Article 30

Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at Rotterdam on this tenth day of September, one thousand nine hundred and ninety-eight.

Annex I

INFORMATION REQUIREMENTS FOR NOTIFICATIONS MADE PURSUANT TO ARTICLE 5

Notifications shall include:

1. Properties, identification and uses

- (a) Common name;
- (b) Chemical name according to an internationally recognized nomenclature (for example, International Union of Pure and Applied Chemistry (IUPAC)), where such nomenclature exists;
- (c) Trade names and names of preparations;
- (d) Code numbers: Chemicals Abstract Service (CAS) number, Harmonized System customs code and other numbers;
- (e) Information on hazard classification, where the chemical is subject to classification requirements;
- (f) Use or uses of the chemical;
- (g) Physico-chemical, toxicological and ecotoxicological properties.

2. Final regulatory action

- (a) Information specific to the final regulatory action:
 - (i) Summary of the final regulatory action;
 - (ii) Reference to the regulatory document;
 - (iii) Date of entry into force of the final regulatory action;
 - (iv) Indication of whether the final regulatory action was taken on the basis of a risk or hazard evaluation and, if so, information on such evaluation, covering a reference to the relevant documentation;
 - (v) Reasons for the final regulatory action relevant to human health, including the health of consumers and workers, or the environment;
 - (vi) Summary of the hazards and risks presented by the chemical to human health, including the health of consumers and workers, or the environment and the expected effect of the final regulatory action;
- (b) Category or categories where the final regulatory action has been taken, and for each category:
 - (i) Use or uses prohibited by the final regulatory action;

- (ii) Use or uses that remain allowed;
- (iii) Estimation, where available, of quantities of the chemical produced, imported, exported and used;
- (c) An indication, to the extent possible, of the likely relevance of the final regulatory action to other States and regions;
- (d) Other relevant information that may cover:
 - (i) Assessment of socio-economic effects of the final regulatory action;
 - (ii) Information on alternatives and their relative risks, where available, such as:
 - Integrated pest management strategies;
 - Industrial practices and processes, including cleaner technology.

Annex II

CRITERIA FOR LISTING BANNED OR SEVERELY RESTRICTED CHEMICALS IN ANNEX III

In reviewing the notifications forwarded by the Secretariat pursuant to paragraph 5 of Article 5, the Chemical Review Committee shall:

- (a) Confirm that the final regulatory action has been taken in order to protect human health or the environment;
- (b) Establish that the final regulatory action has been taken as a consequence of a risk evaluation. This evaluation shall be based on a review of scientific data in the context of the conditions prevailing in the Party in question. For this purpose, the documentation provided shall demonstrate that:
 - (i) Data have been generated according to scientifically recognized methods;
 - (ii) Data reviews have been performed and documented according to generally recognized scientific principles and procedures;
 - (iii) The final regulatory action was based on a risk evaluation involving prevailing conditions within the Party taking the action;
- (c) Consider whether the final regulatory action provides a sufficiently broad basis to merit listing of the chemical in Annex III, by taking into account:
 - (i) Whether the final regulatory action led, or would be expected to lead, to a significant decrease in the quantity of the chemical used or the number of its uses;
 - (ii) Whether the final regulatory action led to an actual reduction of risk or would be expected to result in a significant reduction of risk for human health or the environment of the Party that submitted the notification;
 - (iii) Whether the considerations that led to the final regulatory action being taken are applicable only in a limited geographical area or in other limited circumstances;
 - (iv) Whether there is evidence of ongoing international trade in the chemical;
- (d) Take into account that intentional misuse is not in itself an adequate reason to list a chemical in Annex III.

Annex III

CHEMICALS SUBJECT TO THE PRIOR INFORMED CONSENT PROCEDURE

Chemical	Relevant CAS number(s)	Category
2,4,5-T	93-76-5	Pesticide
Aldrin	309-00-2	Pesticide
Captafol	2425-06-1	Pesticide
Chlordane	57-74-9	Pesticide
Chlordimeform	6164-98-3	Pesticide
Chlorobenzilate	510-15-6	Pesticide
DDT	50-29-3	Pesticide
Dieldrin	60-57-1	Pesticide
Dinoseb and dinoseb salts	88-85-7	Pesticide
1,2-dibromoethane (EDB)	106-93-4	Pesticide
Fluoroacetamide	640-19-7	Pesticide
HCH (mixed isomers)	608-73-1	Pesticide
Heptachlor	76-44-8	Pesticide
Hexachlorobenzene	118-74-1	Pesticide
Lindane	58-89-9	Pesticide
Mercury compounds, including inorganic mercury compounds, alkyl mercury compounds and alkyloxyalkyl and aryl mercury compounds		Pesticide
Pentachlorophenol	87-86-5	Pesticide
Monocrotophos (Soluble liquid formulations of the substance that exceed 600 g active ingredient/l)	6923-22-4	Severely hazardous pesticide formulation
Methamidophos (Soluble liquid formulations of the substance that exceed 600 g active ingredient/l)	10265-92-6	Severely hazardous pesticide formulation
Phoshamidon (Soluble liquid formulations of the substance that exceed 1000 g active ingredient/l)	13171-21-6 (mixture, (E)&(Z) isomers) 23783-98-4 ((Z)-isomer) 297-99-4 ((E)-isomer)	Severely hazardous pesticide formulation
Methyl-parathion (emulsifiable concentrates (EC) with 19.5%, 40%, 50%, 60% active ingredient and dusts containing 1.5%, 2% and 3% active ingredient)	298-00-0	Severely hazardous pesticide formulation
Parathion (all formulations - aerosols, dustable powder (DP), emulsifiable concentrate (EC), granules (GR) and wettable powders (WP) - of this substance are included, except capsule suspensions (CS))	56-38-2	Severely hazardous pesticide formulation
Crocidolite	12001-28-4	Industrial
Polybrominated biphenyls (PBB)	36355-01-8(hexa-) 27858-07-7 (octa-) 13654-09-6 (deca-)	Industrial
Polychlorinated biphenyls (PCB)	1336-36-3	Industrial
Polychlorinated terphenyls (PCT)	61788-33-8	Industrial
Tris (2,3-dibromopropyl) phosphate	126-72-7	Industrial



Annex IV

INFORMATION AND CRITERIA FOR LISTING SEVERELY HAZARDOUS PESTICIDE FORMULATIONS IN ANNEX III

Part 1. Documentation required from a proposing Party

Proposals submitted pursuant to paragraph 1 of Article 6 shall include adequate documentation containing the following information:

- (a) Name of the hazardous pesticide formulation;
- (b) Name of the active ingredient or ingredients in the formulation;
- (c) Relative amount of each active ingredient in the formulation;
- (d) Type of formulation;
- (e) Trade names and names of the producers, if available;
- (f) Common and recognized patterns of use of the formulation within the proposing Party;
- (g) A clear description of incidents related to the problem, including the adverse effects and the way in which the formulation was used;
- (h) Any regulatory, administrative or other measure taken, or intended to be taken, by the proposing Party in response to such incidents.

Part 2. Information to be collected by the Secretariat

Pursuant to paragraph 3 of Article 6, the Secretariat shall collect relevant information relating to the formulation, including:

- (a) The physico-chemical, toxicological and ecotoxicological properties of the formulation;
- (b) The existence of handling or applicator restrictions in other States;
- (c) Information on incidents related to the formulation in other States;
- (d) Information submitted by other Parties, international organizations, non-governmental organizations or other relevant sources, whether national or international;
- (e) Risk and/or hazard evaluations, where available;
- (f) Indications, if available, of the extent of use of the formulation, such as the number of registrations or production or sales quantity;
- (g) Other formulations of the pesticide in question, and incidents, if any, relating to these formulations;
- (h) Alternative pest-control practices;
- (i) Other information which the Chemical Review Committee may identify as relevant.

Part 3. Criteria for listing severely hazardous pesticide formulations in Annex III

In reviewing the proposals forwarded by the Secretariat pursuant to paragraph 5 of Article 6, the Chemical Review Committee shall take into account:

- (a) The reliability of the evidence indicating that use of the formulation, in accordance with common or recognized practices within the proposing Party, resulted in the reported incidents;
- (b) The relevance of such incidents to other States with similar climate, conditions and patterns of use of the formulation;
- (c) The existence of handling or applicator restrictions involving technology or techniques that may not be reasonably or widely applied in States lacking the necessary infrastructure;
- (d) The significance of reported effects in relation to the quantity of the formulation used;
- (e) That intentional misuse is not in itself an adequate reason to list a formulation in Annex III.



Annex V

INFORMATION REQUIREMENTS FOR EXPORT NOTIFICATION

1. Export notifications shall contain the following information:

- (a) Name and address of the relevant designated national authorities of the exporting Party and the importing Party;
- (b) Expected date of export to the importing Party;
- (c) Name of the banned or severely restricted chemical and a summary of the information specified in Annex I that is to be provided to the Secretariat in accordance with Article 5. Where more than one such chemical is included in a mixture or preparation, such information shall be provided for each chemical;
- (d) A statement indicating, if known, the foreseen category of the chemical and its foreseen use within that category in the importing Party;
- (e) Information on precautionary measures to reduce exposure to, and emission of, the chemical;
- (f) In the case of a mixture or a preparation, the concentration of the banned or severely restricted chemical or chemicals in question;
- (g) Name and address of the importer;
- (h) Any additional information that is readily available to the relevant designated national authority of the exporting Party that would be of assistance to the designated national authority of the importing Party.

2. In addition to the information referred to in paragraph 1, the exporting Party shall provide such further information specified in Annex I as may be requested by the importing Party.



ROTTERDAM CONVENTION on PIC Reference Material

This page provides direct access to a selection of resource material on the Rotterdam Convention.

In addition, the PIC Circular is produced twice yearly in June and December and is circulated to all Designated National Authorities. It is available on the PIC website. The PIC Circular aims to keep DNAs informed of developments and contains information on new bans and severe restrictions, new chemicals added to the PIC List, updated country import decisions on chemicals included in the Rotterdam Convention and reports of workshops and other relevant information.



[PIC]

[Instructions for Submission of Notification of Final Regulatory Action to Ban or Severely Restrict a Chemical.](#)

#Adobe pdf file 99KB



[PIC]

[Form for Notification of Final Regulatory Action to Ban or Severely Restrict a Chemical](#)

#Adobe pdf file 32KB



[PIC]

[Form For Importing Country Response](#)

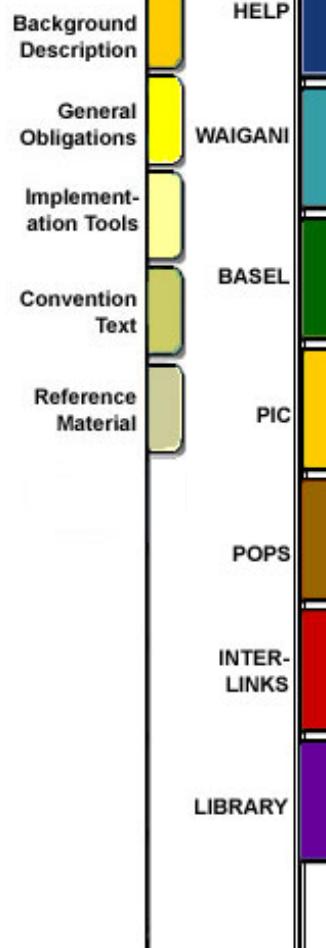
#Adobe pdf file 24KB



[PIC]

[Severely Hazardous Pesticide Formulation \(SHPF\) Report Form \(Health\)](#)

#Adobe pdf file 35KB



Note : A separate form for Severely Hazardous Pesticide Formulation will be available for ENVIRONMENTAL concerns on the PIC website in the near future.



[PIC]

[Proceedings of the Subregional Awareness Raising Workshop on the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, Bangkok, Thailand, 8-11 December 1998](#)

#Adobe pdf file 1,513KB

Note; The following are provided as examples of the PIC Circulars.



[PIC]

[PIC Circular XIII](#)

Implementation of the Interim PIC Procedure June 2001

#Adobe pdf file 606KB



[PIC]

[PIC Circular XIV](#)

Implementation of the Interim PIC Procedure December 2001

#Adobe pdf file 748KB



[PIC]

[National Profile to Assess the National Infrastructure for Management of Chemicals A Guidance Document](#)

UNITAR

#Adobe pdf file 562KB

PIC Decision Guidance Documents

A range of decision guidance documents can be obtained from the PIC Secretariat, either for the printed version sets as listed below or they are available separately at <http://www.pic.int>:

- Decision guidance documents for aldrin, DDT, dieldrin, dinoseb and dinoseb salts, fluoroacetamide and HCH (mixed isomers) (available in English, French and Spanish);
- Decision guidance documents for chlordane, EDB, heptachlor, chlordimeform and mercury compounds (available in English, French and Spanish);
- Decision guidance documents for captafol, chlorobenzilate, hexachlorobenzene, lindane, pentachlorophenol and 2,4,5-T (available in English, French and Spanish);
- Decision guidance documents for binapacryl and toxaphene (available in English, French and Spanish);
- Decision guidance documents for ethylene dichloride and ethylene oxide (available in English, French and Spanish);
- Decision guidance documents for severely hazardous formulations of methamidophos, methyl parathion, monocrotophos, parathion and phosphamidon (available in English, French and Spanish);
- Decision guidance documents for crocidolite, polybrominated biphenyls, polychlorinated biphenyls, polychlorinated terphenyls and tris(2,3-dibromopropyl) phosphate (available in English, French and Spanish);
- Register of designated national authorities under the interim PIC procedure (English only);



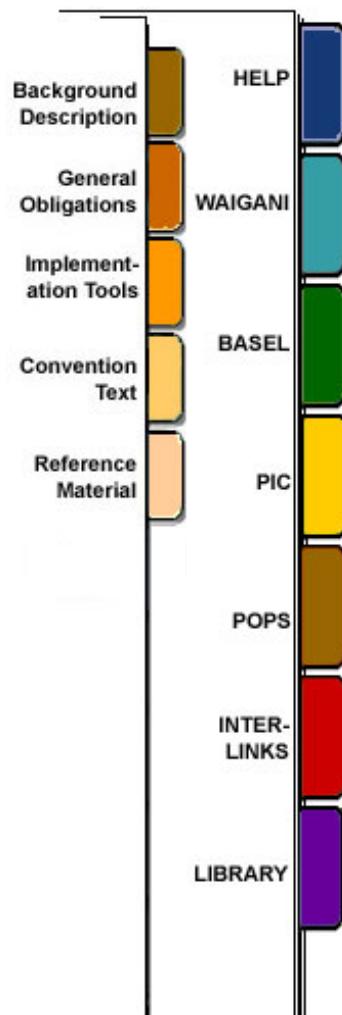
STOCKHOLM CONVENTION on POPs

The Stockholm Convention on Persistent Organic Pollutants (2001)

The objective of Stockholm Convention is to protect human health and the environment from persistent organic pollutants or POPs. POPs include the organochlorine pesticides; DDT, endrin, dieldrin, aldrin, chlordane, toxaphene, heptachlor, mirex, hexachlorobenzene; and the industrial chemicals and by-products; PCBs, dioxins and furans. These initial twelve chemicals, the '*poisons without passports*' were chosen because they have the common hazardous characteristics of toxicity, persistence and bioaccumulation, and are capable of travelling vast distances via water and air.

The Convention aims to eliminate the production, use and emissions of POPs while preventing the introduction of new chemicals with POP-like characteristics and ensuring the environmentally sound destruction of POPs waste stockpiles. The Convention sets out the actions to be taken by Parties to reduce and where feasible, eliminate releases of byproduct POPs chemicals. Technical and financial assistance is offered to developing country Parties to help implement the Stockholm Convention.

The tabs in this section of the Handbook provide a description of the Stockholm Convention, its obligations and the tools needed to implement it. As well, resource documents and contacts are provided to make the task easier.





STOCKHOLM CONVENTION on POPs

Background Description

The Stockholm Convention at a Glance

Name:

The Stockholm Convention on Persistent Organic Pollutants (2001)

(The POPs or Stockholm Convention)

What is the Purpose of the Convention?

The purpose of the Stockholm Convention is to restrict and eventually prohibit the production, use, emissions and import and export of highly toxic substances known as persistent organic pollutants (POPs).

What Substances or Chemicals Are Covered by the Convention?

The Convention currently covers 12 compounds (pesticides, industrial chemicals and by-products), which are organic (carbon based) that resist degradation in the environment, bioaccumulate in fatty tissue, are semi-volatile, and are toxic to humans and wildlife.

What are the likely Scenarios where a Pacific Island Country would use this Convention?

Most Pacific Island countries have some quantity of POPs sitting in stockpiles or scattered around the country. While these old pesticides and PCB contaminated electrical insulators are being dealt with by the SPREP POP in PIC Project, being a Party to the Convention will provide an opportunity for Pacific Island countries to get assistance to address other POPs such as dioxins and furans as well as ensuring safe removal and disposal of future POPs.

What are the Economic and Social Benefits of the Convention?

POPs are highly toxic substances found throughout the world. Banning the use and trade in these chemicals will provide considerable human health benefits, as it will stop them entering the food chain. Available funding for POPs implementation has the secondary benefits of building capacity for general chemical management including implementation of the other relevant treaties.

What are the Costs Associated with the Convention?

Once the Convention comes into force there will be an administrative fee.

There is also a cost associated with developing a National Implementation Plan but funding is available to assist developing countries. Depending on the amount of POPs being produced or stockpiled in your country there will be some operational costs. The competent authorities (eg environment department, police, customs officers, port or airport authorities) may need to carry out the following functions:

- identification of POPs;
- knowledge of companies' operations that may produce POPs;
- understanding of laboratory results on sampling and testing; and
- understanding of methods to minimise or destroy POPs in an environmentally sound manner;

Will National Legislation be Required?

Yes. However, because of similarities with other chemical conventions, a single hazardous chemicals Act could be developed.

Are There Reporting Requirements?

Yes. Each party is required to provide to the Secretariat information on:

- measures taken to implement the Convention;
- effectiveness of measures;
- statistical data on its total quantities of production, import and export of POPs;
- a list of states from which it has imported and states to which it has exported POPs.

Will There be Help in Administering the Convention?

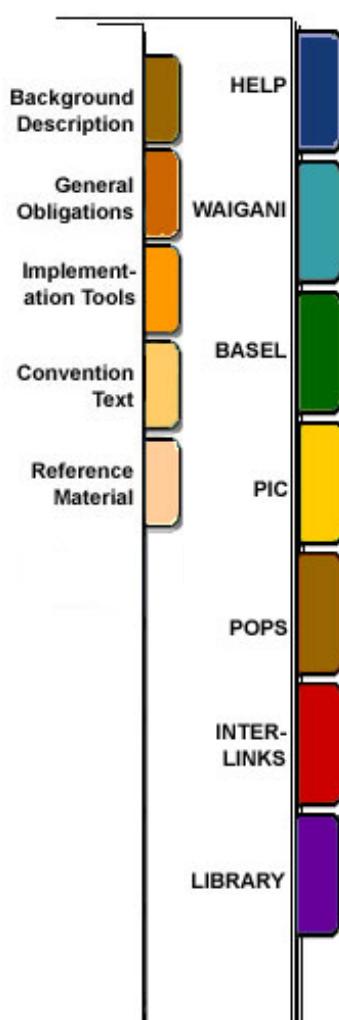
It is likely that the Secretariat will provide assistance to developing countries. SPREP may provide assistance as part of their involvement with the Waigani Convention.

What is the Status of the Convention?

The Convention has yet to enter into force. It requires 50 ratifications.

Are There Other Agreements Associated with the Convention?

There are strong linkages with the Basel and Waigani Conventions as the types of chemicals overlap. The standards for the destruction or permanent transformation of POPs will be carried out in collaboration with appropriate bodies of the Basel Convention.



Interim Secretariat for the Stockholm Convention on Persistent Organic Pollutants
11-13 Chemin des Anémones
1219 Châtelaine
Geneva, Switzerland
Tel.: +4122 917 8191
Fax: +4122 797 3460
e-mail: ssc@chemicals.unep.ch
Internet: <http://www.pops.int>

 SPREP Waigani Convention Handbook



STOCKHOLM CONVENTION on POPs

General Obligations

General Obligations of the Stockholm Convention

This section provides information on the obligations of the Stockholm Convention, including :

- ➡ Chemicals Covered by the Convention
- ➡ General Obligations on South Pacific Countries
- ➡ Implementation and Action Plan Obligations
- ➡ Export and Import Obligations
- ➡ SPREP Table of Obligations and Recommended Actions



What are the Chemicals Covered by the Stockholm Convention?

The Stockholm Convention deals with persistent organic pollutants (POPs) that are very stable, carbon-based chemical compounds and mixtures. These pollutants are classified as 'persistent' because they are not degraded easily in the environment by physical, chemical or biological processes. POPs are primarily pesticides, industrial products and by-products. Twelve compounds ("dirty dozen") have been identified by the Stockholm Convention for reduction and eventual elimination.

POPs are listed in the Convention under different categories:

Annex A: Chemicals for Elimination

- aldrin,
- dieldrin,
- chlordane,
- toxaphene,
- mirex,
- endrin,
- heptachlor,
- hexachlorbenzene,
- Polychlorinated Biphenyls

Annex B: Chemicals for Restricted Use:

- Dichloro Diphenyl Trichloroethane (DDT)

Annex C: Chemicals which are Unintentionally Produced (and where action should be taken to reduce or eliminate release)

- Polychlorinated dibenzo-p-dioxins (PCDD)
- Dibenzofurans (PCDF)
- hexachlorbenzene,
- Polychlorinated Biphenyls (PCBs)

Adding New POP Chemicals -

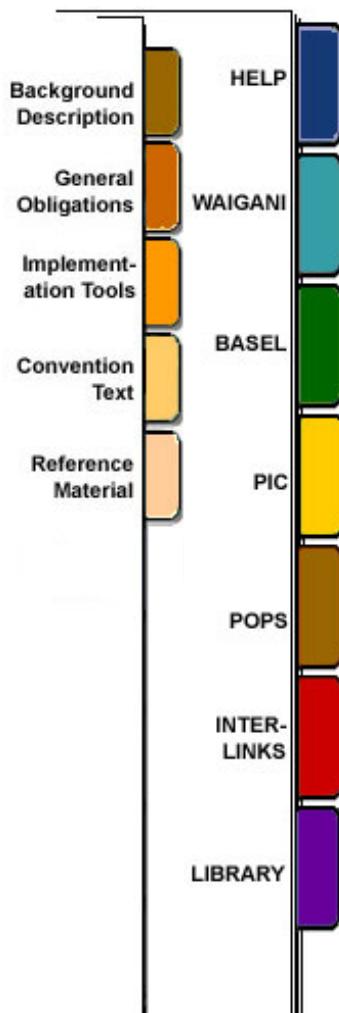
Further chemicals may in the future be added to these lists. The Convention sets out the process whereby chemicals can be added to the list for action under the POPs Convention (Article 8).

Any Party can submit a proposal to the Secretariat to list a chemical in Annex A (Elimination), Annex B (Restriction) or Annex C (Unintentional Production) however, the proposal needs to contain the information specified in Annex D (Screening Criteria).

The proposal is reviewed by the Persistent Organic Pollutants Review Committee to see if the screening criteria have been fulfilled. The Committee then informs the Secretariat and the Conference of the Parties (COP). If the proposal is supported, then a draft risk profile is prepared in accordance with Annex E (Risk Profile) for the COP.

There are a number of opportunities for appeal throughout the process.

The COP will make the final decision as to whether or not the new chemical is listed as a POP. The COP must take due account of the recommendations of the Committee, including



any scientific uncertainty, and decide, in a precautionary manner, whether to list the chemical and must specify the related control measures.

Chemical Exemptions -

It is possible for a country to get a 'specific' exemption that is specific to a chemical, a country and a use. In effect, the specific exemptions are a phase-out period to allow countries to eliminate production and use as substitutes are phased in. Specific exemptions will be subject to review.

A Register that identifies Parties that have specific exemptions for chemicals will be established and maintained by the Secretariat and will be available to the public.

There are provision for restricted use of DDT (Annex B) which provides for the ongoing restricted use of DDT in disease vector malaria control. Each Party that produces and/or uses DDT has to do so in accordance with the World Health Organisation recommendations and guidelines, and only when locally safe, effective and affordable alternatives are not available. The Secretariat will maintain a Register of countries using DDT.

There are also general exemptions for quantities of a chemical to be used for laboratory-scale research or as a reference standard. Explanatory notes to Annex A and Annex B also exclude unintentional trace contamination of final product where persistent organic pollutants are used as an intermediate product.



What are the Obligations on Parties?

- Each Party shall take action to prohibit or take measures to eliminate the production and use or import or export of chemicals listed in Annex A (chemicals for elimination)(Article 3).
- Each Party shall restrict its production and use of chemicals in Annex B (restricted use chemicals)(Article 3).
- Each Party shall ensure that a chemical listed under Annex A or B is only imported for the purpose of environmentally sound disposal or for a permitted use under the Convention (Article 3).
- Each Party shall take measures to reduce the release of chemicals listed in Annex C (unintentionally produced) (Article 5).
- Each Party shall develop strategies for identifying stockpiles of chemicals in Annex A (chemicals for elimination) or Annex B (chemicals for restricted use) (Article 6).
- Each Party shall manage stockpiles in a safe, efficient and environmentally sound manner (Article 6).
- Each Party shall take appropriate measures to dispose of POPs in such a way that the persistent organic pollutant content is destroyed or irreversibly transformed, or dispose of the POPs in an environmentally sound manner when destruction or transformation is not an environmentally preferred option (Article 6).
- Each Party shall ensure that POPs are not subjected to disposal operations that may lead to recovery, recycling, reclamation, direct use or alternative use. (Article 6).
- Each Party shall identify contaminated sites and develop remediation measures in an environmentally sound manner (Article 6).
- Each Party should develop, use and review an Implementation Plan (Article 7).
- Each Party should consult with national stakeholders on the Implementation Plan (Article 7).
- Each Party may propose a chemical for listing under Annex A, B and/or C (Article 8).
- Each Party should identify a National Focal Point to facilitate the exchange of information on POPs (Article 9).
- Each Party shall provide information and develop education and training programmes for policy makers and the public about persistent organic pollutants (Article 10).

- Each Party shall encourage and/or undertake research into POPs (Article 11).
- Each Party shall provide financial support and incentives for national activities under the Convention (Article 13).



National Implementation Plans and National Action Plans

Parties to the Convention are required to develop and endeavour to implement a plan for the implementation of their obligations under the Stockholm Convention (Article 7). Each country will need to submit its implementation plan to the Secretariat.

There are also specific obligations and requirements for the restricted use of DDT (Annex B) and for the release of unintentionally byproducts (Annex C).

DDT Action Plan

Each Party using DDT must develop and implement an action plan as part of their national implementation plan, with the goal of reducing and ultimately eliminating their use of DDT. The action plan must include the development of regulatory and other mechanisms to ensure that DDT use is restricted to disease vector control. It must cover the implementation of suitable alternative products, methods and strategies as well as measures to strengthen health care and reduce the incidence of the disease. Within their capabilities, Countries need to promote research and development of safe alternative chemical and non-chemical products, methods and strategies.

Every three years, each Party that uses DDT has to provide to the Secretariat and the World Health Organisation information on the amount of DDT used, the conditions of use and its relevance to their disease management strategy.

'Dioxin Action Plans'

The unintentional by-products of industrial processes include dioxins, furans, hexachlorobenzene (HCB) and PCBs. Countries are required to develop a national action plan or a regional / subregional action plan within two years of their date of entry. There is an obligation on each party to, at a minimum, take a series of measures to reduce the total releases of these byproducts from man made sources. The goal is their continuing minimisation and, where feasible, ultimate elimination.

Countries need to implement best available technology (BAT) and best environmental practices (BEP), while taking into consideration the general guidance on prevention and release reduction measures including the promotion of substitute materials.

Annex C provides the guidance on prevention and release reduction measures, as well as guidelines on BAT and BEP. Part II and III of Annex C list the specific industries that have comparatively high formation and release of byproducts including dioxins and the diffuse sources that also generate byproducts.

More detailed information and guidance on developing dioxin action plans is available in the Stockholm Convention reference section. →



Export/Import Obligations

Parties must ban imports of Annex A and Annex B substances once they have banned all production and use of that substance in their country (that is, once they no longer have a specific exemption for that substance). Parties must ban the export of an Annex A or B substance, once all Parties to the Convention have banned its production and use (that is, once all specific exemptions for that substance had expired).

During the period when country specific exemptions exist for substances, the chemical can be exported by all parties and imported by parties with a specific exemption for that substance. The substance can only be exported to Parties to the Stockholm Convention or countries found to be in compliance with its obligations, or for the purpose of environmentally sound disposal. This allows countries with a specific exemption for a POP to import that chemical and therefore, would not need to begin production in order to have access and therefore is not penalised for joining the Convention.

Thus, POPs existing in countries that are parties to the Stockholm Convention would only go to countries that have agreed to be bound by the restrictions on the use of those POPs during the period of the specific exemptions. Once all exemptions for a POP chemical are

eliminated, because effective alternatives would exist, trade in that chemical would be prohibited.

SPREP Table of Obligations and Recommended Actions

SPREP Summary of Major Provisions of the Stockholm POPs Convention and Recommended Actions.

These were taken from the Proceedings of the Sub-Regional Awareness Raising Workshop on the Prior Informed Consent Procedure, Persistent Organic Pollutants and the Basel and Waigani Conventions, April 2001, Cairns Australia.

Article/Annex Ref.	Party Obligation	Specific Action
Preamble	No obligations	Parties encouraged to develop regulatory and assessment schemes for pesticides and industrial chemicals if they do not already have them
Article 1 (Objective)	No obligations	
Article 2 (Definitions)	No obligations	
Article 3 (Measures to reduce/eliminate releases from intentional production	Eliminate the production & use of POPs listed in Annex A (aldrin, chlordane, dieldrin, endrin, heptachlor, hexachlorobenzene, mirex, toxaphene & PCBs) subject to the provisions of Annex A (para 1)	Preliminary inventory of Annex A & B POPs
Annex A (Elimination) Part I and Annex B (Restriction) Part I and use)	Restrict the production and use of POPs listed in Annex B (DDT) subject to the provisions of that Annex (para 1)	Implementation of the National Implementation Plans including more detailed inventories
	Only allow imports and exports of POPs listed in Annex A or B for environmental sound disposal, to a Party for a use or purpose to which it is permitted, or to a non-Party where it is certified that it will comply with applicable provisions of the Convention (para 2 and 1 (a) (ii))	Identification of alternatives
	Take regulatory measures to prevent the introduction of new chemicals with POPs characteristics (paras 3 and 4)	Assessment of regulatory and other mechanisms
	Parties (with specific exemptions or acceptable purposes for certain production or use POPs) take measures to prevent or minimise releases from these activities (para 6)	Enhancement or development of regulatory and other mechanisms and institutional strengthening as necessary for implementation
	For article in use exemption (note ii), Parties must notify the Secretariat	Implement regulation
	For closed-system site limited intermediate exception, Parties must notify the Secretariat	Assessment of new chemicals
		Evaluate need for exemptions
		Awareness raising in industry and community on appropriate procedures, practices and alternatives
		Identify relevant industries and develop reporting arrangements
		Notify Secretariat

Annex A, Part II (PCBs)	<p>Take action by 2025 to identify and remove from use PCBs in equipment above thresholds</p> <p>Use only intact, non-leaking equipment and not use around food or feed areas</p> <p>Take other measures to ensure sound management of disposal as detailed</p> <p>Provide reports every five years on efforts to eliminate PCB use to COP</p>	<p>Inventory PCB in use</p> <p>Test for concentration</p> <p>Measures outlined in Annex</p> <p>Identify possible sources of information and develop reporting arrangements</p> <p>Enhance the infrastructure to undertake this obligation</p> <p>Provide reports to the COP</p>
Annex B, Part II (DDT)	<p>Each Party that produces or uses DDT shall restrict such activities to disease vector control in accordance WHO guidelines</p> <p>Each Party that produces or uses DDT shall provide the Secretariat and WHO with information on amounts used and conditions of use every three years</p>	<p>Assessment of regulatory and other mechanisms</p> <p>Enhancement or development of regulatory and other mechanisms</p> <p>Institutional strengthening as necessary for implementation</p>
Article 4 (Register of specific exemptions)	<p>Parties wishing to continue use of specific exemption beyond five year period need to submit report to the Secretariat for justification</p>	<p>Inventory POPs usage</p> <p>Determination of need for exemption</p> <p>Notify Secretariat</p>
Article 5 (Measures to reduce/eliminate releases from unintentional production) Annex C (Unintentional production)	<p>Develop and implement an action plan to identify sources and reduce releases of POPS listed in Annex C (dioxins and furans)</p> <p>Promote measures, including best available techniques (BAT) and best environmental practices (BEP), to achieve release reduction of POPs listed in Annex C taking into consideration guidance adopted by COP</p>	<p>Develop and implement an action plan to identify sources and reduce releases of POPS listed in Annex C (dioxins and furans):</p> <ul style="list-style-type: none"> ● Evaluation of current and projected releases ● Source inventories and release estimates ● Evaluation of efficacy of relevant laws and policies ● Strategies to implement Article ● Education, training and awareness raising ● Review of strategies every 5 years ● Schedule for implementation <p>Identifying BAT and BEP for particular industry</p> <p>Awareness raising in industry and community on appropriate procedures, practices and alternatives</p>
Article 6 (Measures to reduce/eliminate, releases from stockpiles and wastes)	<p>Develop strategies and for identifying stockpiles of POPS listed in Annexes A and B, and products containing POPs listed in Annexes A, B and C and manage in an environmentally sound manner.</p> <p>Take measures to ensure that POPs wastes is managed and disposed of in an environmentally sound manner according to international standards and guidelines.</p> <p>Not allow recovery, recycling, reclamation, direct use of</p>	<p>Preliminary inventory of stockpiles of POPs, or products and wastes containing POPs.</p> <p>Assess capacity, including regulatory and policy, to manage or dispose of stockpiles or wastes.</p> <p>Assess capacity, including regulatory and policy, to implement obligation.</p> <p>Evaluate need for national action plan.</p>

	<p>alternative uses of POPs</p> <p>Ensure that transport of POPs wastes is consistent with Basel Convention</p> <p>Endeavour to identify POPs contaminated sites, and if remediation is necessary that it is done in an environmentally sound manner.</p>	
Article 7 (Implementation Plans)	<p>Develop and endeavour to implement a plan to meet its obligations under the Convention to be submitted to the COP within two years of entry into force for the Party.</p>	<p>Consultation with national stakeholders</p> <p>Undertake preliminary inventories</p> <p>Develop National Implementation Plan</p>
Article 8 (Listing of chemicals in Annexes A,B & C) Annex D (Information requirements and screening criteria) Annex E (Information requirements for the risk profile) Annex F (Information on socio-economic considerations)	<p>Parties may submit proposals to the Secretariat for listing of additional chemicals in one or more of the annexes.</p>	<p>Monitor POPs usage and impacts</p> <p>Strengthening capacity for chemical risk assessment and risk management.</p> <p>Submit information to Chemicals Review Committee.</p>
Article 9 (Information Exchange)	<p>Facilitate/undertake exchange of information on POPs and their alternatives, and designate a national Focal Point for the exchange of such information.</p>	<p>Assessing information availability and needs</p> <p>Disseminate relevant information to stakeholders</p> <p>Designate Focal Point</p> <p>Provide infrastructure to support focal point</p>
Article 10 (Public information, awareness & education)	<p>Facilitate/promote awareness and understanding of POPS information to the public, particularly decision makers and effected groups</p>	<p>Development and use of public awareness materials.</p> <p>Review mechanisms for providing POPs information to the public</p> <p>Development (as necessary) of tools for collection and dissemination of information on POPs.</p> <p>Training of workers, scientists etc.</p>
Article 11 (Research, development & monitoring)	<p>Encourage/undertake research,development and monitoring on POPS and their alternatives and support national and international efforts along these lines.</p>	<p>Review capabilities and capacities</p> <p>Identify gaps and needs</p>
Article 12 (Technical assistance)	<p>Cooperate to provide technical assistance to develop and strengthen their capacity to implement the convention, and developing arrangements for this purpose as well as transfer of technology.</p>	<p>Identification of needs for technical assistance at national level.</p>
Article 13 (Financial resources and mechanisms)	<p>Developed country Parties provide new and additional financial resources to developing countries and economies in transition Parties.</p>	<p>Identification of needs for financial assistance at national level.</p>

Article 14 (Interim financial arrangements)		
Article 15 (Reporting)	Report to COP on measures it has taken to implement the convention and on the effectiveness of these measures.	Identify sources of information and data Enhancing the infrastructure to undertake this obligation. Compile statistical data on production, import and export of Annex I & II POPs.
Article 16 (Effectiveness evaluation)	Implement arrangements to be determined by the COP at its first meeting.	Identify data gaps and the need for monitoring, enhancing infrastructure to undertake this obligation. Provide information and data
Article 17 (Noncompliance)		
Article 19 (Conference of the Parties)		
Article 20 (Secretariat)		

Stockholm Convention

Stockholm Convention

Stockholm Convention

Stockholm Convention



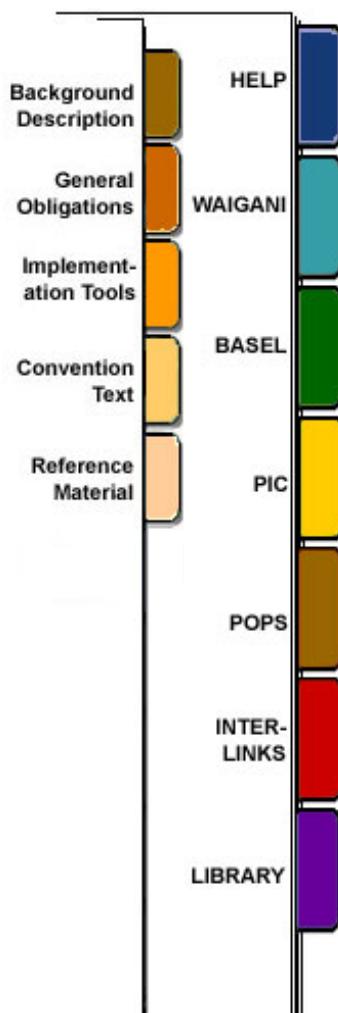
STOCKHOLM CONVENTION on POPs

Implementation Tools

Implementing the Stockholm Convention

This section provides information on the important components of implementing the Stockholm Convention. Each of the components is described and access is provided to appropriate reference materials and the documentation required for easy and effective implementation.

- National Implementation Plans
- Framework for Developing National Implementation Plans
- Implementing a NIP
- Environmentally Sound Management of Persistent Organic Pollutants.



National Implementation Plans

Parties to the Convention are required to develop National Implementation Plans (NIPs) (Article 7). The Global Environment Facility (GEF) has provided guidelines for enabling activities for the Stockholm Convention that can assist countries in developing their NIPs.

Financial assistance is also available from GEF to help countries to implement the Stockholm Convention.

The framework for NIPs is a five-step process:

- determination of coordinating mechanisms and organisation of the process;
- establishment of a POPs inventory and an assessment of national infrastructure and capacity;
- setting of priorities and determination of objectives;
- formulation of a National Implementation Plan and specific Action Plans; and
- endorsement of the National Implementation Plan by stakeholders.

National Implementation Plans can also be developed on a sub-regional basis.

A Framework for Developing National Implementation Plans

Step 1 Determining Co-ordinating Mechanism and Organising Process

The Key Activities in Step 1 should take approximately 2 to 3 months and include steps to:

- Identify and support a Focal Point;
- Identify and educate main stakeholders to strengthen government commitment;
- Establish multi-stakeholder national co-ordinating committee;
- Identify and assign responsibilities for the various aspects of POPs management to government departments and other stakeholders;
- Obtain a commitment from national stakeholders (for example, by using a Memorandum of Understanding or consultation with public interest NGOs and industry groups);
- Assess the technical and human resources needs of the Focal Point and develop preliminary budget;
- Draw-up a workplan and timeframe for country activities; and
- Organise first workshop with key stakeholders to inform and develop mission statement.

Existing committees or structures can be used with external consultants providing technical assistance but priority should be given to local and regional consultants. Awareness raising activities need to commence for decision-makers and the public and should be on-going.

Step 2 Establishing a POPs Inventory (including stockpiles and contaminated sites) and Assessing National Infrastructure and Capacity

The Key Activities in Step 2 should take approximately 5 to 10 months and include steps to:

- Prepare a National Profile or at least those sections that relate to POPs (for example, Chapter 3: Priority Concerns Related to Chemical Production, Import, Export and Use);

- Constitute task teams responsible for inventories and train them in inventory procedures;
- Complete a preliminary inventory of production, distribution, use, import and export;
- Complete a preliminary inventory of stocks and contaminated sites and assess opportunities for disposal of obsolete stocks;
- Complete a preliminary inventory of releases to the environment;
- Undertake an external independent review of initial national POPs inventories;
- Assess the capacity of institutions to manage POPs, including regulatory controls and options for strengthening them;
- Assess enforcement capacity to ensure compliance;
- Assess social and economic implications of POPs use and reduction including the local commercial infrastructure for distributing alternative technologies/products;
- Assess monitoring capacity; and
- Identification of POPs human health and environmental issues of concern.

More detailed information on these subjects is available in the Stockholm Convention Reference section. 

Step 3 Priority Setting and Determining Objectives

The Key Activities in Step 3 should take approximately 4 to 6 months and include steps to:

- Develop a criteria for prioritising action by considering health, environmental and socio-economic impacts of POPs and the availability of alternative solutions;
- Determine national objectives for priority POPs issues; and
- Organise a national multi-stakeholder priority setting workshop.

Priority setting in POPs/issues can use information from the National Profile including any information about stockpiles and contaminated sites and any identified environmental concerns relating to POPs.

Step 4 Formulating a National Implementation Plan (NIP) and Action Plans on other POPs including unintentional by-products and PCBs, and (if required) DDT

The Key Activities in Step 4 should take approximately 5 to 9 months and include steps to:

- Mandate teams to develop proposals for addressing priorities;
- Identify management and risk reduction options;
- Consider new technologies through technology transfer or development of indigenous alternatives;
- Assess costs and benefits of options;
- Identify targets;
- Develop full implementation plan, including the action plans for unintentional by-products and PCBs, and if needed DDT;
- Develop cost estimates of implementation;
- Review National Implementation Plan;
- Prepare funding application for implementation;
- Develop national strategy for public information;
- Develop national program for awareness raising of the general public in particular what role they can play in addressing POPs problems, eg decrease in back yard burning of plastics; and
- Ensure participation of local authorities.

The key factors in formulating a NIP are the availability of data to inform decisions, political commitment, meaningful participation of stakeholders, access to alternative technology and adequate resources; human, financial and technical. It is important that the responsibilities for developing POPs specific action plans are shared amongst stakeholders including government agencies, industry, NGOs and universities.

Step 5 Endorsement of the National Implementation Plan by Stakeholders

The Key Activities in Step 5 should include steps to:

- Prepare a report for stakeholder comments;
- Liaise with high Government officials; and
- Organise workshops and circulate information to obtain commitment of stakeholders and decision-makers, including resource commitments.



The eventual implementation of the NIP would be made up of some of the following activities:

- Development of a more detailed POPs inventory;
- Drafting of new legislation/regulation;
- Strengthening of compliance and enforcement of existing regulation;
- Identification of specific eco-systems or populations at risk;
- Evaluation and introduction of POPs alternatives;
- Implementation of awareness-raising and education activities and establishment of mechanisms to involve local populations in the implementation of the plans;
- Training and capacity building activities on various issues such as sound management practices of POPs, POPs alternatives, conducting environmental impact assessment, effective legislation and regulation, good storage and management practices, risk assessment and risk management, etc;
- Technology transfer activities;
- Development of a national waste management strategy;
- Monitoring, site auditing and other activities to ensure compliance and enforcement of regulations;
- Development of safe disposal plans for existing stocks of POPs; and
- Addressing illegal POPs trade through Waigani implementation

The Global Environment Facility Guidelines for Enabling Activities for the Stockholm Convention and other documentation are available in the Stockholm Convention Reference section. 

Guidelines for the Management of POPs

The development of Technical Guidelines for Environmentally Sound Management of Persistent Organic Pollutants by the Basel Convention Secretariat are underway. The guidelines have valuable information on the storage, handling, transport and disposal of POPs. Following is a summary of the main points.

What does Environmentally Sound Management mean?

ESM is defined as: *"a concept for ensuring that wastes are managed in a manner which will save natural resources and protect human health and the environment against adverse effects which may result from the management of such wastes and materials."* (OECD 2001)

The core performance elements of ESM are those that are applicable to all evaluation, dismantling, refurbishment, pre-treatment, treatment and disposal of wastes.

They require that each facility should:

- have adequate regulatory infrastructure and enforcement to ensure compliance with applicable regulations;
- be appropriately authorized;
- have waste minimisation/ recovery/ recycling procedures;
- be appropriately certified under an applicable Environmental Management System;
- have an appropriate operational monitoring and reporting programme;
- have an operational inspection and recording programme for all input and output materials;
- have appropriate in-house record keeping;
- have an appropriate and verified emergency plan;
- have an appropriate and operational training programme for its personnel; and
- have an adequate financial guarantee for emergency situations and closure.

The above ESM requirements are applicable to countries and facilities involved with POP waste management.

How Can POPs Pesticides be Managed Properly?

While it is preferable to not use POPs pesticides at all, there may be rare occasions where they are necessary. The following are some guidelines for the national authority responsible for regulating the use of POPs pesticides:

- provide training and information programmes on different types of pesticides and their uses;

- provide training, literature and other information on avoiding the use of pesticides and the substitution of alternatives;
- provide training on the purchase of pesticides - to avoid surplus product and ensure the correct pesticide is purchased;
- product containment and disposal options;
- labelling, storage, handling and safeguarding;
- control of empty containers; and
- management of unwanted pesticides.

How Can POPs be Properly Stored?

The safe storage of POPs is vitally important, particularly in island communities where people are likely to be in close proximity to these highly poisonous substances. The following are some guidelines for the storage and transport of POPs wastes:

Storage of containers/ cartons containing POPs wastes:

- the site for a new shed or warehouse should not be close to communities, hospitals, schools, shops, food markets and public areas; it should be well removed from water courses/ wells;
- the storage site should have easy access for loading/ unloading and for emergency vehicles from at least three sides of the building;
- the design capacity of the building should be generous and should avoid unnecessary stacking of the material;
- the storage site should be always secure and access should be restricted to authorized personnel to reduce exposure. Adequate notices should be posted to keep people informed of the contents and its potential danger;
- the containers should be stocked away from direct sunlight;
- the facility should be well ventilated and well laid for easy access;
- the storage facility should have at least 15 % to 20% free space for movement of fork lifts and other vehicles for stocking and dispensing;
- compatibility of materials kept in the areas is a key issue and other materials like waste acids/ bases etc. should be not stored along with pesticides and PCBs; liquids (PCBs) and solids (pesticides) should not be kept next to each other to prevent chemical reaction and contamination;
- stacked containers should be on pallets; corrosion resulting from rising damp or leaking chemicals should be promptly observed and dealt with appropriately.
- dust, granule and wet table powder formulations should be kept in cartons during storage to avoid caking;
- liquids should always be kept in bunded areas with floor drain collection system;
- stacks should be arranged to minimize handling and to avoid damage during handling. Floor spaces should be uncluttered, well marked and containers and cartons should be stacked at safe heights ensuring that they are stable;

Storage of POP contaminated soils:

- Contaminated soils containing POPs are likely to be received in bulk and would need storing until disposal options have been finalized. Key issues for soil storage include:
- keep the material secure (restricted access area);
- store under a roof to avoid direct sunlight and ensure that in case of rains/ washes, the water is collected and sent for treatment and does not contaminate watercourses;
- keep soils dry and well-ventilated; and
- post a notice in the area to ensure that people are aware of the contents.

Handling and transportation

Recommended procedures for POP wastes handling and transportation include:

- waste should be transported in dedicated trucks only;
- open and leaking containers of waste pesticides, PCBs, etc. should not be transported. Contents should be transferred into another container before being transported;
- all loads should be securely fastened on the truck and all labels must be clearly readable;
- the truck should have in place appropriate placards and markings to indicate it is a hazardous cargo based on the regulatory requirements of the jurisdiction;
- the truck driver should be adequately trained to transport hazardous waste cargo and must have certification to prove this (as required by the jurisdictions);
- if there is an accident, the driver must be able to produce the manifest and emergency management procedures for the cargo to assist police/ fire personnel in dealing with the incident;
- the trucking company must be adequately insured (based on jurisdictional requirements) to handle any third party and environmental impairment liability claims in case of an accident;

- the loads should be periodically checked by a central authority (e.g. during rest stops), to assure that the cargo is intact and there is not leakage;
- proper paper work must accompany the truck and the material should be handed over appropriately at the receivers end; and
- the waste consignment must be carefully unloaded/ loaded from the truck.

Disposal of Pesticide Containers

Recommended procedures for handling and disposal of pesticide containers include:

- empty containers should always be cleaned;
- containers that have contained wet table powder formulations should be rinsed with water several times and the rinsings to be added to the spray tank before it is topped up to the required volume. Then the containers can be washed out with a mixture of water, detergent and caustic soda;
- containers of liquid formulations may be cleaned with kerosene (paraffin) or diesel fuel;
- the washings (small quantities of about 5 litres) should be collected for disposal in a safe environmentally sound manner at a central location authorized by the national authority;
- highly contaminated cardboard, paper and jute materials should be collected and sent to the central disposal centres along with other toxic waste; and
- glass containers should be smashed and steel drums and metal and plastic containers punctured and crushed (do not puncture aerosol containers) before being sent to a central location for disposal by the national authority.

The DRAFT Technical Guidelines for Environmentally Sound Management of Persistent Organic Pollutants are available in the Stockholm Convention Reference section. ➔



Stockholm Convention

Stockholm Convention



STOCKHOLM CONVENTION on POPs

Convention Text

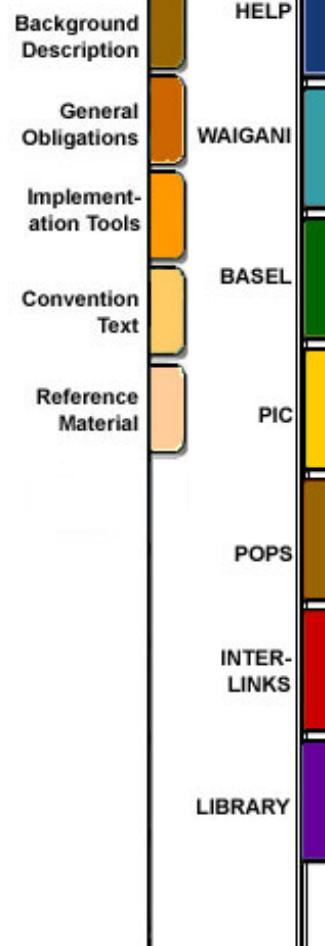
Preamble

Articles Index

Annexes Index

STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS

STOCKHOLM 2001



ARTICLES INDEX

- 1. OBJECTIVE
- 2. DEFINITIONS
- 3. INTENTIONAL PRODUCTION
- 4. EXEMPTIONS
- 5. UNINTENTIONAL PRODUCTION
- 6. STOCKPILES WASTES
- 7. IMPLEMENTATION PLANS
- 8. LISTING SUBSTANCES
- 9. INFORMATION EXCHANGE
- 10. PUBLIC EDUCATION
- 11. RESEARCH
- 12. TECHNICAL ASSISTANCE
- 13. FINANCIAL MECHANISMS
- 14. INTERIM FINANCIAL
- 15. REPORTING
- 16. EFFECTIVENESS EVALUATION
- 17. NON-COMPLIANCE
- 18. DISPUTES
- 19. CONFERENCE of PARTIES
- 20. SECRETARIAT
- 21. AMENDMENT
- 22. ADOPTION of ANNEXES
- 23. RIGHT to VOTE
- 24. SIGNATURE
- 25. RATIFICATION
- 26. ENTRY INTO FORCE
- 27. RESERVATIONS
- 28. WITHDRAWAL
- 29. DEPOSITORY
- 30. AUTHENTIC TEXTS

ANNEXES INDEX

- A. ELIMINATION
- B. RESTRICTION
- C. UNINTENTIONAL PRODUCTION

- D. SCREENING CRITERIA
- E. RISK PROFILE
- F. SOCIO-ECONOMIC CONSIDERATION

Preamble

STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS

PREAMBLE

The Parties to this Convention,

Recognizing that persistent organic pollutants possess toxic properties, resist degradation, bioaccumulate and are transported, through air, water and migratory species, across international boundaries and deposited far from their place of release, where they accumulate in terrestrial and aquatic ecosystems,

Aware of the health concerns, especially in developing countries, resulting from local exposure to persistent organic pollutants, in particular impacts upon women and, through them, upon future generations,

Acknowledging that the Arctic ecosystems and indigenous communities are particularly at risk because of the biomagnification of persistent organic pollutants and that contamination of their traditional foods is a public health issue,

Conscious of the need for global action on persistent organic pollutants,

Mindful of decision 19/13 C of 7 February 1997 of the Governing Council of the United Nations Environment Programme to initiate international action to protect human health and the environment through measures which will reduce and/or eliminate emissions and discharges of persistent organic pollutants,

Recalling the pertinent provisions of the relevant international environmental conventions, especially the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal including the regional agreements developed within the framework of its Article 11,

Recalling also the pertinent provisions of the Rio Declaration on Environment and Development and Agenda 21,

Acknowledging that precaution underlies the concerns of all the Parties and is embedded within this Convention,

Recognizing that this Convention and other international agreements in the field of trade and the environment are mutually supportive,

Reaffirming that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

Taking into account the circumstances and particular requirements of developing countries, in particular the least developed among them, and countries with economies in transition, especially the need to strengthen their national capabilities for the management of chemicals, including through the transfer of technology, the provision of financial and technical assistance and the promotion of cooperation among the Parties,

Taking full account of the Programme of Action for the Sustainable Development of Small Island Developing States, adopted in Barbados on 6 May 1994,

Noting the respective capabilities of developed and developing countries, as well as the common but differentiated responsibilities of States as set forth in Principle 7 of the Rio Declaration on Environment and Development,

Recognizing the important contribution that the private sector and non-governmental organizations can make to achieving the reduction and/or elimination of emissions and discharges of persistent organic pollutants,

Underlining the importance of manufacturers of persistent organic pollutants taking responsibility for reducing adverse effects caused by their products and for providing information to users, Governments and the public on the hazardous properties of those

chemicals,

Conscious of the need to take measures to prevent adverse effects caused by persistent organic pollutants at all stages of their life cycle,

Reaffirming Principle 16 of the Rio Declaration on Environment and Development which states that national authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment,

Encouraging Parties not having regulatory and assessment schemes for pesticides and industrial chemicals to develop such schemes,

Recognizing the importance of developing and using environmentally sound alternative processes and chemicals,

Determined to protect human health and the environment from the harmful impacts of persistent organic pollutants,

Have agreed as follows:



Article 1

Objective

Mindful of the precautionary approach as set forth in Principle 15 of the Rio Declaration on Environment and Development, the objective of this Convention is to protect human health and the environment from persistent organic pollutants.



Article 2 Definitions

For the purposes of this Convention:

- (a) "Party" means a State or regional economic integration organization that has consented to be bound by this Convention and for which the Convention is in force;
- (b) "Regional economic integration organization" means an organization constituted by sovereign States of a given region to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Convention;
- (c) "Parties present and voting" means Parties present and casting an affirmative or negative vote.



Article 3

Measures to reduce or eliminate releases from intentional production and use

1. Each Party shall:

- (a) Prohibit and/or take the legal and administrative measures necessary to eliminate:

- (i) Its production and use of the chemicals listed in Annex A subject to the provisions of that Annex; and
- (ii) Its import and export of the chemicals listed in Annex A in accordance with the provisions of paragraph 2; and

(b) Restrict its production and use of the chemicals listed in Annex B in accordance with the provisions of that Annex.

2. Each Party shall take measures to ensure:

- (a) That a chemical listed in Annex A or Annex B is imported only:
 - (i) For the purpose of environmentally sound disposal as set forth in paragraph 1 (d) of Article 6; or
 - (ii) For a use or purpose which is permitted for that Party under Annex A or Annex B;
- (b) That a chemical listed in Annex A for which any production or use specific exemption is in effect or a chemical listed in Annex B for which any production or use specific exemption or acceptable purpose is in effect, taking into account any relevant provisions in existing international prior informed consent instruments, is exported only:
 - (i) For the purpose of environmentally sound disposal as set forth in paragraph 1 (d) of Article 6;
 - (ii) To a Party which is permitted to use that chemical under Annex A or Annex B; or
 - (iii) To a State not Party to this Convention which has provided an annual certification to the exporting Party. Such certification shall specify the intended use of the chemical and include a statement that, with respect to that chemical, the importing State is committed to:
 - a. Protect human health and the environment by taking the necessary measures to minimize or prevent releases;
 - b. Comply with the provisions of paragraph 1 of Article 6; and
 - c. Comply, where appropriate, with the provisions of paragraph 2 of Part II of Annex B.

The certification shall also include any appropriate supporting documentation, such as legislation, regulatory instruments, or administrative or policy guidelines. The exporting Party shall transmit the certification to the Secretariat within sixty days of receipt.

- (c) That a chemical listed in Annex A, for which production and use specific exemptions are no longer in effect for any Party, is not exported from it except for the purpose of environmentally sound disposal as set forth in paragraph 1 (d) of Article 6;
- (d) For the purposes of this paragraph, the term "State not Party to this Convention" shall include, with respect to a particular chemical, a State or regional economic integration organization that has not agreed to be bound by the Convention with respect to that chemical.

3. Each Party that has one or more regulatory and assessment schemes for new pesticides or new industrial chemicals shall take measures to regulate with the aim of preventing the production and use of new pesticides or new industrial chemicals which, taking into consideration the criteria in paragraph 1 of Annex D, exhibit the characteristics of persistent organic pollutants.

4. Each Party that has one or more regulatory and assessment schemes for pesticides or industrial chemicals shall, where appropriate, take into consideration within these schemes the criteria in paragraph 1 of Annex D when conducting assessments of pesticides or industrial chemicals currently in use.

5. Except as otherwise provided in this Convention, paragraphs 1 and 2 shall not apply to quantities of a chemical to be used for laboratory-scale research or as a reference standard.

6. Any Party that has a specific exemption in accordance with Annex A or a specific

exemption or an acceptable purpose in accordance with Annex B shall take appropriate measures to ensure that any production or use under such exemption or purpose is carried out in a manner that prevents or minimizes human exposure and release into the environment. For exempted uses or acceptable purposes that involve intentional release into the environment under conditions of normal use, such release shall be to the minimum extent necessary, taking into account any applicable standards and guidelines.



Article 4

Register of specific exemptions

1. A Register is hereby established for the purpose of identifying the Parties that have specific exemptions listed in Annex A or Annex B. It shall not identify Parties that make use of the provisions in Annex A or Annex B that may be exercised by all Parties. The Register shall be maintained by the Secretariat and shall be available to the public.

2. The Register shall include:

- (a) A list of the types of specific exemptions reproduced from Annex A and Annex B;
- (b) A list of the Parties that have a specific exemption listed under Annex A or Annex B; and
- (c) A list of the expiry dates for each registered specific exemption.

3. Any State may, on becoming a Party, by means of a notification in writing to the Secretariat, register for one or more types of specific exemptions listed in Annex A or Annex B.

4. Unless an earlier date is indicated in the Register by a Party, or an extension is granted pursuant to paragraph 7, all registrations of specific exemptions shall expire five years after the date of entry into force of this Convention with respect to a particular chemical.

5. At its first meeting, the Conference of the Parties shall decide upon its review process for the entries in the Register.

6. Prior to a review of an entry in the Register, the Party concerned shall submit a report to the Secretariat justifying its continuing need for registration of that exemption. The report shall be circulated by the Secretariat to all Parties. The review of a registration shall be carried out on the basis of all available information. Thereupon, the Conference of the Parties may make such recommendations to the Party concerned as it deems appropriate.

7. The Conference of the Parties may, upon request from the Party concerned, decide to extend the expiry date of a specific exemption for a period of up to five years. In making its decision, the Conference of the Parties shall take due account of the special circumstances of the developing country Parties and Parties with economies in transition.

8. A Party may, at any time, withdraw an entry from the Register for a specific exemption upon written notification to the Secretariat. The withdrawal shall take effect on the date specified in the notification.

9. When there are no longer any Parties registered for a particular type of specific exemption, no new registrations may be made with respect to it.



Article 5

Measures to reduce or eliminate releases from unintentional production

Each Party shall at a minimum take the following measures to reduce the total releases derived from anthropogenic sources of each of the chemicals listed in Annex C, with the goal of their continuing minimization and, where feasible, ultimate elimination:

- (a) Develop an action plan or, where appropriate, a regional or subregional action plan within two years of the date of entry into force of this Convention for it, and subsequently implement it as part of its implementation plan specified in Article 7,

designed to identify, characterize and address the release of the chemicals listed in Annex C and to facilitate implementation of subparagraphs (b) to (e). The action plan shall include the following elements:

- (i) An evaluation of current and projected releases, including the development and maintenance of source inventories and release estimates, taking into consideration the source categories identified in Annex C;
- (ii) An evaluation of the efficacy of the laws and policies of the Party relating to the management of such releases;
- (iii) Strategies to meet the obligations of this paragraph, taking into account the evaluations in (i) and (ii);
- (iv) Steps to promote education and training with regard to, and awareness of, those strategies;
- (v) A review every five years of those strategies and of their success in meeting the obligations of this paragraph; such reviews shall be included in reports submitted pursuant to Article 15;
- (vi) A schedule for implementation of the action plan, including for the strategies and measures identified therein;

(b) Promote the application of available, feasible and practical measures that can expeditiously achieve a realistic and meaningful level of release reduction or source elimination;

(c) Promote the development and, where it deems appropriate, require the use of substitute or modified materials, products and processes to prevent the formation and release of the chemicals listed in Annex C, taking into consideration the general guidance on prevention and release reduction measures in Annex C and guidelines to be adopted by decision of the Conference of the Parties;

(d) Promote and, in accordance with the implementation schedule of its action plan, require the use of best available techniques for new sources within source categories which a Party has identified as warranting such action in its action plan, with a particular initial focus on source categories identified in Part II of Annex C. In any case, the requirement to use best available techniques for new sources in the categories listed in Part II of that Annex shall be phased in as soon as practicable but no later than four years after the entry into force of the Convention for that Party. For the identified categories, Parties shall promote the use of best environmental practices. When applying best available techniques and best environmental practices, Parties should take into consideration the general guidance on prevention and release reduction measures in that Annex and guidelines on best available techniques and best environmental practices to be adopted by decision of the Conference of the Parties;

(e) Promote, in accordance with its action plan, the use of best available techniques and best environmental practices:

- (i) For existing sources, within the source categories listed in Part II of Annex C and within source categories such as those in Part III of that Annex; and
- (ii) For new sources, within source categories such as those listed in Part III of Annex C which a Party has not addressed under subparagraph (d).

When applying best available techniques and best environmental practices, Parties should take into consideration the general guidance on prevention and release reduction measures in Annex C and guidelines on best available techniques and best environmental practices to be adopted by decision of the Conference of the Parties;

(f) For the purposes of this paragraph and Annex C:

- (i) "Best available techniques" means the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for release limitations designed to prevent and, where that is not practicable, generally to reduce releases of chemicals listed in Part I of Annex C and their impact on the environment as a whole. In this regard:
 - (ii) "Techniques" includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;
 - (iii) "Available" techniques means those techniques that are accessible to the operator and that are developed on a scale that allows implementation in the

relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages; and

(iv) "Best" means most effective in achieving a high general level of protection of the environment as a whole;

(v) "Best environmental practices" means the application of the most appropriate combination of environmental control measures and strategies;

(vi) "New source" means any source of which the construction or substantial modification is commenced at least one year after the date of:

- a. Entry into force of this Convention for the Party concerned; or
- b. Entry into force for the Party concerned of an amendment to Annex C where the source becomes subject to the provisions of this Convention only by virtue of that amendment.

(g) Release limit values or performance standards may be used by a Party to fulfill its commitments for best available techniques under this paragraph.



Article 6

Measures to reduce or eliminate releases from stockpiles and wastes

1. In order to ensure that stockpiles consisting of or containing chemicals listed either in Annex A or Annex B and wastes, including products and articles upon becoming wastes, consisting of, containing or contaminated with a chemical listed in Annex A, B or C, are managed in a manner protective of human health and the environment, each Party shall:

(a) Develop appropriate strategies for identifying:

(i) Stockpiles consisting of or containing chemicals listed either in Annex A or Annex B; and

(ii) Products and articles in use and wastes consisting of, containing or contaminated with a chemical listed in Annex A, B or C;

(b) Identify, to the extent practicable, stockpiles consisting of or containing chemicals listed either in Annex A or Annex B on the basis of the strategies referred to in subparagraph (a);

(c) Manage stockpiles, as appropriate, in a safe, efficient and environmentally sound manner. Stockpiles of chemicals listed either in Annex A or Annex B, after they are no longer allowed to be used according to any specific exemption specified in Annex A or any specific exemption or acceptable purpose specified in Annex B, except stockpiles which are allowed to be exported according to paragraph 2 of Article 3, shall be deemed to be waste and shall be managed in accordance with subparagraph (d);

(d) Take appropriate measures so that such wastes, including products and articles upon becoming wastes, are:

(i) Handled, collected, transported and stored in an environmentally sound manner;

(ii) Disposed of in such a way that the persistent organic pollutant content is destroyed or irreversibly transformed so that they do not exhibit the characteristics of persistent organic pollutants or otherwise disposed of in an environmentally sound manner when destruction or irreversible transformation does not represent the environmentally preferable option or the persistent organic pollutant content is low, taking into account international rules, standards, and guidelines, including those that may be developed pursuant to paragraph 2, and relevant global and regional regimes governing the management of hazardous wastes;

(iii) Not permitted to be subjected to disposal operations that may lead to recovery, recycling, reclamation, direct reuse or alternative uses of persistent organic pollutants; and

- (iv) Not transported across international boundaries without taking into account relevant international rules, standards and guidelines;
- (e) Endeavour to develop appropriate strategies for identifying sites contaminated by chemicals listed in Annex A, B or C; if remediation of those sites is undertaken it shall be performed in an environmentally sound manner.

2. The Conference of the Parties shall cooperate closely with the appropriate bodies of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal to, inter alia:

- (a) Establish levels of destruction and irreversible transformation necessary to ensure that the characteristics of persistent organic pollutants as specified in paragraph 1 of Annex D are not exhibited;
- (b) Determine what they consider to be the methods that constitute environmentally sound disposal referred to above; and
- (c) Work to establish, as appropriate, the concentration levels of the chemicals listed in Annexes A, B and C in order to define the low persistent organic pollutant content referred to in paragraph 1 (d)(ii).



Article 7

Implementation plans

1. Each Party shall:

- (a) Develop and endeavour to implement a plan for the implementation of its obligations under this Convention;
- (b) Transmit its implementation plan to the Conference of the Parties within two years of the date on which this Convention enters into force for it; and
- (c) Review and update, as appropriate, its implementation plan on a periodic basis and in a manner to be specified by a decision of the Conference of the Parties.

2. The Parties shall, where appropriate, cooperate directly or through global, regional and subregional organizations, and consult their national stakeholders, including women's groups and groups involved in the health of children, in order to facilitate the development, implementation and updating of their implementation plans.

3. The Parties shall endeavour to utilize and, where necessary, establish the means to integrate national implementation plans for persistent organic pollutants in their sustainable development strategies where appropriate.



Article 8

Listing of chemicals in Annexes A, B and C

- 1. A Party may submit a proposal to the Secretariat for listing a chemical in Annexes A, B and/or C. The proposal shall contain the information specified in Annex D. In developing a proposal, a Party may be assisted by other Parties and/or by the Secretariat.
- 2. The Secretariat shall verify whether the proposal contains the information specified in Annex D. If the Secretariat is satisfied that the proposal contains the information so specified, it shall forward the proposal to the Persistent Organic Pollutants Review Committee.

3. The Committee shall examine the proposal and apply the screening criteria specified in Annex D in a flexible and transparent way, taking all information provided into account in an integrative and balanced manner.

4. If the Committee decides that:

(a) It is satisfied that the screening criteria have been fulfilled, it shall, through the Secretariat, make the proposal and the evaluation of the Committee available to all Parties and observers and invite them to submit the information specified in Annex E; or

(b) It is not satisfied that the screening criteria have been fulfilled, it shall, through the Secretariat, inform all Parties and observers and make the proposal and the evaluation of the Committee available to all Parties and the proposal shall be set aside.

5. Any Party may resubmit a proposal to the Committee that has been set aside by the Committee pursuant to paragraph 4. The resubmission may include any concerns of the Party as well as a justification for additional consideration by the Committee. If, following this procedure, the Committee again sets the proposal aside, the Party may challenge the decision of the Committee and the Conference of the Parties shall consider the matter at its next session. The Conference of the Parties may decide, based on the screening criteria in Annex D and taking into account the evaluation of the Committee and any additional information provided by any Party or observer, that the proposal should proceed.

6. Where the Committee has decided that the screening criteria have been fulfilled, or the Conference of the Parties has decided that the proposal should proceed, the Committee shall further review the proposal, taking into account any relevant additional information received, and shall prepare a draft risk profile in accordance with Annex E. It shall, through the Secretariat, make that draft available to all Parties and observers, collect technical comments from them and, taking those comments into account, complete the risk profile.

7. If, on the basis of the risk profile conducted in accordance with Annex E, the Committee decides:

(a) That the chemical is likely as a result of its long-range environmental transport to lead to significant adverse human health and/or environmental effects such that global action is warranted, the proposal shall proceed. Lack of full scientific certainty shall not prevent the proposal from proceeding. The Committee shall, through the Secretariat, invite information from all Parties and observers relating to the considerations specified in Annex F. It shall then prepare a risk management evaluation that includes an analysis of possible control measures for the chemical in accordance with that Annex; or

(b) That the proposal should not proceed, it shall, through the Secretariat, make the risk profile available to all Parties and observers and set the proposal aside.

8. For any proposal set aside pursuant to paragraph 7 (b), a Party may request the Conference of the Parties to consider instructing the Committee to invite additional information from the proposing Party and other Parties during a period not to exceed one year. After that period and on the basis of any information received, the Committee shall reconsider the proposal pursuant to paragraph 6 with a priority to be decided by the Conference of the Parties. If, following this procedure, the Committee again sets the proposal aside, the Party may challenge the decision of the Committee and the Conference of the Parties shall consider the matter at its next session. The Conference of the Parties may decide, based on the risk profile prepared in accordance with Annex E and taking into account the evaluation of the Committee and any additional information provided by any Party or observer, that the proposal should proceed. If the Conference of the Parties decides that the proposal shall proceed, the Committee shall then prepare the risk management evaluation.

9. The Committee shall, based on the risk profile referred to in paragraph 6 and the risk management evaluation referred to in paragraph 7 (a) or paragraph 8, recommend whether the chemical should be considered by the Conference of the Parties for listing in Annexes A, B and/or C. The Conference of the Parties, taking due account of the recommendations of the Committee, including any scientific uncertainty, shall decide, in a precautionary manner, whether to list the chemical, and specify its related control measures, in Annexes A, B and/or C.

Information exchange

1. Each Party shall facilitate or undertake the exchange of information relevant to:
 - (a) The reduction or elimination of the production, use and release of persistent organic pollutants; and
 - (b) Alternatives to persistent organic pollutants, including information relating to their risks as well as to their economic and social costs.
2. The Parties shall exchange the information referred to in paragraph 1 directly or through the Secretariat.
3. Each Party shall designate a national focal point for the exchange of such information.
4. The Secretariat shall serve as a clearing-house mechanism for information on persistent organic pollutants, including information provided by Parties, intergovernmental organizations and nongovernmental organizations.
5. For the purposes of this Convention, information on health and safety of humans and the environment shall not be regarded as confidential. Parties that exchange other information pursuant to this Convention shall protect any confidential information as mutually agreed.



Article 10

Public information, awareness and education

1. Each Party shall, within its capabilities, promote and facilitate:
 - (a) Awareness among its policy and decision makers with regard to persistent organic pollutants;
 - (b) Provision to the public of all available information on persistent organic pollutants, taking into account paragraph 5 of Article 9;
 - (c) Development and implementation, especially for women, children and the least educated, of educational and public awareness programmes on persistent organic pollutants, as well as on their health and environmental effects and on their alternatives;
 - (d) Public participation in addressing persistent organic pollutants and their health and environmental effects and in developing adequate responses, including opportunities for providing input at the national level regarding implementation of this Convention;
 - (e) Training of workers, scientists, educators and technical and managerial personnel;
 - (f) Development and exchange of educational and public awareness materials at the national and international levels; and
 - (g) Development and implementation of education and training programmes at the national and international levels.
2. Each Party shall, within its capabilities, ensure that the public has access to the public information referred to in paragraph 1 and that the information is kept up-to-date.
3. Each Party shall, within its capabilities, encourage industry and professional users to promote and facilitate the provision of the information referred to in paragraph 1 at the national level and, as appropriate, subregional, regional and global levels.
4. In providing information on persistent organic pollutants and their alternatives, Parties may use safety data sheets, reports, mass media and other means of communication, and may establish information centres at national and regional levels.
5. Each Party shall give sympathetic consideration to developing mechanisms, such as pollutant release and transfer registers, for the collection and dissemination of information on estimates of the annual quantities of the chemicals listed in Annex A, B or C that are released or disposed of.



Article 11

Research, development and monitoring

1. The Parties shall, within their capabilities, at the national and international levels, encourage and/or undertake appropriate research, development, monitoring and cooperation pertaining to persistent organic pollutants and, where relevant, to their alternatives and to candidate persistent organic pollutants, including on their:

- (a) Sources and releases into the environment;
- (b) Presence, levels and trends in humans and the environment;
- (c) Environmental transport, fate and transformation;
- (d) Effects on human health and the environment;
- (e) Socio-economic and cultural impacts; (f) Release reduction and/or elimination; and
- (g) Harmonized methodologies for making inventories of generating sources and analytical techniques for the measurement of releases.

2. In undertaking action under paragraph 1, the Parties shall, within their capabilities:

- (a) Support and further develop, as appropriate, international programmes, networks and organizations aimed at defining, conducting, assessing and financing research, data collection and monitoring, taking into account the need to minimize duplication of effort;
- (b) Support national and international efforts to strengthen national scientific and technical research capabilities, particularly in developing countries and countries with economies in transition, and to promote access to, and the exchange of, data and analyses;
- (c) Take into account the concerns and needs, particularly in the field of financial and technical resources, of developing countries and countries with economies in transition and cooperate in improving their capability to participate in the efforts referred to in subparagraphs (a) and (b);
- (d) Undertake research work geared towards alleviating the effects of persistent organic pollutants on reproductive health;
- (e) Make the results of their research, development and monitoring activities referred to in this paragraph accessible to the public on a timely and regular basis; and
- (f) Encourage and/or undertake cooperation with regard to storage and maintenance of information generated from research, development and monitoring.



Article 12

Technical assistance

1. The Parties recognize that rendering of timely and appropriate technical assistance in response to requests from developing country Parties and Parties with economies in transition is essential to the successful implementation of this Convention.

2. The Parties shall cooperate to provide timely and appropriate technical assistance to developing country Parties and Parties with economies in transition, to assist them, taking

into account their particular needs, to develop and strengthen their capacity to implement their obligations under this Convention.

3. In this regard, technical assistance to be provided by developed country Parties, and other Parties in accordance with their capabilities, shall include, as appropriate and as mutually agreed, technical assistance for capacity-building relating to implementation of the obligations under this Convention. Further guidance in this regard shall be provided by the Conference of the Parties.

4. The Parties shall establish, as appropriate, arrangements for the purpose of providing technical assistance and promoting the transfer of technology to developing country Parties and Parties with economies in transition relating to the implementation of this Convention. These arrangements shall include regional and subregional centres for capacity-building and transfer of technology to assist developing country Parties and Parties with economies in transition to fulfil their obligations under this Convention. Further guidance in this regard shall be provided by the Conference of the Parties.

5. The Parties shall, in the context of this Article, take full account of the specific needs and special situation of least developed countries and small island developing states in their actions with regard to technical assistance.



Article 13

Financial resources and mechanisms

1. Each Party undertakes to provide, within its capabilities, financial support and incentives in respect of those national activities that are intended to achieve the objective of this Convention in accordance with its national plans, priorities and programmes.

2. The developed country Parties shall provide new and additional financial resources to enable developing country Parties and Parties with economies in transition to meet the agreed full incremental costs of implementing measures which fulfill their obligations under this Convention as agreed between a recipient Party and an entity participating in the mechanism described in paragraph 6. Other Parties may also on a voluntary basis and in accordance with their capabilities provide such financial resources. Contributions from other sources should also be encouraged. The implementation of these commitments shall take into account the need for adequacy, predictability, the timely flow of funds and the importance of burden sharing among the contributing Parties.

3. Developed country Parties, and other Parties in accordance with their capabilities and in accordance with their national plans, priorities and programmes, may also provide and developing country Parties and Parties with economies in transition avail themselves of financial resources to assist in their implementation of this Convention through other bilateral, regional and multilateral sources or channels.

4. The extent to which the developing country Parties will effectively implement their commitments under this Convention will depend on the effective implementation by developed country Parties of their commitments under this Convention relating to financial resources, technical assistance and technology transfer. The fact that sustainable economic and social development and eradication of poverty are the first and overriding priorities of the developing country Parties will be taken fully into account, giving due consideration to the need for the protection of human health and the environment.

5. The Parties shall take full account of the specific needs and special situation of the least developed countries and the small island developing states in their actions with regard to funding.

6. A mechanism for the provision of adequate and sustainable financial resources to developing country Parties and Parties with economies in transition on a grant or concessional basis to assist in their implementation of the Convention is hereby defined. The mechanism shall function under the authority, as appropriate, and guidance of, and be accountable to the Conference of the Parties for the purposes of this Convention. Its operation shall be entrusted to one or more entities, including existing international entities, as may be decided upon by the Conference of the Parties. The mechanism may also include other entities providing multilateral, regional and bilateral financial and technical assistance. Contributions to the mechanism shall be additional to other financial transfers to developing country Parties and Parties with economies in transition as reflected in, and in accordance with, paragraph 2.

7. Pursuant to the objectives of this Convention and paragraph 6, the Conference of the Parties shall at its first meeting adopt appropriate guidance to be provided to the mechanism

and shall agree with the entity or entities participating in the financial mechanism upon arrangements to give effect thereto. The guidance shall address, *inter alia*:

- (a) The determination of the policy, strategy and programme priorities, as well as clear and detailed criteria and guidelines regarding eligibility for access to and utilization of financial resources including monitoring and evaluation on a regular basis of such utilization;
- (b) The provision by the entity or entities of regular reports to the Conference of the Parties on adequacy and sustainability of funding for activities relevant to the implementation of this Convention;
- (c) The promotion of multiple-source funding approaches, mechanisms and arrangements;
- (d) The modalities for the determination in a predictable and identifiable manner of the amount of funding necessary and available for the implementation of this Convention, keeping in mind that the phasing out of persistent organic pollutants might require sustained funding, and the conditions under which that amount shall be periodically reviewed; and
- (e) The modalities for the provision to interested Parties of assistance with needs assessment, information on available sources of funds and on funding patterns in order to facilitate coordination among them.

8. The Conference of the Parties shall review, not later than its second meeting and thereafter on a regular basis, the effectiveness of the mechanism established under this Article, its ability to address the changing needs of the developing country Parties and Parties with economies in transition, the criteria and guidance referred to in paragraph 7, the level of funding as well as the effectiveness of the performance of the institutional entities entrusted to operate the financial mechanism. It shall, based on such review, take appropriate action, if necessary, to improve the effectiveness of the mechanism, including by means of recommendations and guidance on measures to ensure adequate and sustainable funding to meet the needs of the Parties.



Article 14

Interim financial arrangements

The institutional structure of the Global Environment Facility, operated in accordance with the Instrument for the Establishment of the Restructured Global Environment Facility, shall, on an interim basis, be the principal entity entrusted with the operations of the financial mechanism referred to in Article 13, for the period between the date of entry into force of this Convention and the first meeting of the Conference of the Parties, or until such time as the Conference of the Parties decides which institutional structure will be designated in accordance with Article 13. The institutional structure of the Global Environment Facility should fulfill this function through operational measures related specifically to persistent organic pollutants taking into account that new arrangements for this area may be needed.



Article 15

Reporting

1. Each Party shall report to the Conference of the Parties on the measures it has taken to implement the provisions of this Convention and on the effectiveness of such measures in meeting the objectives of the Convention.
2. Each Party shall provide to the Secretariat:

- (a) Statistical data on its total quantities of production, import and export of each of

the chemicals listed in Annex A and Annex B or a reasonable estimate of such data; and

(b) To the extent practicable, a list of the States from which it has imported each such substance and the States to which it has exported each such substance.

3. Such reporting shall be at periodic intervals and in a format to be decided by the Conference of the Parties at its first meeting.

Article 16

Effectiveness evaluation.

1. Commencing four years after the date of entry into force of this Convention, and periodically thereafter at intervals to be decided by the Conference of the Parties, the Conference shall evaluate the effectiveness of this Convention.

2. In order to facilitate such evaluation, the Conference of the Parties shall, at its first meeting, initiate the establishment of arrangements to provide itself with comparable monitoring data on the presence of the chemicals listed in Annexes A, B and C as well as their regional and global environmental transport. These arrangements:

- (a) Should be implemented by the Parties on a regional basis when appropriate, in accordance with their technical and financial capabilities, using existing monitoring programmes and mechanisms to the extent possible and promoting harmonization of approaches;
- (b) May be supplemented where necessary, taking into account the differences between regions and their capabilities to implement monitoring activities; and
- (c) Shall include reports to the Conference of the Parties on the results of the monitoring activities on a regional and global basis at intervals to be specified by the Conference of the Parties.

3. The evaluation described in paragraph 1 shall be conducted on the basis of available scientific, environmental, technical and economic information, including:

- (a) Reports and other monitoring information provided pursuant to paragraph 2;
- (b) National reports submitted pursuant to Article 15; and
- (c) Non-compliance information provided pursuant to the procedures established under Article 17.

Article 17

Non-compliance

The Conference of the Parties shall, as soon as practicable, develop and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Convention and for the treatment of Parties found to be in non-compliance.

Article 18

Settlement of disputes

1. Parties shall settle any dispute between them concerning the interpretation or application of this Convention through negotiation or other peaceful means of their own choice.
2. When ratifying, accepting, approving or acceding to the Convention, or at any time thereafter, a Party that is not a regional economic integration organization may declare in a written instrument submitted to the depositary that, with respect to any dispute concerning the interpretation or application of the Convention, it recognizes one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:
 - (a) Arbitration in accordance with procedures to be adopted by the Conference of the Parties in an annex as soon as practicable;
 - (b) Submission of the dispute to the International Court of Justice.
3. A Party that is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedure referred to in paragraph 2 (a).
4. A declaration made pursuant to paragraph 2 or paragraph 3 shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the depositary.
5. The expiry of a declaration, a notice of revocation or a new declaration shall not in any way affect proceedings pending before an arbitral tribunal or the International Court of Justice unless the parties to the dispute otherwise agree.
6. If the parties to a dispute have not accepted the same or any procedure pursuant to paragraph 2, and if they have not been able to settle their dispute within twelve months following notification by one party to another that a dispute exists between them, the dispute shall be submitted to a conciliation commission at the request of any party to the dispute. The conciliation commission shall render a report with recommendations. Additional procedures relating to the conciliation commission shall be included in an annex to be adopted by the Conference of the Parties no later than at its second meeting.



Article 19

Conference of the Parties

1. A Conference of the Parties is hereby established.
2. The first meeting of the Conference of the Parties shall be convened by the Executive Director of the United Nations Environment Programme no later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be decided by the Conference.
3. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party provided that it is supported by at least one third of the Parties.
4. The Conference of the Parties shall by consensus agree upon and adopt at its first meeting rules of procedure and financial rules for itself and any subsidiary bodies, as well as financial provisions governing the functioning of the Secretariat.
5. The Conference of the Parties shall keep under continuous review and evaluation the implementation of this Convention. It shall perform the functions assigned to it by the Convention and, to this end, shall:
 - (a) Establish, further to the requirements of paragraph 6, such subsidiary bodies as it considers necessary for the implementation of the Convention;
 - (b) Cooperate, where appropriate, with competent international organizations and intergovernmental and non-governmental bodies; and

(c) Regularly review all information made available to the Parties pursuant to Article 15, including consideration of the effectiveness of paragraph 2 (b) (iii) of Article 3;

(d) Consider and undertake any additional action that may be required for the achievement of the objectives of the Convention.

6. The Conference of the Parties shall, at its first meeting, establish a subsidiary body to be called the Persistent Organic Pollutants Review Committee for the purposes of performing the functions assigned to that Committee by this Convention. In this regard:

(a) The members of the Persistent Organic Pollutants Review Committee shall be appointed by the Conference of the Parties. Membership of the Committee shall consist of government-designated experts in chemical assessment or management. The members of the Committee shall be appointed on the basis of equitable geographical distribution;

(b) The Conference of the Parties shall decide on the terms of reference, organization and operation of the Committee; and

(c) The Committee shall make every effort to adopt its recommendations by consensus. If all efforts at consensus have been exhausted, and no consensus reached, such recommendation shall as a last resort be adopted by a two-thirds majority vote of the members present and voting.

7. The Conference of the Parties shall, at its third meeting, evaluate the continued need for the procedure contained in paragraph 2 (b) of Article 3, including consideration of its effectiveness.

8. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to this Convention, may be represented at meetings of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in matters covered by the Convention, and which has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.



Article 20

Secretariat

1. A Secretariat is hereby established.

2. The functions of the Secretariat shall be:

(a) To make arrangements for meetings of the Conference of the Parties and its subsidiary bodies and to provide them with services as required;

(b) To facilitate assistance to the Parties, particularly developing country Parties and Parties with economies in transition, on request, in the implementation of this Convention;

(c) To ensure the necessary coordination with the secretariats of other relevant international bodies;

(d) To prepare and make available to the Parties periodic reports based on information received pursuant to Article 15 and other available information;

(e) To enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and

(f) To perform the other secretariat functions specified in this Convention and such other functions as may be determined by the Conference of the Parties.

3. The secretariat functions for this Convention shall be performed by the Executive Director of the United Nations Environment Programme, unless the Conference of the Parties

decides, by a three-fourths majority of the Parties present and voting, to entrust the secretariat functions to one or more other international organizations.



Article 21

Amendments to the Convention

1. Amendments to this Convention may be proposed by any Party.
2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. The text of any proposed amendment shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories to this Convention and, for information, to the depositary.
3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting.
4. The amendment shall be communicated by the depositary to all Parties for ratification, acceptance or approval.
5. Ratification, acceptance or approval of an amendment shall be notified to the depositary in writing. An amendment adopted in accordance with paragraph 3 shall enter into force for the Parties having accepted it on the ninetieth day after the date of deposit of instruments of ratification, acceptance or approval by at least three-fourths of the Parties. Thereafter, the amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits its instrument of ratification, acceptance or approval of the amendment.



Article 22

Adoption and amendment of annexes

1. Annexes to this Convention shall form an integral part thereof and, unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to any annexes thereto.
2. Any additional annexes shall be restricted to procedural, scientific, technical or administrative matters.
3. The following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention:
 - (a) Additional annexes shall be proposed and adopted according to the procedure laid down in paragraphs 1, 2 and 3 of Article 21;
 - (b) Any Party that is unable to accept an additional annex shall so notify the depositary, in writing, within one year from the date of communication by the depositary of the adoption of the additional annex. The depositary shall without delay notify all Parties of any such notification received. A Party may at any time withdraw a previous notification of non-acceptance in respect of any additional annex, and the annex shall thereupon enter into force for that Party subject to subparagraph (c); and
 - (c) On the expiry of one year from the date of the communication by the depositary of the adoption of an additional annex, the annex shall enter into force for all Parties that have not submitted a notification in accordance with the provisions of subparagraph (b).
4. The proposal, adoption and entry into force of amendments to Annex A, B or C shall be

subject to the same procedures as for the proposal, adoption and entry into force of additional annexes to this Convention, except that an amendment to Annex A, B or C shall not enter into force with respect to any Party that has made a declaration with respect to amendment to those Annexes in accordance with paragraph 4 of Article 25, in which case any such amendment shall enter into force for such a Party on the ninetieth day after the date of deposit with the depositary of its instrument of ratification, acceptance, approval or accession with respect to such amendment.

5. The following procedure shall apply to the proposal, adoption and entry into force of an amendment to Annex D, E or F:

- (a) Amendments shall be proposed according to the procedure in paragraphs 1 and 2 of Article 21;
- (b) The Parties shall take decisions on an amendment to Annex D, E or F by consensus; and
- (c) A decision to amend Annex D, E or F shall forthwith be communicated to the Parties by the depositary. The amendment shall enter into force for all Parties on a date to be specified in the decision.

6. If an additional annex or an amendment to an annex is related to an amendment to this Convention, the additional annex or amendment shall not enter into force until such time as the amendment to the Convention enters into force.



Article 23

Right to vote

1. Each Party to this Convention shall have one vote, except as provided for in paragraph 2.

2. A regional economic integration organization, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.



Article 24

Signature

This Convention shall be open for signature at Stockholm by all States and regional economic integration organizations on 23 May 2001, and at the United Nations Headquarters in New York from 24 May 2001 to 22 May 2002.



Article 25

Ratification, acceptance, approval or accession

1. This Convention shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. It shall be open for accession by States and by regional economic integration organizations from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or

accession shall be deposited with the depositary.

2. Any regional economic integration organization that becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to this Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In its instrument of ratification, acceptance, approval or accession, a regional economic integration organization shall declare the extent of its competence in respect of the matters governed by this Convention. Any such organization shall also inform the depositary, who shall in turn inform the Parties, of any relevant modification in the extent of its competence.

4. In its instrument of ratification, acceptance, approval or accession, any Party may declare that, with respect to it, any amendment to Annex A, B or C shall enter into force only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect thereto.



Article 26

Entry into force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.

2. For each State or regional economic integration organization that ratifies, accepts or approves this Convention or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.

3. For the purpose of paragraphs 1 and 2, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of that organization.



Article 27

Reservations

No reservations may be made to this Convention.



Article 28

Withdrawal

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the depositary.

2. Any such withdrawal shall take effect upon the expiry of one year from the date of receipt

by the depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

Article 29

Depository

The Secretary-General of the United Nations shall be the depositary of this Convention.

Article 30

Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at Stockholm on this twenty-second day of May, two thousand and one.

Annex A
ELIMINATION
Part I

Chemical	Activity	Specific exemption
Aldrin* CAS No: 309-00-2	Production	None
	Use	Local ectoparasiticide Insecticide
Chemical	Activity	Specific exemption
Chlordane* CAS No: 57-74-9	Production	As allowed for the Parties listed in the Register
	Use	Local ectoparasiticide Insecticide Termiteicide Termiteicide in buildings and dams Termiteicide in roads 1. Additive in plywood adhesives
Chemical	Activity	Specific exemption
Dieldrin* CAS No: 60-57-1	Production	None
	Use	In agricultural operations
Chemical	Activity	Specific exemption
Endrin* CAS No: 72-20-8	Production	None
	Use	None
Chemical	Activity	Specific exemption

Heptachlor* CAS No: 76-44-8	Production	None
	Use	Termiticide Termiticide in structures of houses Termiticide (subterranean) Wood treatment In use in underground cable boxes
Chemical	Activity	Specific exemption
Hexachlorobenzene CAS No: 118-74-1	Production	As allowed for the Parties listed in the Register
	Use	Intermediate Solvent in pesticide Closed system site limited intermediate
Chemical	Activity	Specific exemption
Mirex* CAS No: 2385-85-5	Production	As allowed for the Parties listed in the Register
	Use	Termiticide
Chemical	Activity	Specific exemption
Toxaphene* CAS No: 8001-35-2	Production	None
	Use	None
Chemical	Activity	Specific exemption
Polychlorinated Biphenyls (PCB)*	Production	None
	Use	Articles in use in accordance with the provisions of Part II of this Annex

Notes:

- (i) Except as otherwise specified in this Convention, quantities of a chemical occurring as unintentional trace contaminants in products and articles shall not be considered to be listed in this Annex;
- (ii) This note shall not be considered as a production and use specific exemption for purposes of paragraph 2 of Article 3. Quantities of a chemical occurring as constituents of articles manufactured or already in use before or on the date of entry into force of the relevant obligation with respect to that chemical, shall not be considered as listed in this Annex, provided that a Party has notified the Secretariat that a particular type of article remains in use within that Party. The Secretariat shall make such notifications publicly available;
- (iii) This note, which does not apply to a chemical that has an asterisk following its name in the Chemical column in Part I of this Annex, shall not be considered as a production and use specific exemption for purposes of paragraph 2 of Article 3. Given that no significant quantities of the chemical are expected to reach humans and the environment during the production and use of a closed-system site-limited intermediate, a Party, upon notification to the Secretariat, may allow the production and use of quantities of a chemical listed in this Annex as a closed-system site-limited intermediate that is chemically transformed in the manufacture of other chemicals that, taking into consideration the criteria in paragraph 1 of Annex D, do not exhibit the characteristics of persistent organic pollutants. This notification shall include information on total production and use of such chemical or a reasonable estimate of such information and information regarding the nature of the closed-system site-limited process including the amount of any non-transformed and unintentional trace contamination of the persistent organic pollutant-starting material in the final product. This procedure applies except as otherwise specified in this Annex. The Secretariat shall make such notifications available to the Conference of the Parties and to the public. Such production or use shall not be considered a production or use specific exemption. Such production and use shall cease after a ten-year period, unless the Party concerned submits a new notification to the Secretariat, in which case the period will be extended for an additional ten years unless the Conference of the Parties, after a review of the production and use decides otherwise. The notification procedure can be repeated;
- (iv) All the specific exemptions in this Annex may be exercised by Parties that have registered exemptions in respect of them in accordance with Article 4 with the exception of the use of polychlorinated biphenyls in articles in use in accordance with the provisions of Part II of this Annex, which may be exercised by all Parties.

Part II
Polychlorinated biphenyls

Each Party shall:

- (a) With regard to the elimination of the use of polychlorinated biphenyls in equipment (e.g. transformers, capacitors or other receptacles containing liquid stocks) by 2025, subject to review by the Conference of the Parties, take action in accordance with the following priorities:
 - (i) Make determined efforts to identify, label and remove from use equipment containing greater than 10 per cent polychlorinated biphenyls and volumes greater than 5 litres;
 - (ii) Make determined efforts to identify, label and remove from use equipment containing greater than 0.05 per cent polychlorinated biphenyls and volumes greater than 5 litres;
 - (iii) Endeavour to identify and remove from use equipment containing greater than 0.005 percent polychlorinated biphenyls and volumes greater than 0.05 litres;
- (b) Consistent with the priorities in subparagraph (a), promote the following measures to reduce exposures and risk to control the use of polychlorinated biphenyls:
 - (i) Use only in intact and non-leaking equipment and only in areas where the risk from environmental release can be minimised and quickly remedied;
 - (ii) Not use in equipment in areas associated with the production or processing of food or feed;
 - (iii) When used in populated areas, including schools and hospitals, all reasonable measures to protect from electrical failure which could result in a fire, and regular inspection of equipment for leaks;
- (c) Notwithstanding paragraph 2 of Article 3, ensure that equipment containing polychlorinated biphenyls, as described in subparagraph (a), shall not be exported or imported except for the purpose of environmentally sound waste management;
- (d) Except for maintenance and servicing operations, not allow recovery for the purpose of reuse in other equipment of liquids with polychlorinated biphenyls content above 0.005 per cent;
- (e) Make determined efforts designed to lead to environmentally sound waste management of liquids containing polychlorinated biphenyls and equipment contaminated with polychlorinated biphenyls having a polychlorinated biphenyls content above 0.005 per cent, in accordance with paragraph 1 of Article 6, as soon as possible but no later than 2028, subject to review by the Conference of the Parties;
- (f) In lieu of note (ii) in Part I of this Annex, endeavour to identify other articles containing more than 0.005 per cent polychlorinated biphenyls (e.g. cable-sheaths, cured caulk and painted objects) and manage them in accordance with paragraph 1 of Article 6;
- (g) Provide a report every five years on progress in eliminating polychlorinated biphenyls and submit it to the Conference of the Parties pursuant to Article 15;
- (h) The reports described in subparagraph (g) shall, as appropriate, be considered by the Conference of the Parties in its reviews relating to polychlorinated biphenyls. The Conference of the Parties shall review progress towards elimination of polychlorinated biphenyls at five year intervals or other period, as appropriate, taking into account such reports.

Chemical	Activity	Acceptable purpose or specific exemption
DDT (1,1,1-trichloro-2,2-bis(4-chlorophenyl)ethane) CAS No: 50-29-3	Production	Acceptable purpose: Disease vector control use in accordance with Part II of this Annex Specific exemption: Intermediate in production of dicofol Intermediate
	Use	Acceptable purpose: Disease vector control in accordance with Part II of this Annex Specific exemption: Production of dicofol Intermediate

Notes:

- (i) Except as otherwise specified in this Convention, quantities of a chemical occurring as unintentional trace contaminants in products and articles shall not be considered to be listed in this Annex;
- (ii) This note shall not be considered as a production and use acceptable purpose or specific exemption for purposes of paragraph 2 of Article 3. Quantities of a chemical occurring as constituents of articles manufactured or already in use before or on the date of entry into force of the relevant obligation with respect to that chemical, shall not be considered as listed in this Annex, provided that a Party has notified the Secretariat that a particular type of article remains in use within that Party. The Secretariat shall make such notifications publicly available;
- (iii) This note shall not be considered as a production and use specific exemption for purposes of paragraph 2 of Article 3. Given that no significant quantities of the chemical are expected to reach humans and the environment during the production and use of a closed-system site-limited intermediate, a Party, upon notification to the Secretariat, may allow the production and use of quantities of a chemical listed in this Annex as a closed-system site-limited intermediate that is chemically transformed in the manufacture of other chemicals that, taking into consideration the criteria in paragraph 1 of Annex D, do not exhibit the characteristics of persistent organic pollutants. This notification shall include information on total production and use of such chemical or a reasonable estimate of such information and information regarding the nature of the closed-system site-limited process including the amount of any non-transformed and unintentional trace contamination of the persistent organic pollutant-starting material in the final product. This procedure applies except as otherwise specified in this Annex. The Secretariat shall make such notifications available to the Conference of the Parties and to the public. Such production or use shall not be considered a production or use specific exemption. Such production and use shall cease after a ten-year period, unless the Party concerned submits a new notification to the Secretariat, in which case the period will be extended for an additional ten years unless the Conference of the Parties, after a review of the production and use decides otherwise. The notification procedure can be repeated;
- (iv) All the specific exemptions in this Annex may be exercised by Parties that have registered in respect of them in accordance with Article 4.

1. The production and use of DDT shall be eliminated except for Parties that have notified the Secretariat of their intention to produce and/or use it. A DDT Register is hereby established and shall be available to the public. The Secretariat shall maintain the DDT Register.
2. Each Party that produces and/or uses DDT shall restrict such production and/or use for disease vector control in accordance with the World Health Organization recommendations and guidelines on the use of DDT and when locally safe, effective and affordable alternatives are not available to the Party in question.
3. In the event that a Party not listed in the DDT Register determines that it requires DDT for disease vector control, it shall notify the Secretariat as soon as possible in order to have its name added forthwith to the DDT Register. It shall at the same time notify the World Health Organization.
4. Every three years, each Party that uses DDT shall provide to the Secretariat and the World Health Organization information on the amount used, the conditions of such use and its relevance to that Party's disease management strategy, in a format to be decided by the Conference of the Parties in consultation with the World Health Organization.
5. With the goal of reducing and ultimately eliminating the use of DDT, the Conference of the Parties shall encourage:

- (a) Each Party using DDT to develop and implement an action plan as part of the implementation plan specified in Article 7. That action plan shall include:
 - (i) Development of regulatory and other mechanisms to ensure that DDT use is restricted to disease vector control;
 - (ii) Implementation of suitable alternative products, methods and strategies, including resistance management strategies to ensure the continuing effectiveness of these alternatives;
 - (iii) Measures to strengthen health care and to reduce the incidence of the disease.
- (b) The Parties, within their capabilities, to promote research and development of safe alternative chemical and non-chemical products, methods and strategies for Parties using DDT, relevant to the conditions of those countries and with the goal of decreasing the human and economic burden of disease. Factors to be promoted when considering alternatives or combinations of alternatives shall include the human health risks and environmental implications of such alternatives. Viable alternatives to DDT shall pose less risk to human health and the environment, be suitable for disease control based on conditions in the Parties in question and be supported with monitoring data.

6. Commencing at its first meeting, and at least every three years thereafter, the Conference of the Parties shall, in consultation with the World Health Organization, evaluate the continued need for DDT for disease vector control on the basis of available scientific, technical, environmental and economic information, including:

- (a) The production and use of DDT and the conditions set out in paragraph 2;
- (b) The availability, suitability and implementation of the alternatives to DDT; and
- (c) Progress in strengthening the capacity of countries to transfer safely to reliance on such alternatives.

A Party may, at any time, withdraw its name from the DDT Registry upon written notification to the Secretariat. The withdrawal shall take effect on the date specified in the notification.



Annex C

UNINTENTIONAL PRODUCTION

Part I: Persistent organic pollutants subject to the requirements of Article 5

This Annex applies to the following persistent organic pollutants when formed and released unintentionally from anthropogenic sources:

Chemical
Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF)
Hexachlorobenzene (HCB) (CAS No: 118-74-1)
Polychlorinated biphenyls (PCB)

Part II: Source categories

Polychlorinated dibenzo-p-dioxins and dibenzofurans, hexachlorobenzene and polychlorinated biphenyls are unintentionally formed and released from thermal processes involving organic matter and chlorine as a result of incomplete combustion or chemical reactions. The following industrial source categories have the potential for comparatively high formation and release of these chemicals to the environment:

- (a) Waste incinerators, including co-incinerators of municipal, hazardous or medical waste or of sewage sludge;
- (b) Cement kilns firing hazardous waste;
- (c) Production of pulp using elemental chlorine or chemicals generating elemental chlorine for bleaching;
- (d) The following thermal processes in the metallurgical industry:
 - (i) Secondary copper production;
 - (ii) Sinter plants in the iron and steel industry;
 - (iii) Secondary aluminium production;
 - (iv) Secondary zinc production.

Part III: Source categories

Polychlorinated dibenzo-p-dioxins and dibenzofurans, hexachlorobenzene and polychlorinated biphenyls may also be unintentionally formed and released from the following source categories, including:

- (a) Open burning of waste, including burning of landfill sites;
- (b) Thermal processes in the metallurgical industry not mentioned in Part II;
- (c) Residential combustion sources;
- (d) Fossil fuel-fired utility and industrial boilers;
- (e) Firing installations for wood and other biomass fuels;
- (f) Specific chemical production processes releasing unintentionally formed persistent organic pollutants, especially production of chlorophenols and chloranil;
- (g) Crematoria;
- (h) Motor vehicles, particularly those burning leaded gasoline;
- (i) Destruction of animal carcasses;
- (j) Textile and leather dyeing (with chloranil) and finishing (with alkaline extraction);

- (k) Shredder plants for the treatment of end of life vehicles;
- (l) Smouldering of copper cables;
- (m) Waste oil refineries.

Part IV: Definitions

1. For the purposes of this Annex:

- (a) "Polychlorinated biphenyls" means aromatic compounds formed in such a manner that the hydrogen atoms on the biphenyl molecule (two benzene rings bonded together by a single carbon-carbon bond) may be replaced by up to ten chlorine atoms; and
- (b) "Polychlorinated dibenzo-p-dioxins" and "polychlorinated dibenzofurans" are tricyclic, aromatic compounds formed by two benzene rings connected by two oxygen atoms in polychlorinated dibenzo-p-dioxins and by one oxygen atom and one carbon-carbon bond in polychlorinated dibenzofurans and the hydrogen atoms of which may be replaced by up to eight chlorine atoms.

2. In this Annex, the toxicity of polychlorinated dibenzo-p-dioxins and dibenzofurans is expressed using the concept of toxic equivalency which measures the relative dioxin-like toxic activity of different congeners of polychlorinated dibenzo-p-dioxins and dibenzofurans and coplanar polychlorinated biphenyls in comparison to 2,3,7,8-tetrachlorodibenzo-p-dioxin. The toxic equivalent factor values to be used for the purposes of this Convention shall be consistent with accepted international standards, commencing with the World Health Organization 1998 mammalian toxic equivalent factor values for polychlorinated dibenzo-p-dioxins and dibenzofurans and coplanar polychlorinated biphenyls. Concentrations are expressed in toxic equivalents.

Part V: General guidance on best available techniques and best environmental practices

This Part provides general guidance to Parties on preventing or reducing releases of the chemicals listed in Part I.

A. General prevention measures relating to both best available techniques and best environmental practices

Priority should be given to the consideration of approaches to prevent the formation and release of the chemicals listed in Part I. Useful measures could include:

- (a) The use of low-waste technology;
- (b) The use of less hazardous substances;
- (c) The promotion of the recovery and recycling of waste and of substances generated and used in a process;
- (d) Replacement of feed materials which are persistent organic pollutants or where there is a direct link between the materials and releases of persistent organic pollutants from the source;
- (e) Good housekeeping and preventive maintenance programmes;
- (f) Improvements in waste management with the aim of the cessation of open and other uncontrolled burning of wastes, including the burning of landfill sites. When considering proposals to construct new waste disposal facilities, consideration should

be given to alternatives such as activities to minimize the generation of municipal and medical waste, including resource recovery, reuse, recycling, waste separation and promoting products that generate less waste. Under this approach, public health concerns should be carefully considered;

- (g) Minimization of these chemicals as contaminants in products;
- (h) Avoiding elemental chlorine or chemicals generating elemental chlorine for bleaching.

B. Best available techniques

The concept of best available techniques is not aimed at the prescription of any specific technique or technology, but at taking into account the technical characteristics of the installation concerned, its geographical location and the local environmental conditions. Appropriate control techniques to reduce releases of the chemicals listed in Part I are in general the same. In determining best available techniques, special consideration should be given, generally or in specific cases, to the following factors, bearing in mind the likely costs and benefits of a measure and consideration of precaution and prevention:

(a) General considerations:

- (i) The nature, effects and mass of the releases concerned: techniques may vary depending on source size;
- (ii) The commissioning dates for new or existing installations;
- (iii) The time needed to introduce the best available technique;
- (iv) The consumption and nature of raw materials used in the process and its energy efficiency;
- (v) The need to prevent or reduce to a minimum the overall impact of the releases to the environment and the risks to it;
- (vi) The need to prevent accidents and to minimize their consequences for the environment;
- (vii) The need to ensure occupational health and safety at workplaces;
- (viii) Comparable processes, facilities or methods of operation which have been tried with success on an industrial scale;
- (ix) Technological advances and changes in scientific knowledge and understanding.

(b) General release reduction measures: When considering proposals to construct new facilities or significantly modify existing facilities using processes that release chemicals listed in this Annex, priority consideration should be given to alternative processes, techniques or practices that have similar usefulness but which avoid the formation and release of such chemicals. In cases where such facilities will be constructed or significantly modified, in addition to the prevention measures outlined in section A of Part V the following reduction measures could also be considered in determining best available techniques:

- (i) Use of improved methods for flue-gas cleaning such as thermal or catalytic oxidation, dust precipitation, or adsorption;
- (ii) Treatment of residuals, wastewater, wastes and sewage sludge by, for example, thermal treatment or rendering them inert or chemical processes that detoxify them;
- (iii) Process changes that lead to the reduction or elimination of releases, such as moving to closed systems;
- (iv) Modification of process designs to improve combustion and prevent formation of the chemicals listed in this Annex, through the control of parameters such as incineration temperature or residence time.

The Conference of the Parties may develop guidance with regard to best environmental practices.

Annex D

INFORMATION REQUIREMENTS AND SCREENING CRITERIA

1. A Party submitting a proposal to list a chemical in Annexes A, B and/or C shall identify the chemical in the manner described in subparagraph (a) and provide the information on the chemical, and its transformation products where relevant, relating to the screening criteria set out in subparagraphs (b) to (e):

(a) Chemical identity:

- (i) Names, including trade name or names, commercial name or names and synonyms, Chemical Abstracts Service (CAS) Registry number, International Union of Pure and Applied Chemistry (IUPAC) name; and
- (ii) Structure, including specification of isomers, where applicable, and the structure of the chemical class;

(b) Persistence:

- (i) Evidence that the half-life of the chemical in water is greater than two months, or that its half-life in soil is greater than six months, or that its half-life in sediment is greater than six months; or
- (ii) Evidence that the chemical is otherwise sufficiently persistent to justify its consideration within the scope of this Convention;

(c) Bio-accumulation:

- (i) Evidence that the bio-concentration factor or bio-accumulation factor in aquatic species for the chemical is greater than 5,000 or, in the absence of such data, that the log Kow is greater than 5;
- (ii) Evidence that a chemical presents other reasons for concern, such as high bio-accumulation in other species, high toxicity or ecotoxicity; or
- (iii) Monitoring data in biota indicating that the bio-accumulation potential of the chemical is sufficient to justify its consideration within the scope of this Convention;

(d) Potential for long-range environmental transport:

- (i) Measured levels of the chemical in locations distant from the sources of its release that are of potential concern;
- (ii) Monitoring data showing that long-range environmental transport of the chemical, with the potential for transfer to a receiving environment, may have occurred via air, water or migratory species; or
- (iii) Environmental fate properties and/or model results that demonstrate that the chemical has a potential for long-range environmental transport through air, water or migratory species, with the potential for transfer to a receiving environment in locations distant from the sources of its release. For a chemical that migrates significantly through the air, its half-life in air should be greater than two days; and

(e) Adverse effects:

- (i) Evidence of adverse effects to human health or to the environment that justifies consideration of the chemical within the scope of this Convention; or
- (ii) Toxicity or ecotoxicity data that indicate the potential for damage to human health or to the environment.

2. The proposing Party shall provide a statement of the reasons for concern including, where possible, a comparison of toxicity or ecotoxicity data with detected or predicted levels of a chemical resulting or anticipated from its long-range environmental transport, and a short statement indicating the need for global control.

3. The proposing Party shall, to the extent possible and taking into account its capabilities, provide additional information to support the review of the proposal referred to in paragraph 6 of Article 8. In developing such a proposal, a Party may draw on technical expertise from any source.

 Annex E

INFORMATION REQUIREMENTS FOR THE RISK PROFILE

The purpose of the review is to evaluate whether the chemical is likely, as a result of its long-range environmental transport, to lead to significant adverse human health and/or environmental effects, such that global action is warranted. For this purpose, a risk profile shall be developed that further elaborates on, and evaluates, the information referred to in Annex D and includes, as far as possible, the following types of information:

- (a) Sources, including as appropriate:
 - (i) Production data, including quantity and location;
 - (ii) Uses; and
 - (iii) Releases, such as discharges, losses and emissions;
- (b) Hazard assessment for the endpoint or endpoints of concern, including a consideration of toxicological interactions involving multiple chemicals;
- (c) Environmental fate, including data and information on the chemical and physical properties of a chemical as well as its persistence and how they are linked to its environmental transport, transfer within and between environmental compartments, degradation and transformation to other chemicals. A determination of the bio-concentration factor or bio-accumulation factor, based on measured values, shall be available, except when monitoring data are judged to meet this need;
- (d) Monitoring data;
- (e) Exposure in local areas and, in particular, as a result of long-range environmental transport, and including information regarding bio-availability;
- (f) National and international risk evaluations, assessments or profiles and labelling information and hazard classifications, as available; and
- (g) Status of the chemical under international conventions.

 Annex F

INFORMATION ON SOCIO-ECONOMIC CONSIDERATIONS

An evaluation should be undertaken regarding possible control measures for chemicals under consideration for inclusion in this Convention, encompassing the full range of options, including management and elimination. For this purpose, relevant information should be

provided relating to socioeconomic considerations associated with possible control measures to enable a decision to be taken by the Conference of the Parties. Such information should reflect due regard for the differing capabilities and conditions among the Parties and should include consideration of the following indicative list of items:

- (a) Efficacy and efficiency of possible control measures in meeting risk reduction goals:
 - (i) Technical feasibility; and
 - (ii) Costs, including environmental and health costs;
- (b) Alternatives (products and processes):
 - (i) Technical feasibility;
 - (ii) Costs, including environmental and health costs;
 - (iii) Efficacy;
 - (iv) Risk;
 - (v) Availability; and
 - (vi) Accessibility;
- (c) Positive and/or negative impacts on society of implementing possible control measures:
 - (i) Health, including public, environmental and occupational health;
 - (ii) Agriculture, including aquaculture and forestry;
 - (iii) Biota (biodiversity);
 - (iv) Economic aspects;
 - (v) Movement towards sustainable development; and
 - (vi) Social costs;
- (d) Waste and disposal implications (in particular, obsolete stocks of pesticides and clean-up of contaminated sites):
 - (i) Technical feasibility; and
 - (ii) Cost;
- (e) Access to information and public education;
- (f) Status of control and monitoring capacity; and
- (g) Any national or regional control actions taken, including information on alternatives, and other relevant risk management information.



STOCKHOLM CONVENTION on POPs

Reference Material

This page provides direct access to resource material on POPs and the Stockholm Convention.



[Funding]

[Sample Application Form for Global Environment Facility Funding](#)

#Adobe pdf file 27KB



[POPs]

[Global Environment Facility Initial Guidelines for Enabling Activities for the Stockholm Convention on Persistent Organic Pollutants \(2001\)](#)

#Adobe pdf file 79KB



[POPs]

[POPs Implementation Kit](#)

UNDP-GEF

#Adobe pdf file 513KB



[POPs]

[Management of POPs in Pacific Island Countries](#)

SPREP

#Adobe pdf file 788KB



[POPs]

[Persistent Organic Pollutants, An Assessment Report on:](#)

[DDT-Aldrin-Dieldrin-Endrin-Chlordane Heptachlor-Hexachlorobenzene Mirex-Toxaphene](#)

[Polychlorinated Biphenyls Dioxins and Furans](#)

L. Ritter, K.R. Solomon, J. Forget

Canadian Network of Toxicology Centres

#Adobe pdf file 117KB



[POPs]

[Subregional Workshop on Support for the Implementation of the Stockholm Convention on Persistent Organic Pollutants \(POPs\) \(Bangkok, Thailand 2001\)](#)

#Adobe pdf file 637KB



[POPs]

[Subregional Workshop on Chemicals Policy and Legislation with the Special Emphasis on the Reduction and Elimination of Persistent Organic Pollutants \(POPs\) \(Ghana 2001\)](#)

#Adobe pdf file 4,539KB



[POPs]

[Technical Guidelines for Environmentally Sound Management of Persistent Organic Pollutant Wastes -DRAFT](#)

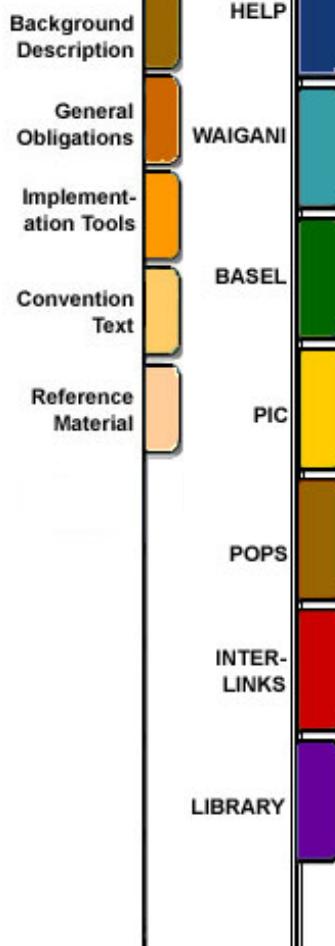
#Adobe pdf file 744KB



[POPs]

[Master List of Actions on the Reduction and/or Elimination of the Releases of Persistent Organic Pollutants, Third Edition](#)

#Adobe pdf file 1,048KB





[Dioxin]

[Dioxin and Furan Inventories, National and Regional Emissions of PCDD/PCDF](#)

United Nations Environment Programme

#Adobe pdf file 661KB



[Dioxin]

[Standardized Toolkit for Identification and Quantification of Dioxin and Furan Releases](#)

United Nations Environment Programme

#Adobe pdf file 1,045KB



[National Profile to Assess the National Infrastructure for Management of Chemicals](#)

Preparing a National Profile to Assess the National Infrastructure for Management of Chemicals A Guidance Document - UNITAR

#Adobe pdf file 562KB



[PCB]

[Guidelines for the Identification of PCBs & Materials Containing PCBs.](#)

UNITAR

#Adobe pdf file 290KB



[PCB]

[Inventory of PCB-Containing Equipment](#)

UNITAR

#Adobe pdf file 596KB



[PCB]

[PCB Transformers & Capacitors from Management to Reclassification & Disposal \(May 2002\)](#)

UNITAR

#Adobe pdf file 299KB



[Pest] [POPs]

[Reducing and Eliminating the Use of Persistent Organic Pesticides - Guidance on Alternative Strategies for Sustainable Pest and Vector Management \(Geneva, 2002\)](#)

#Adobe pdf file 1507KB

SLIDE SHOW



[POPs]

[A presentation on the Stockholm Convention](#)

A slide show presentation on the Stockholm Convention on Persistent Organic Pollutants by the chair Dr. Buccini given to the World Bank in 2001

#Adobe pdf file 44KB





INTER-LINKAGES

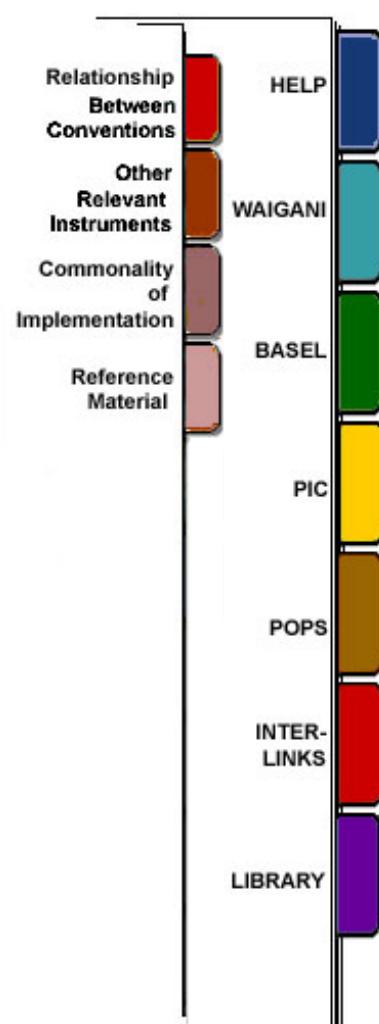
The Synergy of Four Chemical Conventions

Chemical contamination of the environment shows no respect for territorial borders. For that reason, multilateral environmental agreements (MEAs) provide effective international or regional frameworks to prevent and minimise the impacts of toxic chemicals and hazardous waste in the global commons.

Combined, the four chemical conventions or MEAs address international trade in toxic chemicals, the transport of hazardous waste, the reduction and eventual elimination of releases, use and production of persistent organic pollutants, the environmentally sound remediation of waste stockpiles and the identification of contaminated sites. Most importantly, they help avoid problems in the future.

The four chemical conventions actively promote information exchange and technical capacity building, as well as providing some financial assistance for developing countries or countries with economies in transition.

SPREP has identified MEAs as a prime tool for regional environmental cooperation. The rationale for enhanced collaboration among MEAs is clearly apparent; the *"efficient use of collective resources - information, financial and expertise; the reduction of duplication and overlaps; emphasis on program and policy coherence; and averting fragmented sectoral initiatives."*





INTER-LINKAGES

Relationship Between Conventions

This section of the Handbook examines the inter-linkages between the four chemical conventions. It provides the history and the rationale for clustering the chemical conventions, identifies the challenges for small island states and proposes response strategies.

- The Synergy of Four Chemical Conventions
- Regional Response to Synergy
- National Response to Synergy
- Inter-linkages for Lifecycle Management
- Legislating for Lifecycle Management
- Consultation and Involvement



The Synergy of Four Chemical Conventions

Combined, the four chemical conventions; Waigani, Basel, Rotterdam and Stockholm can be seen as a series of building blocks that intermesh to create an holistic approach to hazardous chemical management. Each deal in one-way or another with a chemical that is hazardous to human health and the environment. Elements of each of these conventions overlap or interlink with the other conventions.

Collectively, the four chemical conventions cover a spectrum of actions necessary for the environmentally sound management of hazardous chemicals and wastes.

These include:

- Managing domestic waste in an environmentally sound manner;
- Identifying sites contaminated with hazardous chemicals;
- Soundly managing stockpiles of hazardous chemicals;
- Reducing and eliminating the release, use and production of persistent organic pollutants;
- Regulating the import of potentially hazardous chemicals;
- Avoiding the introduction of new hazardous chemicals;
- Regulating the transport and trade of hazardous and radioactive wastes;
- Promoting information exchange;
- Developing technical capacity building;
- Facilitating financial assistance for developing countries.

There is a distinct logic in developing this synergy further. For Pacific Island countries with limited human and financial resources, an integrated approach to hazardous chemical management is the logical way forward.

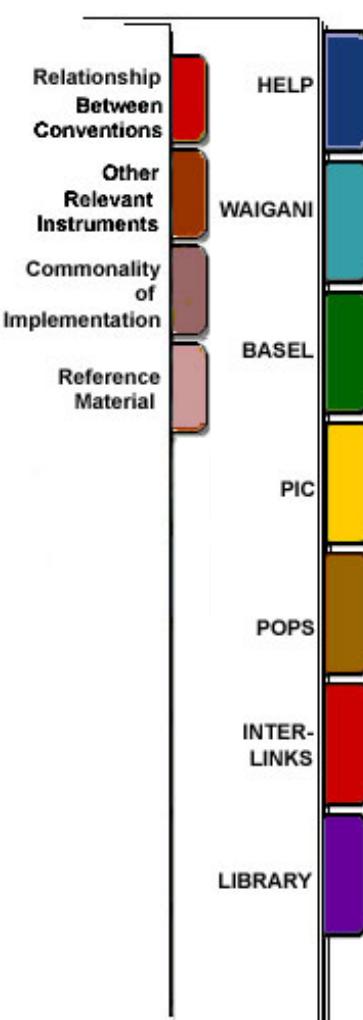
Collaboration has the added benefit of:

- Efficiency in the use of the collective resources - information, financial and expertise;
- Effectively assessing and managing chemical hazards and risks;
- Reducing duplication and overlaps;
- Emphasising program and policy coherence;
- Coordinating public participation;
- Improving customs service; and
- Averting fragmented sectoral initiatives.

The synergy of the four chemical conventions can provide Pacific Island countries with the cornerstone for improved domestic chemical management as well as stronger, more effective regional frameworks.

While there is considerable value in promoting synergies between the four chemical conventions, there are also reasons for caution. These may include overloading national governments with the obligations of each of the conventions or the loss of regional ownership and control of the Waigani Convention within the broader focussed conventions such as Basel.

For more information on synergy between the Conventions visit the Interlinkages Reference section.





Regional Response to Synergies

In April 2001, a SPREP/UNEP workshop on toxic chemicals and hazardous waste in the Pacific region, supported a synergistic approach to the conventions. A single goal was set; to develop national and regional action plans for the implementation of the four chemical conventions.

A regional response to these synergies would focus on:

- coordinating information management, including collating, organising and sharing data on chemicals;
- standardised data collection and criteria;
- facilitating capacity-building through training programmes;
- coordinating science and research;
- promoting technology transfer;
- seeking financial support for national governments;
- assisting in developing model legislation for national governments;
- assisting in developing public awareness programmes on sound chemical management;
- promoting public involvement in chemical management strategies;
- assisting national governments in meeting reporting requirements;
- facilitating meetings regarding the conventions; and
- coordinating the policy development for chemical management regional strategies.

Regional Centre for Training and Technology Transfer

The first meeting of the Conference of Parties to the Waigani Convention requested the Secretariat to conduct a survey of SPREP facilities in order to assess the implications of establishing a Regional Centre for Training and Technology Transfer. The Environment Ministers Forum also endorsed the concept of a Regional Centre in July 2002. While this concept fits within the current network of Regional Centres which was established by the Basel Convention, a regional centre could also serve the needs of the Waigani, Stockholm and Rotterdam Conventions.

The four chemical conventions acknowledge the need of developing countries for technical assistance. Both the Basel Convention (Article 14) and the Stockholm Convention (Article 12) provide for regional centres for training and technology transfer.

The need for financial support for developing countries is also acknowledged by the conventions. Financial mechanism through the Global Environment Facility as outlined in the Stockholm Convention (Articles 13-14) and the Basel Convention Technical Cooperation Trust Fund can help finance the implementation of the four chemical conventions while supporting enabling activities and environmentally sound chemical management.



National Responses to Synergies

For Pacific Island countries employing a synergistic approach to chemical and waste issues and linking these to obligations under the four conventions is a logical way forward. Conventions provide national regulators with the authority to monitor and enforce environmental standards at the domestic level, supported by global guidelines with funding opportunities for signatories.

Step by Step Approach:

If Pacific Island countries feel that it is too onerous a task to take on the obligations of all four conventions, a step by step approach could be taken. Possible steps could include:

Step 1:

Ratifying and implementing the Waigani Convention: This establishes a good basis for hazardous waste management at the regional level. It will allow countries to draw on regional expertise to assist in the management of their wastes.

Step 2:

Ratifying and implementing the Basel Convention: The obligations under Waigani and Basel

are virtually the same, so no additional administrative burden is incurred. Ratifying Basel increases the opportunities for financial assistance and technical support.

Step 3:

Ratifying the Stockholm Convention: Strategies for the environmentally sound management and disposal of persistent organic pollutant links closely with activities under Waigani and Basel.

Step 4:

Ratifying the Rotterdam Convention: This provides the final link in the chain and creates a cradle to grave or lifecycle approach to hazardous chemical management.

Inter-linkages for Lifecycle Management

The cradle to grave or life cycle approach to hazardous chemicals management in the context of the four conventions is illustrated in the following list of actions:

Actions for Existing Chemicals -

- notify banned or severely restricted chemicals, and
- developing countries to list severely hazardous pesticide formulations (*Rotterdam Convention*)
- consider POPs screening criteria in assessing existing chemicals eliminate production and use of POPs (*Stockholm Convention*)

Actions for New Chemicals -

- regulate to prevent production and use of new POPs (*Stockholm Convention*)

Import/Export controls -

- control of transboundary movement of hazardous wastes (*Waigani/Basel Conventions*)
- prior informed consent procedure (*Rotterdam Convention*)
- restrict POPs import and export except for environmentally sound disposal; and
- controls on POPs transport across international borders (*Stockholm Convention*)

Waste management -

- environmentally sound management of hazardous wastes,
- minimize waste generation, and
- ensure availability of disposal facilities and the Basel Convention Technical Working Group - technical guidelines on POPs wastes (*Basel Convention and Waigani in part*)
- strategies to identify POPs wastes and environmentally sound management with the POPs content destroyed or irreversibly transformed (*Stockholm Convention*)

Environmental Releases -

- reduce or eliminate POPs releases from intentional production and use, unintentional production, stockpiles and wastes (*Stockholm Convention*)

Hazard Communication -

All require the communication of hazard information

Replacement and Alternatives

- information exchange and research on POPs alternatives; and
- implementation of alternative DDT products (*Stockholm Convention*)

Legislating an Appropriate Framework for Lifecycle Management of Toxic Chemicals and Hazardous Waste

One of the limitations restricting effective and speedy ratification and implementation of the chemical conventions is the absence of a comprehensive legal framework. When establishing environmental legislation afresh, the development of an appropriate act can be a useful instrument in identifying and promoting synergies, but adapting an already existing piecemeal legislation is a far greater challenge.

In 1996, the Basel Secretariat published the *Revised Model National Legislation on the Management of Hazardous Waste and Control of Transboundary Movements of Hazardous*

Waste and their Disposal. The model was to help participating countries comply with their obligations of the Basel Convention (Art.4.4) which request the parties to take appropriate legal, administrative and other measures to implement and enforce the provisions of the Convention. This model legislation can serve the needs of both the Basel and Waigani Conventions.

However, the development of legal frameworks and environmental legislation to reflect the four chemical conventions remains a significant obstacle to speedy ratification and implementation of the conventions.

The following summary describes the issues that need to be considered when developing legislation for chemical management and the implementation of the chemical conventions.

Setting Objectives -

Objectives to reduce the risks to human health and the environment can be set and delivered through:

- Regulating certain chemicals or chemicals that pose unacceptable risks; and
- Regulating certain human activities that cause the release of certain chemicals into the environment or introduce new or unacceptable risks.

Defining the Scope -

The scope of the legislation can be defined by:

- Identifying the type of chemicals to be covered;
- Identifying and combining characteristics, such as persistence, toxicity, bioaccumulation to develop categories; and
- Developing lists of categories of chemicals including priorities for regulation based on an inventory of existing chemicals.

Identifying Exemptions -

Some exemption may be needed for certain chemicals, such as:

- Those already covered by other existing laws (e.g. pharmaceuticals);
- Chemicals for research/analytical standards; and
- Chemicals under a given threshold quantity.

Linking to Other Laws -

Other relevant sectoral laws may need to be considered including legislation on:

- Waste management;
- Agricultural chemicals;
- Air quality;
- Water quality;
- Marine and coastal environmental pollution;
- Soil contamination;
- Environmental impact assessment; and
- Development or land use planning.

Designing a Lifecycle Approach -

Regulatory actions will need to be targeted to cover the life cycle of chemicals, for example:

- Research, Development and Testing;
- Manufacture;
- Transport, Storage;
- Distribution, Trade;
- Use;
- Disposal; and
- Unintentional generation.

Considering Socio-Economic Impacts -

Regulatory measures on certain chemicals may need to take into account development needs and socio-economic impacts.

Institutional Arrangements: Authority and Responsibility -

Institutional arrangements need to be developed that identify management responsibility and authority, for example:

- Identify an authority or authorities responsible for implementing legislation; eg Minister(s) with executing power to issue and undertake regulatory measures and the Minister(s) with whom coordination is required (e.g by notifying measures taken);
- Identify the relationship with other existing laws and define the jurisdiction among authorities;
- Establish institutional mechanisms for inter-sectoral coordination and review;
- Identify persons who are responsible for risks associated with certain chemicals;

- Identify persons accountable for taking the actions required to achieve the legislative objectives;
- Identify administrative costs for implementing legislation and who will bear them;
- Identify persons who are to be governed by the legislation, eg manufacturers, importers/exporters, users; and
- Make them responsible to take measures required under the legislation.

Information Gathering -

Information collection is an important aspect of chemical legislation and can be gathered by:

- Notification to the authority of the intent of manufacture, import or sale, or use (eg Name, address, amount of chemicals, purposes); and
- Submission of chemicals information by manufacturers or importers.

Assessing Chemicals -

Assessing chemicals requires procedures to either complete new assessments or accept previous assessments of the health and environmental impact of certain chemicals.

Assessment by the authority based on:

- the chemical information submitted by companies, other international or regional assessment or based on its own tests, and
- needs to be done in a given period using a transparent process.

Differentiating the Measures -

Regulatory measures may need to be differentiated according to the assessed hazards. Lists of different categories of chemicals, posing different levels of hazard and risk, may provide a basis for such differentiated treatment, for example:

Ban or Restrict Manufacture and/or Use

- Prohibit the manufacture, import, sale or use of chemicals causing unacceptable risks; and
- Permit with certain regulatory measures, eg licensing, compliance with certain technical standard and reporting.

Emission Controls

- Establish emission/release control for certain chemicals;
- Set or adopt emission/release standard; and
- Regulate certain types of activities and facility.

Wastes Management

- Regulate generation, collection, transport, storage, treatment, recycling and disposal of wastes;
- Distinct regulatory measures for municipal wastes and industrial wastes; and
- Regulate the persons and installations involved, and all phases of related activities.

Legislating Towards Prevention -

Legislation should adopt a proactive precautionary approach that:

- Builds a knowledge base;
- Accommodates health and environmental risk assessment;
- Promotes awareness of existing risks;
- Plans for responsible siting of hazardous installations;
- Develops preparedness for accidents; and
- Provides funds for pollution prevention.

Developing Means of Enforcement -

The means of enforcement can include a range of actions, for example:

- Record keeping;
- Document to track movement;
- Permit and License;
- Administrative order;
- Mandatory submission of reports;
- Onsite inspection;
- Penalties;
- Incentive measures; and
- Administrative and criminal punishment.

Developing the Financial Means -

Administrative costs may need to be partially borne by those who intend to manufacture, import or export, sell or use, or those who are licensed to carry out certain activities.

Providing for Restoration of Damages -

Providing for restoration and compensation for damages caused by chemicals will need to be incorporated into legislation, for example:

- Compensation schemes for injury;
- Procedures and funds for clean-up contaminated sites; and
- Procedures for settlement of disputes.

Developing and Updating Regulations -

Regulations provide a practical means to ensure legislation is able to be amended and kept up to date, for example:

- Lists of individual chemicals can be published under regulations issued by the authority, which provides the means to amend the lists and add new chemicals; and
- Other matters that require regular update (e.g. technical standard or administrative fees) may be covered by regulations.

International Issues -

National legislation should reflect the requirements of the four chemical conventions.

For more information on the model legislation visit the Basel Reference section. 



Consultation and Involvement

All inter-linkage activities benefit from consultations with interested civil society, allowing governments to call on support and information from a range of organisations to aid in the implementation of the conventions. This can help address the challenges of translating international obligations into national and local environmental agendas that are meaningful to the general public and thereby receive political support.

Effective consultation with all stakeholders including government agencies, business and civil society can:

- decrease overlapping activities and responsibilities,
- improve joint problem identification,
- foster cooperative solution finding,
- increase the degree of ownership of implementation measures, and
- assign clear responsibilities within existing government structures.

Most importantly, open and consultative relations with civil society help build the political will to ensure adequate resources to implement the conventions.

For more information on consultation visit the Consultation section in the Library. 



LIST-OF-LLVM-LEGENDS

LIST-OF-LLVM-LEGENDS

לְאַתְּ לְעַמְּךָ אֶת־בְּנֵי־יִשְׂרָאֵל



INTER-LINKAGES

Other Relevant Instruments

Other Instruments

In addition to the four chemical treaties, there are a range of other instruments and agreements that relate to pollution and have relevance to South Pacific countries.

- SPREP Convention for the Protection of the Natural Resources and Environment of the South Pacific Region (1986) plus the SPREP Dumping Protocol and SPREP Pollution Emergencies Protocol
- London Convention: Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1972) plus the 1996 Protocol to the London Convention
- International Convention for the Prevention of Pollution from Ships (1973) as amended by the Protocol of 1978
- International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (1969)
- International Convention on Oil Pollution Preparedness, Response and Cooperation (1990)
- International Convention on Civil Liability for Oil Pollution Damage (1992)
- International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (1992)
- International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (1996)
- United Nations Convention on the Law of the Sea (1982)
- South Pacific Nuclear Free Zone Treaty (1985)

The complete texts are available in SPREP/UNEP Publication "Pacific Islands Handbook Of International Marine Pollution Conventions" which can be found in the Interlinkages Reference section.



► **SPREP Convention :**

SPREP Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, 1986

The SPREP Convention is a comprehensive umbrella agreement for the protection, management and development of the marine and coastal environments and natural resources of the South Pacific. It lists sources of marine pollution that require control and identifies environmental management issues requiring regional cooperation.

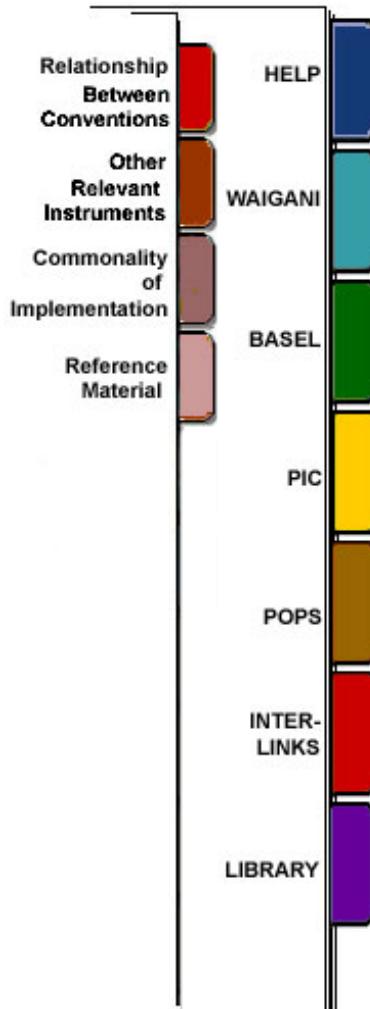
There are two protocols that cover dumping of wastes at sea and cooperation in combating marine pollution emergencies. They are similar to two international Conventions but reflect a more regional perspective on the problem of pollution prevention and mitigation.

SPREP Dumping Protocol: SPREP Protocol for the Prevention of Pollution of the South Pacific Region by Dumping (1986). The Pacific islands regional equivalent to the London Convention

SPREP Pollution Emergencies Protocol: SPREP Protocol concerning Cooperation in Combating Pollution Emergencies in the South Pacific Region: The Pacific islands regional equivalent to the International Convention on Oil Pollution Preparedness, Response and Cooperation (1990).

The Pacific islands region has developed and adopted the Pacific Islands Regional Marine Spill Contingency Plan (PACPLAN) to make prepare for any pollution emergencies. SPREP has also provided assistance for member countries to develop National Marine Spill Contingency Plans (NATPLANS).

South Pacific Regional Environment Program is the Secretariat for both the Convention and its pollution protocols:



PO Box 240
Apia, Samoa
Ph +(685) 21929
Fax +(685) 20231
Email sprep@sprep.org.ws
Website www.sprep.org.ws

London Convention:

Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1972)

The London Convention aims to prevent marine pollution but focuses on controlling the dumping at sea of wastes generated on land. The Convention includes a list of substances for which dumping is prohibited (Annex I) and other lists for which dumping may be authorised by permit. These are Annex II lists, i.e., substances that need a special permit before they can be dumped at sea and the Annex III list of substances that require a general permit before they can be dumped at sea.

The 1996 Protocol to the London Convention on the Prevention of Marine Pollution By Dumping of Wastes and Other Matter (1972)

The 1996 Protocol significantly changes the 1972 London Convention and reverses the approach taken by the earlier Convention. Rather than attempting to control sea dumping, it prohibits all dumping of hazardous and radioactive waste, incineration at sea and exports of waste for such purposes, with some limited exceptions for substances specified in Annex I. The Protocol also bans the incineration of wastes at sea.

The Protocol includes strong precautionary language in the general obligations and urges parties to consider the polluter pays principle. It also calls for waste prevention audits to assess alternatives to sea dumping.

The protocol supersedes the London Convention for those countries that have agreed to become contracting parties. In effect, the 1996 Protocol when in force will replace the 1972 London Convention.

The Secretariat: International Maritime Organization
4 Albert Embankment
London SE1 7SR
United Kingdom
Ph +(44) 171 735 7611
Fax +(44) 171 587 3210
Email info@imo.org

A full copy of the London Convention and the 1996 Protocol is available as .pdf files in the library.

London Convention 
1996 Protocol 

MARPOL 73/78:

International Convention for the Prevention of Pollution from Ships (1973) as amended by the Protocol of 1978.

Plus Amendments to Annexes I, II and V of the Protocol 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1990

MARPOL and its amendments are the primary international regulatory regime for pollution from ships. It sets design and operating standards for ships in relation to pollution prevention, in particular for oil and chemical tankers. It prohibits or regulates the discharge of pollutants from all ships. MARPOL has six Annexes dealing with different pollution types.

Annex I - oil
Annex II - noxious liquid substances
Annex III - harmful packaged substances,
Annex IV - sewage
Annex V - garbage
Annex VI - air emissions from ships.

Special Areas and Particularly Sensitive Sea Areas can be declared requiring more stringent controls on ship-sourced pollution with agreement of the international community.

Secretariat: International Maritime Organization
4 Albert Embankment
London SE1 7SR
United Kingdom
Ph +(44) 171 735 7611
Fax +(44) 171 587 3210
Email info@imo.org



INTERVENTION Convention:

International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (1969)

Protocol Relating to the Intervention on the High Seas in Cases of Pollution by Substances Other than Oil (1973).

The INTERVENTION Convention provides for Coastal States to take action against a vessel on the high seas in respect of marine casualties likely to cause environmental or economic damage within the State's jurisdiction.

The 73 Protocol extends most of the provisions to not only oil but other substances listed in an Annex. Coastal States can take action for substances not in the annex if they can show that the substance could 'reasonably pose a grave and imminent threat' similar to those listed in the annex.

Secretariat:
International Maritime Organization
4 Albert Embankment
London SE1 7SR
United Kingdom
Ph +(44) 171 735 7611
Fax +(44) 171 587 310
Email info@imo.org



ORPC 90:

International Convention on Oil Pollution Preparedness, Response and Cooperation (1990)

This convention aimed to establish a framework for international co-operation in responding to pollution emergencies, enabling mutual assistance and maximum resources in the shortest time possible. It supports the establishment of oil pollution emergency plans for ships, offshore rigs, ports and oil handling facilities, as well as national and regional contingency plans where appropriate. The Convention encourages all States to develop and maintain adequate capability to deal with oil pollution emergencies. The Convention is likely to be updated in the near future to include hazardous and noxious substances

There are also arrangements to reimburse the assisting Party for their cost but in certain circumstances the requesting Party can ask for the reimbursement of expenses to be waived, reduced or postponed. Due consideration should be given to the needs of developing countries.

The Pacific islands regional equivalent to this Convention (SPREP Pollution Emergencies Protocol) has been in place since 1986.

The Pacific islands region has developed and adopted the Pacific Islands Regional Marine Spill Contingency Plan (PACPLAN). SPREP has also provided assistance for member countries to develop National Marine Spill Contingency Plans (NATPLANS).

Secretariat: International Maritime Organization
4 Albert Embankment
London SE1 7SR
United Kingdom
Ph +(44) 171 735 7611
Fax +(44) 171 587 310
Email info@imo.org



CLC 92:

International Convention on Civil Liability for Oil Pollution Damage (1992)

This Convention is the only avenue currently available to Coastal States to ensure that they are covered for compensation for pollution damage. It requires compulsory insurance on oil tankers to cover compensation claims for oil pollution damage suffered by Coastal States. It is imperative for non-signatory countries to quickly accede to the Convention to provide for compensation in the event of a major oil disaster. There is no cost to the governments.

Secretariat: International Oil Pollution Compensation Funds

4 Albert Embankment

London SE1 7SR

United Kingdom

Ph +(44) 171 582 2606

Fax +(44) 171 735 0326

Email iopcfund@dircon.co.uk

**FUND 92:**

International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (1992)

This Convention establishes an international fund to cover claims for oil pollution damage that exceed compensation available under the International Convention on Civil Liability for Oil Pollution Damage (1992). Compensation is available up to US\$192 million. To be a party to International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (1992), a country must first be a party to International Convention on Civil Liability for Oil Pollution Damage (1992)

The benefits to Pacific island countries of being a party to FUND 92 are enormous and there are no fees for Pacific island countries.

Secretariat: International Oil Pollution Compensation Funds

4 Albert Embankment

London SE1 7SR

United Kingdom

Ph +(44) 171 582 2606

Fax +(44) 171 735 0326

Email iopcfund@dircon.co.uk

**HNS Convention:**

International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996

This Convention establishes a compensation regime for victims of marine pollution damage, in this case of pollution from the escape or release of dangerous substances other than oil. The Convention provides for a fund and liability extends to both ship and cargo owners.

Secretariat: International Maritime Organization

4 Albert Embankment

London SE1 7SR

United Kingdom

Ph +(44) 171 735 7611

Fax +(44) 171 587 310

Email info@imo.org

**UNCLOS:**

United Nations Convention on the Law of the Sea (1982)

UNCLOS is a comprehensive legal framework for the conduct and regulation of all marine sector activities. It includes a framework for settlement of disputes from conflicting ocean activities and state interests at sea.

Chapters 1 and 12 attempt to provide a framework to protect the marine environment,

covering all forms of marine pollution and creating special enforcement provisions for flag, port and coastal states.



Treaty of Rarotonga

South Pacific Nuclear Free Zone Treaty (1985)

This multilateral agreement among the nations of the South Pacific prohibits the testing, manufacture, and stationing of nuclear explosive devices, and the dumping of nuclear waste, within the zone.

The area covered reaches the west coast of Australia to the South American Nuclear Free Zone, from the equator to 60 degrees South (the northern boundary of the 1959 Antarctic Treaty). This treaty is also known as the Treaty of Rarotonga and entered into force on December 11, 1986.



SPREP Waigani Convention Handbook

LIST-LESS-LESS-LESS-LESS-LESS

LIST-LESS-LESS-LESS-LESS-LESS



INTER-LINKAGES

Commonality of Implementation

This section of the Handbook provides information on the common aspects of implementing the four chemical Conventions.

- Commonalities in Implementing the Chemical Conventions
- Institutional Requirements
- Legal Requirements
- Monitoring and Enforcement Requirements
- Capacity Building Through Training, Information Management and Sharing
- Environmentally Sound Management of Hazardous Waste and Toxic Chemicals



Commonalities in Implementing Chemical Conventions in the South Pacific

Combined, the four chemical Conventions have the potential to effectively incorporate all aspects of environmentally sound chemical management. An integrated approach to their implementation will ensure that the priority issues of international trade in toxic chemicals and pesticides; transport of hazardous waste; the reduction and eventual elimination of releases, use and production of persistent organic pollutants; the environmentally sound remediation of waste stockpiles and the identification of contaminated sites will be addressed. Most importantly, combined the Conventions will help avoid chemical management problems in the future.

In recognition of both the benefits of implementation of the chemical conventions and the challenges faced by the Pacific countries, SPREP has taken an active role in supporting coordination and synergies between the convention's implementation.

As a result, a Memorandum of Understanding (MOU) was signed between United Nations Environment Program (UNEP) and SPREP in order to make the best use of the expertise available within the Secretariat of the Basel Convention. The approach taken develops coordination and synergies of cooperation between both Secretariats, particularly in the fields of:

- information and clearinghouse mechanisms,
- joint training material and activities,
- joint programs, and
- cooperation in fundraising.

The MOU has facilitated the adaptation of existing Basel Convention documents and tools to meet the needs of the Waigani Convention. These include:

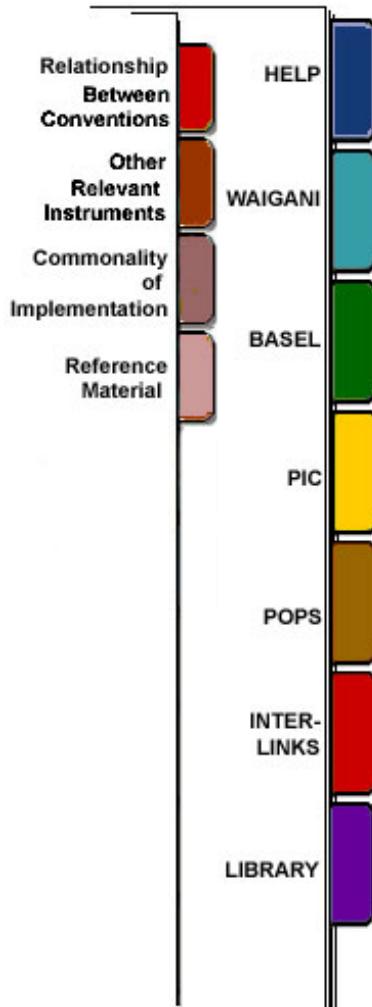
- model national legislation,
- movement document,
- notification document,
- technical guidelines,
- annual reporting form, and
- characterisation of hazardous waste.

For Pacific Island countries choosing to become a party to both the Waigani and Basel Conventions, assistance in legal, technical and information matters is available, underpinned by financial support.

Similarly, for those countries choosing to become a party to the Stockholm Convention, financial and technical support is available to develop effective national implementation plans and more generally, environmentally sound management of chemicals.

There are many commonalities in the implementation of the four Conventions. The following activity plan identifies some of the opportunities for effective coordination and synergy in four main areas:

- legal and institutional requirements
- enforcement and monitoring requirements
- capacity building and information exchange
- environmentally sound management of chemicals and hazardous waste.



Institutional Requirements

INSTITUTIONAL REQUIREMENTS

Item	Activity	Relevance to Conventions	Regional Opportunities
Assessment of a country's capacities for implementation, compliance and enforcement.	<ul style="list-style-type: none">- Identify appropriate institutional infrastructure and capacity- Establish partnerships between agencies, department and committees- Identify resources and personnel requirements	<p>This assessment could review overall capacity in chemical management and implementation of the 4 conventions.</p> <p>The partnerships established provide opportunities for improved coordination of staff and resources.</p>	
Collaboration of countries with SPREP and the three Secretariats to address countries' needs and capacity.	<ul style="list-style-type: none">- Identify and coordinate activities for the 4 conventions; eg joint training and materials, clearing house activities, consultation and awareness raising programs.- Identify suitable joint programs through the regional technology transfer centres (Indonesia & China) and the GEF- Adapt existing Basel tools and mechanisms for use by the Waigani parties.- Develop opportunities for ongoing input from NGOs	<p>Addressing the institutional needs for the 4 conventions benefits from the active involvement of the convention Secretariats as well as the support of others eg UNITAR and GEF.</p>	<p>Design and delivery of capacity building assistance needs to be coordinated through SPREP to ensure all have access. SPREP also coordinate and support regional participation at COPs & technical meetings by providing pre-meeting briefings and assist in developing position papers.</p>

Legal Requirements

LEGAL REQUIREMENTS

Item	Activity	Relevance to Conventions	Regional Opportunities
Review of existing legislation to determine whether to take an individual convention approach or integrate into one piece of chemical management legislation	<ul style="list-style-type: none">- Identify national or external legal experts- Identify weaknesses and needs of current legislation- Prepare and recommend options	<p>Legislation is needed to fulfil the obligations of the four conventions. WC requires parties to develop laws & administrative procedures. BC requires countries to enforce transport, import and export obligations. RC requires countries to implement appropriate legislative or administrative measures. SC requires countries to take action to prohibit and restrict</p>	SPREP to assist countries in their assessment

		production and use of certain chemicals.	
Development of appropriate legislation based on the existing Basel model, or adaptation of existing legislation, or development of integrated Act, for the four conventions	<ul style="list-style-type: none"> - For Countries with existing legislation, amend the legislation, if necessary. - For Countries without any existing legislation, adapt the BC model or fully integrated model - As part of development or amendment of legislation, undertake stakeholder consultation program - Enact legislation/ amendments 	The development of an integrated legislation model could assist in implementing the four conventions and provide a holistic framework for both implementation and environmentally sound chemical management.	
Suggestions for specific workshops on legislation & awareness-raising programs.	<ul style="list-style-type: none"> - Involve relevant stakeholders, eg decision-makers, public, NGOs, Industry / private sector, in the workshops. 	Workshops on legislation and awareness-raising could be coordinated and information on the four conventions, their rationale and their legislative needs provided.	Coordination at regional level would make this even more cost effective and provide better access to the range of expertise.
Training of legal officers on environment & waste issues	<ul style="list-style-type: none"> - Identity needs - Train and develop kits on environmental & legal matters. 	Training of legal officers for all conventions could be provided simultaneously.	Regional training & kit development would be optimal.

Monitoring & Enforcement Requirements

MONITORING AND ENFORCEMENT REQUIREMENTS

Item	Activity	Relevance to Conventions	Regional Opportunities
The Control System	<ul style="list-style-type: none"> - Identify resources and personnel requirements - Identify essential components of a control system and its set up - Compare the benefits and costs of regional versus national control systems - Identify capacity building needs 	Designing a coordinated control system for all conventions would be both cost effective and efficient.	A coordinated regional control system would provide ease of monitoring & enforcements.

Training & Personnel	<ul style="list-style-type: none"> - Identification of personnel requirements - Identify minimum requirements for the setting up of a monitoring and enforcement system - Analyse costs & benefits of regionalisation of systems versus in-country - Assess capacity building needs 	Monitoring and enforcement will be more efficient if they are designed to address the needs of the 4 conventions in a coordinated way.	A coordinated regional monitoring and enforcement system would lead to cost savings.
Education of private & public sectors	<ul style="list-style-type: none"> - Develop information material to highlight the need for dealing with hazardous chemicals & waste - Use material to educate & involve the public for ownership & enforcement 	Information material will be most effective if it deals with the problem of waste & hazardous chemicals as a whole.	SPREP assist countries to source and/or develop educational materials
Information systems & exchange	<ul style="list-style-type: none"> - Identify & assess information needs - Assess access to UN material, eg PIC decision guidance documents & UNEP/GEF technical documents - Identify regional information sources, eg UNU 	A consolidated information system that could serve the needs of the 4 conventions would promote sound chemical management as well.	SPREP facilitate the development of a regional information repository.
Assistance from Convention Secretariats	<ul style="list-style-type: none"> - Identify resources & assistance needed 	All Convention Secretariats provide information as well as technical advice	SPREP coordinate assistance
Compliance and enforcement strategy to indicate priorities, needs, barriers & partnerships	<ul style="list-style-type: none"> - Develop a cooperative compliance & enforcement strategy framework for the Region - Countries further develop regional strategy to reflect their priorities 	All 4 conventions require some form of compliance & an overall enforcement strategy framework would assist in coordination across departments & countries.	SPREP coordinate the regional strategy for compliance & enforcement
Investigation of illegal trafficking and/or illegal use	<ul style="list-style-type: none"> - Establish role of customs and other agencies - Preparation of working arrangements, eg MOU, working group/ taskforce 	The role of customs is essential for all 4 conventions, as they all incorporate import & export obligations	Regional training for customs services could benefit from experience of Australia & New Zealand



Capacity Building Through Training, & Information Management & Sharing

Item	Activity	Relevance to Conventions	Regional Opportunities
Training	- Identify and address training needs at national level for the management of chemicals and hazardous waste & at regional & international level (including negotiation skills)	Many training needs will be common to the 4 conventions.	Regional training would provide cost/benefits, greater efficiency & better access to expertise
Network of professionals dealing with hazardous waste	- Identify regional experts to deal with technical & legal issues - Make available through the clearing house mechanism of SPREP	Regional experts in technical & legal issues are likely to have skills and expertise suitable for the needs of the 4 conventions	SPREP maintain a clearing house of technical and legal experts
Strategies on information requirements	- Assess software and hardware, its accessibility & personnel needs - Develop regional databases where appropriate or utilise existing databases - Develop or use existing guidelines on how to access & better use information & improve information flows- Develop/adapt "how to/what for" manuals	The information needs of the 4 conventions are complimentary. UN sites provide gateways to extensive existing chemical databases & procedural manuals	SPREP coordinate information consolidation & access
Access Regional Centres for Training and Technology Transfer	- Assess technology transfer needs - Design and conduct general training workshop	The four conventions acknowledge the need for technical capacity building.	SPREP coordinate with regional centres to respond to technology transfer needs
Financial aspects	- Identify priorities for funding - Identify funding sources (eg GEF, UNIDO)		SPREP coordinate with the four Secretariats to develop joint funding programs/partnerships
Promote and enhance stakeholder partnerships	- Develop inter-agency stakeholder cooperation through appropriate mechanisms	The stakeholders associated with the conventions are likely to be similar. Consultations and partnerships would serve the needs of the 4 conventions	SPREP coordinate and seek synergy with relevant secretariats & other stakeholders (eg through partnerships)
Awareness programs	Develop awareness and public information programs targeted at decision-makers, public/community, religious leaders, industry, academia and relevant agencies, (eg, environmental officers, local authorities, Customs, police trade)	The conventions require awareness raising to ensure effective implementation while the SC & RC have specific obligations for public information.	SPREP coordinate the development of regional awareness programs that can be adapted to reflect local concerns.

**ENVIRONMENTALLY SOUND MANAGEMENT OF
HAZARDOUS WASTE AND
TOXIC CHEMICALS**

Item	Activity	Relevance to Conventions	Regional Opportunities
Components of environmentally sound management of toxic chemicals and hazardous waste	<ul style="list-style-type: none"> - Identify different phases of chemical management, eg registration, import, use, disposal - Identify management components 	The BC, WC & SC require environmentally sound management of chemicals	This exercise could be undertaken through regional workshops
Development of Chemical Use Strategy	<ul style="list-style-type: none"> - Review & adapt other countries' agricultural & veterinary chemical strategy - Identify registration data or national systems that could be of assistance with agricultural & veterinary or industrial chemicals 	The 4 conventions cover all phases of a chemical's life cycle from registration and import to use and final disposal/destruction.	SPREP identify regional resources to support strategy development.
Development of Hazardous Waste Management Strategy	<ul style="list-style-type: none"> - Set intermediate goals for stabilising hazardous wastes generated eg waste segregation at source, waste recycling, re-use, or reclamation, etc and upgrading of existing facilities - Identify industrial chemicals used and potential waste phase - Set long term goal of waste reduction or prevention and its environmentally sound management - Investigate national, regional-based, or mobile facilities for waste treatment and disposal - Adopt or adapt standards & guidelines for OH&S standards and monitoring of workers - Identify and involve stakeholders - Identify resource & capacity needs (including human, finance, technology) - Consider financial implications, eg sources of funding, incentive schemes - Develop action plans to address specific waste problems - Develop monitoring & compliance mechanisms - Review & evaluate action plans- Explore alternatives including cultural or traditional knowledge or practices - Further develop the hazardous waste management strategy into national waste management strategy 	A hazardous waste management strategy will help fulfil the obligations of the SC, BC & WC.	A regional template for a hazardous waste management strategy could be developed using the experience of the Secretariat but also of Waigani participating countries like Australia & New Zealand

Management of existing Stockpiles	<ul style="list-style-type: none">- Update existing inventories- Assess conditions & ensure adequate labelling, storage & security- Implement best practice for in-country solutions- Export of hazardous waste for recovery or final disposal- Implement best practice rehabilitation of contaminated sites	Three conventions, SC, BC & WC address issues of stockpile identification and management as well as final destruction or disposal.	SPREP is assisting through the POPs in PIC program
-----------------------------------	--	--	--

 SPREP Waigani Convention Handbook

LIST-OF-LLVM-LEGENDS

LIST-OF-LLVM-LEGENDS

לְאַתְּ לְעַמְּךָ אֶת־בְּנֵי־יִשְׂרָאֵל



INTER-LINKAGES Reference Material

This section provides ready access to reference material on synergies and coordination in multilateral environment agreements, as well as information on other relevant Conventions.



[Clustering the Conventions]

[The Hazardous Chemicals and Waste Conventions, Clustering the Conventions, Secretariat of the Basel Convention, Interim Secretariat of the Rotterdam Convention, Interim Secretariat of the Stockholm Convention \(July 2002\)](#)

#Adobe pdf file 592KB



[Inter-Linkages]

[Inter-Linkages, Synergies and Coordination between Multilateral Environmental Agreements \(July 1999, Tokyo, Japan\)](#)

United Nations University

#Adobe pdf file 529KB



[Inter-Linkages]

[Regional & National Approaches in Asia and the Pacific Inter-linkages: Synergies and Coordination among Multilateral Environmental Agreements \(January 2002, Tokyo, Japan\)](#)

United Nations University

#Adobe pdf file 469KB



[Inter-Linkages]

[Pacific Islands Case Study, Inter-linkages: Synergies and Coordination among Multilateral Environmental Agreements \(July 2002, Tokyo, Japan\)](#)

United Nations University & SPREP

#Adobe pdf file 1,034KB



[Marine Pollution]

[Pacific Islands Handbook of International Marine Pollution Conventions](#)

SPREP, (Apia 2000)

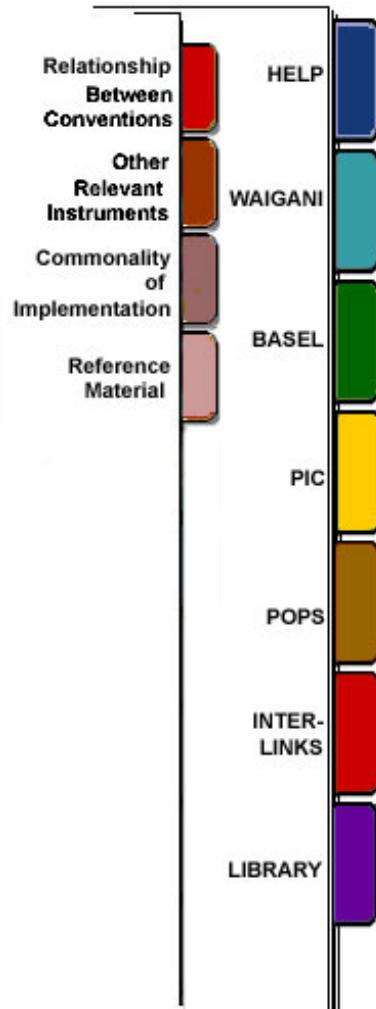
#Adobe pdf file 632KB



National Profile to Assess the National Infrastructure for Management of Chemicals A Guidance Document

UNITAR

#Adobe pdf file 562KB





REFERENCE LIBRARY



REFERENCE LIBRARY CATALOGUE

This section of the Handbook contains a collection of electronic documents relating to the conventions and chemical management.

The subchapter tabs on the right provide quick access to specialised information resources and contacts.

The Fact Sheet section gives access to relevant fact sheets that can be used for education and information dissemination.

The full Library can be accessed by using the above Reference Library Catalogue. Click on the alphabet letter that represents the subject required or scroll down to view the complete listings in the library.

To open a document click on the icon next to the title text.



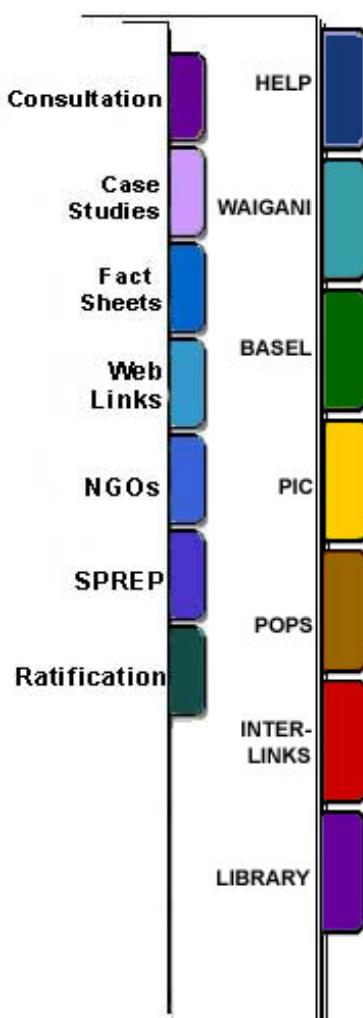
The book icon indicates a report or large document.



This icon indicates a short document or a form.



This icon indicates a resources such as a slide show or other educational material.



This is the A section of the catalogue.



This is the B section of the catalogue.



[TRANSBOUNDARY MOVEMENT OF WASTE - Notification Form](#)

This form can be printed and filled out as required.

#Adobe pdf file 24KB



[TRANSBOUNDARY MOVEMENT OF WASTE - Movement Form](#)

This form can be printed and filled out as required.

#Adobe pdf file 24KB



[Guidance Document on the Preparation of Technical Guidelines for the Environmentally Sound Management of Wastes Subject to the Basel Convention](#)

Basel Convention Secretariat

#Adobe pdf file 41KB



[Guide to the Basel Convention Control System for Hazardous Wastes](#)

Guide to the Control System Instruction Manual (February 1998)



[Basel]

[Basel Convention Implementation Manual](#)

Basel Convention Secretariat

#Adobe pdf file 75KB



[Basel]

[Guidance Document on Transboundary Movements of Hazardous Wastes Destined for Recovery Operations](#)

#Adobe pdf file 70KB



[Basel]

[Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and Their Disposal and of the Decision Regarding the Basel Protocol.](#)

#Adobe pdf file 29KB



[Basel]

[National Enforcement Requirements](#)

#Adobe pdf file 29KB



[Basel]

[Model National Legislation](#)

#Adobe pdf file 48KB



[Basel]

[Technical Guidelines on Wastes Collected from Households](#)

#Adobe pdf file 15KB



[Basel]

[Technical Guidelines on Waste Oils from Petroleum Origins and Sources](#)

#Adobe pdf file 18KB



[Basel Action Network]

[Exporting Harm, The High-Tech Trashing of Asia](#)

February 25, 2002

The Basel Action Network (BAN)

Silicon Valley Toxics Coalition (SVTC)

#Adobe pdf file 1,632 KB



This is the C section of the catalogue.



[Clean Production]

[Citizen's Guide to Clean Production](#)

Beverley Thorpe

Produced for the Clean Production Network August, 1999

#Adobe pdf file 761KB

[\[Clustering the Conventions\]](#)

[The Hazardous Chemicals and Waste Conventions, Clustering the Conventions, Secretariat of the Basel Convention, Interim Secretariat of the Rotterdam Convention, Interim Secretariat of the Stockholm Convention \(July 2002\)](#)

#Adobe pdf file 592KB

[\[Computer Waste\]](#)

[Exporting Harm/The High-Tech Trashing of Asia](#)

February 25, 2002

The Basel Action Network (BAN)

Silicon Valley Toxics Coalition (SVTC)

#Adobe pdf file 1,632 KB

[\[Consultation\]](#)

[Community Involvement In Scheduled Waste Management](#)

Mariann Lloyd-Smith

#Adobe pdf file 53KB

[\[Consultation\]](#)

[Problem Solving Through Effective Community Consultation](#)

Dr. P. Brotherton

#Adobe pdf file 37KB

[\[Customs\] Australian Customs Service Export Control Volume 12.](#)

#Adobe pdf file 835KB

[\[Customs\]](#)

[Australian Customs Service Community Protection Volume 5.](#)

#Adobe pdf file 1963KB



This is the D section of the catalogue.

[\[Dioxin\]](#)

[Dioxin and Furan Inventories, National and Regional Emissions of PCDD/PCDF](#)

United Nations Environment Programme

#Adobe pdf file 661 KB

[\[Dioxin\]](#)

[Standardized Toolkit for Identification and Quantification of Dioxin and Furan Releases](#)

United Nations Environment Programme

#Adobe pdf file 1,045KB

[\[Dioxin\]](#)

[Chlorine, Combustion and Dioxins: Does Reducing Chlorine in Wastes Decrease Dioxin Formation in Waste Incinerators?](#)

Pat Costner September 10, 2001

#Adobe pdf file 1,018KB



[Dioxin]

[Zero Toxics, Sources of by-product POPs and their Elimination](#)Darryl Luscombe and Pat Costner
Greenpeace International Toxics Campaign May 2001

#Adobe pdf file 109KB



This is the E section of the catalogue.



[Environmentally Sound]

[Guidance Document on the Preparation of Technical Guidelines for the Environmentally Sound Management of Wastes Subject to the Basel Convention](#)

Basel Convention Secretariat

#Adobe pdf file 41KB



This is the F section of the catalogue.



[Funding]

[Sample Application Form for Global Environment Facility Funding for National Implementation Plans](#)

#Adobe pdf file 27KB



This is the G section of the catalogue.



[GEF Funding]

[Sample Application Form for Global Environment Facility Funding for National Implementation Plans](#)

#Adobe pdf file 27KB



[GEF]

[Global Environment Facility Initial Guidelines for Enabling Activities for the Stockholm Convention on Persistent Organic Pollutants \(2001\)](#)

#Adobe pdf file 79KB



This is the H section of the catalogue.



[Household]

[Technical Guidelines on Wastes Collected from Households](#)

#Adobe pdf file 15KB



This is the I section of the catalogue.



[\[Inter-Linkages\]](#)

[Inter-Linkages, Synergies and Coordination between Multilateral Environmental Agreements](#)

United Nations University

#Adobe pdf file 529KB



[\[Inter-Linkages\]](#)

[Regional & National Approaches, United Nations University Synergies and Coordination among MEAs: Regional & National Approaches](#)

United Nations University

#Adobe pdf file 469KB



[\[Inter-linkages\]](#)

[Pacific Islands Countries Case Study, Inter-linkages: Synergies and Coordination among Multilateral Environmental Agreements \(July 2002, Tokyo, Japan\)](#)

United Nations University & SPREP

#Adobe pdf file 1,034KB



[\[Inventory\]](#)

[Inventory of PCB-Containing Equipment](#)

UNITAR form

#Adobe pdf file 596KB



This is the J section of the catalogue.



This is the K section of the catalogue.



This is the L section of the catalogue.



[\[Legislation\]](#)

[Guidance On Chemicals Legislation: Overview](#)

United Nations Environment Programme

Environmental Law and Institutions Programme Activity Center

International Register of Potentially Toxic Chemicals

#Adobe pdf file 179 KB



[\[London Convention\]](#)

[Convention on the Prevention Of Marine Pollution by Dumping of Wastes and Other Matter, 1972](#)

#Adobe pdf file 62 KB

[\[London Convention\]](#)[1996 Protocol to the Convention on the Prevention Of Marine Pollution by Dumping of Wastes and Other Matter, 1972 and Resolutions Adopted by the Special Meeting](#)

#Adobe pdf file 72 KB



This is the M section of the catalogue.

[\[Marine Pollution\]](#)[Pacific Islands Handbook of International Marine Pollution Conventions](#)

SPREP, Apia 2000

#Adobe pdf file 632KB

[\[Marine Pollution\]](#)[Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972](#)

#Adobe pdf file 62 KB

[\[Marine Pollution\]](#)[1996 Protocol to the Convention on the Prevention Of Marine Pollution by Dumping of Wastes and Other Matter, 1972 and Resolutions Adopted by the Special Meeting](#)

#Adobe pdf file 72 KB

[\[Medical Waste\]](#)[Medical Waste Treatment Strategies and Technologies: A Basic Overview for Developing Countries](#)

Glenn McRae

#Adobe pdf file 17KB



This is the N section of the catalogue.

[\[National Focal Points\]](#)[SPREP National Focal Points](#)

ID_No. SPREP National Focal Points

#Adobe pdf file 45KB

[\[National Profile\]](#)[National Profile to Assess the National Infrastructure for Management of Chemicals A Guidance Document](#)

UNITAR

#Adobe pdf file 562KB



[Nuclear]

[South Pacific Nuclear Free Zone Treaty](#)

#Adobe pdf file 33KB



This is the O section of the catalogue.



[Oil]

[Technical Guidelines on Waste Oils from Petroleum Origins and Sources](#)

#Adobe pdf file 40KB



This is the P section of the catalogue.



[Pacific Islands]

[Pacific Islands Countries Case Study, Inter-linkages: Synergies and Coordination among Multilateral Environmental Agreements](#)

July 2002, Tokyo, Japan

United Nations University & SPREP

#Adobe pdf file 1,034KB



[PCB]

[Guidelines for the Identification of PCBs & Materials Containing PCBs](#)

UNITAR

#Adobe pdf file 290KB



[PCB]

[Inventory of PCB-Containing Equipment](#)

UNITAR

#Adobe pdf file 596KB



[PCB]

[PCB Transformers & Capacitors from Management to Reclassification & Disposal \(May 2002\)](#)

UNITAR

#Adobe pdf file 299KB



[PIC]

[Instructions for Submission of Notification of Final Regulatory Action to Ban or Severely Restrict a Chemical](#)

#Adobe pdf file 99KB



[PIC]

[Form for Notification of Final Regulatory Action to Ban or Severely Restrict a Chemical](#)

#Adobe pdf file 32KB



[PIC]

[Form For Importing Country Response](#)

#Adobe pdf file 24KB



[PIC]

[Severely Hazardous Pesticide Formulation \(SHPF\) Report Form](#)

#Adobe pdf file 35KB



[PIC]

[Proceedings of the Subregional Awareness Raising Workshop on the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, Bangkok, Thailand, 8-11 December 1998](#)

#Adobe pdf file 1,513KB



[PIC]

[PIC Circular XIII Implementation of the Interim PIC Procedure June 2001](#)

#Adobe pdf file 606KB



[PIC]

[PIC Circular XIV Implementation of the Interim PIC Procedure December 2001](#)

#Adobe pdf file 748KB



[Pest] [POPs]

[Reducing and Eliminating the Use of Persistent Organic Pesticides - Guidance on Alternative Strategies for Sustainable Pest and Vector Management \(Geneva, 2002\)](#)

#Adobe pdf file 1507KB



[POPs]

[Global Environment Facility Initial Guidelines for Enabling Activities for the Stockholm Convention on Persistent Organic Pollutants \(2001\)](#)

#Adobe pdf file 79KB



[POPs]

[POPs Implementation Kit](#)

UNDP-GEF

#Adobe pdf file 513KB



[POPs]

[Management of POPs in Pacific Island Countries](#)

SPREP

#Adobe pdf file 788KB



[POPs]

[Subregional Workshop on Support for the Implementation of the Stockholm Convention on Persistent Organic Pollutants \(POPs\) \(Bangkok, Thailand 2001\)](#)

#Adobe pdf file 6375KB



[POPs]

[Subregional Workshop on Chemicals Policy and Legislation with the Special Emphasis on the](#)

[Reduction and Elimination of Persistent Organic Pollutants \(POPs\) \(Ghana 2001\)](#)

#Adobe pdf file 4,539KB



[POPs]

[Technical Guidelines for Environmentally Sound Management of Persistent Organic Pollutant Wastes -DRAFT](#)

#Adobe pdf file 744KB



[POPs]

[Master List of Actions on the Reduction and/or Elimination of the Releases of Persistent Organic Pollutants, Third Edition](#)

#Adobe pdf file 1,048KB



[POPs]

[The Stockholm Convention A presentation by the chair Dr. Buccini given to the World Bank in 2001](#)

[SLIDE SHOW]

#Adobe pdf file 44KB



[POPs]

[Persistent Organic Pollutants, An Assessment Report on:](#)[DDT-Aldrin-Dieldrin-Endrin-Chlordane Heptachlor-Hexachlorobenzene Mirex-Toxaphene](#)[Polychlorinated Biphenyls Dioxins and Furans](#)L. Ritter, K.R. Solomon, J. Forget
Canadian Network of Toxicology Centres

#Adobe pdf file 117KB



[POPs]

[Inventory of Information Sources on Chemicals Inventory of Information Sources on Chemicals Persistent Organic Pollutants](#)

United Nations Environment Programme

#Adobe pdf file 476KB



This is the Q section of the catalogue.



This is the R section of the catalogue.



[Radioactive]

[Code of Practice on the International Transboundary Movement of Radioactive Waste \(13 November 1990\)](#)

International Atomic Energy Agency

#Adobe pdf file 25KB

[Regional] [Regional & National Approaches in Asia and the Pacific Inter-linkages:](#)[Synergies and Coordination among Multilateral Environmental Agreements \(January 2002, Tokyo, Japan\)](#)

United Nations University

#Adobe pdf file 469KB



[Regional]

[GEF PDF-B, Regionally Based Assessment of Persistent Toxic Substances 1st Scientific and Technical Evaluation Workshop on Persistent Manufactured Chemicals Produced for Non-Agricultural Applications, Persistent Toxic and Persistent Unintentional Byproducts of Industrial and Combustion Processes \(Geneva, January 11-15, 1999\)](#)

#Adobe pdf file 159KB



This is the S section of the catalogue.



[South Pacific]

[South Pacific Nuclear Free Zone Treaty](#)

#Adobe pdf file 33KB



[SPREP]

[SPREP National Focal Points](#)

#Adobe pdf file 45KB



[SPREP]

[Feasibility Study, For The Establishment Of A Pacific Regional Centre For The Joint Implementation Of The Basel And Waigani Conventions Integrated With The South Pacific Regional Environment Programme \(SPREP\)](#)

#Adobe pdf file 1,018KB



[Stockholm Convention]

[Stockholm Convention A presentation](#)

by the chair Dr. Buccini given to the World Bank in 2001 [SLIDE SHOW]

#Adobe pdf file 44KB



[POPs]

[Subregional Workshop on Support for the Implementation of the Stockholm Convention on Persistent Organic Pollutants \(POPs\) \(Bangkok, Thailand 2001\)](#)

#Adobe pdf file 637KB



[POPs]

[Subregional Workshop on Chemicals Policy and Legislation with the Special Emphasis on the Reduction and Elimination of Persistent Organic Pollutants \(POPs\) \(Ghana 2001\)](#)

#Adobe pdf file 4,539KB

For Stockholm Convention see - POPs

For Synergies and Coordination see InterLinkages



This is the T section of the catalogue.



[Techno Trash]

[Exporting Harm, The High-Tech Trashing of Asia](#)

February 25, 2002

The Basel Action Network (BAN)

Silicon Valley Toxics Coalition (SVTC)

#Adobe pdf file 1,632 KB



This is the U section of the catalogue.

United Nations University see Inter-Linkages



This is the V section of the catalogue.



This is the W section of the catalogue.



[Waigani]

[Report of the First Meeting of the Conference of the Parties to the Waigani Convention \(20](#)

[July, 2002, Majuro, Marshall Islands\)](#)

#Adobe pdf file 386KB

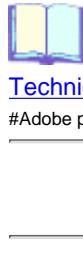


[Waste]

[Management of Wastes in Small Island Developing States](#)

UNEP

#Adobe pdf file 33KB



[Waste]

[Technical Guidelines on Wastes Collected from Households](#)

#Adobe pdf file 15KB



This is the X section of the catalogue.



This is the Y section of the catalogue.



This is the Z section of the catalogue.



SPREP Waigani Convention Handbook

REFERENCE LIBRARY

REFERENCE LIBRARY

REFERENCE LIBRARY

REFERENCE LIBRARY

REFERENCE LIBRARY

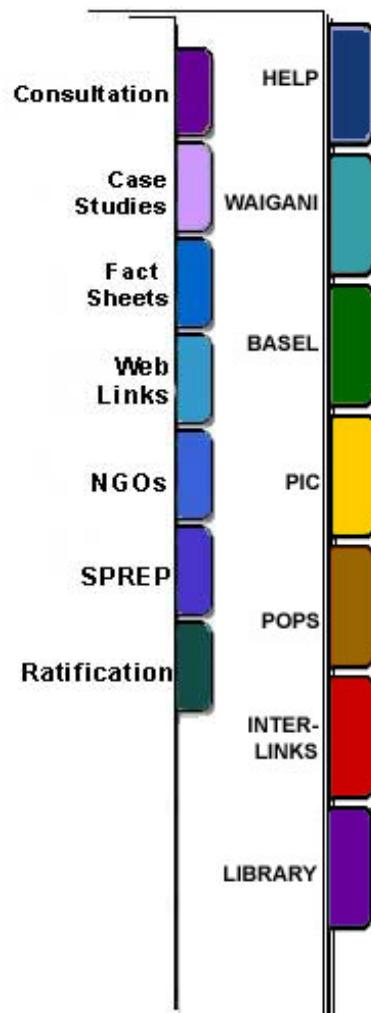


REFERENCE LIBRARY

Consultation

This section provides information on community consultation including the elements of good consultation and the experience of community involvement in hazardous waste management.

- Elements of Good Consultation
- Community Involvement In Scheduled Waste Management
- Problem Solving Through Effective Community Consultation



Elements of Good Consultation

Effective consultation with non government stakeholders including business and civil society can improve joint problem identification and foster cooperative solutions. Involvement by civil society can increase the degree of ownership of implementation measures and most importantly, help build the political will to ensure adequate resources to both implement the MEAs and establish environmental sound management of toxic chemicals and hazardous waste.

• Consultation Principles

A good dialogue must be based on a principled approach. Carson provides ten guiding principles for community consultation; timeliness, inclusiveness, community focus, interactive and deliberative, effectiveness, flexibility, cost effectiveness, well facilitated, open, fair and subject to evaluation and most importantly, making it matter.

Once the principles are established they can be developed into a consultation protocol.

• Community Consultation Protocol

A protocol for community consultation explains the aims of the process and outlines the principles on which it will be based. It provides a publicly accessible document that can be used as a 'yardstick' to measure the process. In preparing the protocol, it is important to be explicit about the objectives of the consultation and clearly define the share in decision making process being offered.

• Good Planning in Cooperation with Participants

Community consultation needs good planning in cooperation with participants. It is important to seek early advice from stakeholders on advertising, venues, dates and any special needs of potential participants.

Some recommended steps of the planning process include:

- define the scope of the problem being addressed
- review past examples and experiences in community involvement
- describe the geographical area affected
- describe demographics covered by the issue
- define budgetary limitations
- break the process down into achievable and defined units
- develop realistic timeliness
- develop a review, monitoring and feedback process.

• A Comprehensive Contact Database

Effective involvement consultation requires a comprehensive up-to-date database of interested individuals, stakeholders and representative organisations. If key stakeholders are omitted from the process, even for a short time, it can seriously affect the credibility of the whole process. It is important to be as inclusive as possible, provide opportunities for all interested parties to be involved and when contacting organisations allowing sufficient time for notification to 'filter' down to local representatives. It is important to consider at an early stage those stakeholders or entities unable to directly participate but whose interests are affected.

• Communication About the Dialogue

It is essential to communicate widely about the proposed process to ensure all that are

interested are aware of the consultation and foster an open and inclusive approach. The choice of how the process is advertised is influenced by the available resources but some of the most appropriate and cost-effective approaches involve stories and interviews in local newspapers, radio interviews, local TV news spots and direct networking with stakeholder groups.

• Negotiation of the Rules

It is important to negotiate an understanding between all the participants about process and its protocols. Most importantly, the level to which participants will be able to influence outcomes needs to be discussed. "Effective public involvement needs to be a structured process, where the agreed rules of engagement are clearly articulated and acceptable to key stakeholders."

• Appropriate Resourcing

Some times interested parties cant participate because of logistical or financial limitations. Often the provision of childcare or travel assistance can address this but there are situations where a sitting fee is essential. In government or industry initiated processes, if stakeholders are expected to commit large amounts of time either attending meetings or reviewing material, it is unreasonable to expect them to do so when they may suffer financial loss as a consequence of their involvement.

• Community Capacity Building

Much chemical information is technical, complex and often difficult for the lay community to effectively utilise. So to ensure informed discussion of the impacts, risks and benefits of particular policy or environmental decision, often process of skills or knowledge development are needed. But consultation processes need to accept the right of stakeholders to relevant information, in a suitable language and format.

• Joint Fact Finding

Joint fact-finding among stakeholders can be useful for tapping into local or community knowledge, getting the benefit of industry's expertise and the knowledge base of educational institutions.

• Decisions Audits

To achieve confidence in the consultation, a record of the dialogue process, listing questions and comments matched with the responses, allows participants to track the issue and understand the dynamics of the outcome. A decision audit should then list the major decision outcomes.

• Monitoring and Review

Consultation processes need follow up and feedback and notifying participants of the outcomes is a common courtesy. A review of the outcomes and feedback about their implementation will enhance public trust and build on the body of knowledge.



Community Involvement In Scheduled Waste Management

ABSTRACT

National Advisory Body on Scheduled Waste (NAB)

The cooperative development of management plans for the scheduled wastes, PCBs, HCBs and organochlorine pesticides is a positive example of the benefits of community participation in environmental decision making. The problem of Australia's intractable waste had remained unresolved through over a decade of committees, investigations and panels. In 1992, acting on the advice of an Independent Panel on Intractable the Commonwealth and State Environment Ministers as ANZECC announced they would abandon any further attempt to establish a centralised high temperature incinerator. In 1994, ANZECC formed the National Advisory Body on Scheduled Waste (NAB), comprised of representatives from community, industry and environment groups as well as local government. While the negotiation and consultation process was arduous and intense, this consultative forum provided ongoing opportunities for input from interested groups and the general community and as well, a safe venue for open and honest dialogue between industry and environment groups. The relative success of the NAB process was due to its inclusiveness, its transparency and its commitment to equity.



Community Involvement In Scheduled Waste Management

Mariann Lloyd-Smith

ID_No. c2008 #Adobe pdf file 53KB



Problem Solving Through Effective Community Consultation

Introduction

In many countries, for 20 years or more, issues relating to the treatment and disposal of hazardous wastes have often created great controversy. Australia has witnessed its share of such controversy. Over the past few years, governments working together with key stakeholders have moved towards a resolution of Australia's longest-running and most controversial hazardous waste issue, the treatment and disposal of stable organochlorine wastes.



[Problem Solving Through Effective Community Consultation](#)

Dr. P. Brotherton

ID_No. c2007 #Adobe pdf file 37KB



SPREP Waigani Convention Handbook



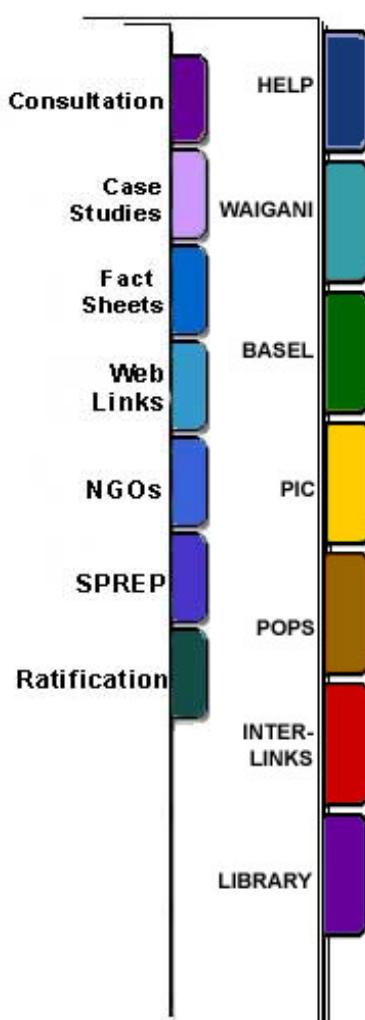
REFERENCE LIBRARY

Case Studies

Case studies are an important learning and capacity building tool for chemical management. As such, the Waigani Convention Handbook has been designed with the flexibility to incorporate at a later date, case studies in chemical management in the South Pacific.

If you know of or would like to contribute appropriate case studies, please contact SPREP.

SPREP Waigani Convention Handbook





REFERENCE LIBRARY

Fact Sheets

This section provides fact sheets and other educational material for the interested wider community.

FACT SHEETS

The Conventions at a Glance
Fact sheets on the Four Chemical Conventions.

-  [The Waigani Convention at a Glance](#)
-  [The Basel Convention at a Glance](#)
-  [The Rotterdam Convention at a Glance](#)
-  [The Stockholm Convention at a Glance](#)

WWF Global Toxic Chemicals Initiative fact sheets.

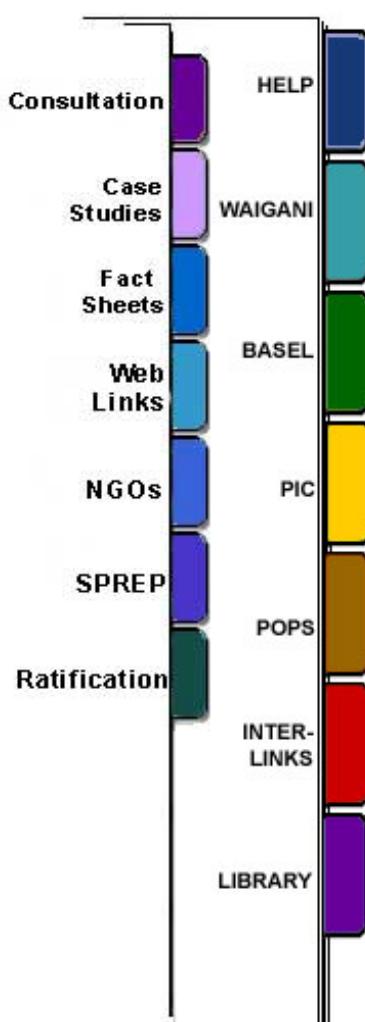
-  [HCB \(Hexachlorobenzene\)](#)
-  [PCBs \(Polychlorinated biphenyls\)](#)
-  [Chlordane](#)
-  [DDT](#)
-  [Dieldrin](#)
-  [Dioxin](#)
-  [Endrin](#)
-  [Heptachlor](#)
-  [Mirex](#)
-  [Toxaphene](#)

SLIDE SHOW



- [A presentation on the Stockholm Convention](#)

A presentation on the Stockholm Convention on Persistent Organic Pollutants by the Chair Dr. Buccini given to the World Bank in 2001
#Adobe -44KB





REFERENCE LIBRARY

Resource Contacts

Web Links



- Waigani Convention Links
- Basel Convention Links
- Rotterdam Convention Links
- Stockholm Convention Links
- Inter-Linkages Links
- Information for Small Island States Links
- General Chemical Management Links
- Australian and New Zealand Links



1. Waigani Convention

Waigani Convention Secretariat
South Pacific Regional Environment Programme (SPREP)
<http://www.sprep.org.ws>

Waigani Convention Status Report
<http://www.sidsnet.org/mir/pacific/forumsec/docs/statuswc.htm>

Waigani Convention: A Leaky Treaty?
<http://www.antenna.nl/wise-database/444/4401.html>



2. Basel Convention

Basel Convention Homepage
<http://www.basel.int/>

Proposal for Basel Convention Workshop on Lead-Acid Batteries
<http://193.247.37.2/pops/aitmp/battery.doc>

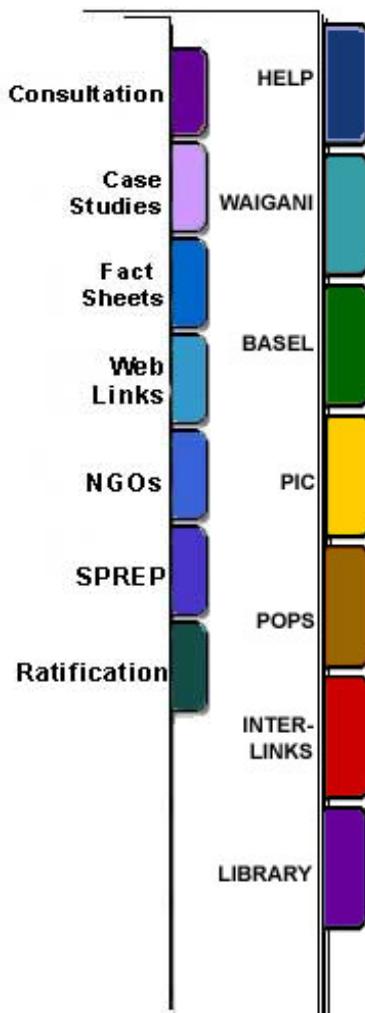
Training Programme on the Implementation of the Basel Convention
<http://www.unitar.org/cwm/homepage/b/basel/index.htm>

Regional Project for the Environmentally Sound Management of Used Oil in the Caribbean (2002 - 2003).
<http://www.unep.ch/basel/centers/ProgrammeActivities/UOCaribbean/UsedOilCaribbean.htm>

Regional Project for the Environmentally Sound Management of Used Oil in several English speaking African countries (2002).
<http://www.unep.ch/basel/centers/ProgrammeActivities/UOEEnglishAfrica/UsedOilAfrica.htm>

Regional Project for the Environmentally Sound Management of Lead-acid Batteries in the Caribbean and Central America (2001 - 2002).
<http://www.unep.ch/basel/centers/ProgrammeActivities/LABCaribbean/LABCcaribbean.htm>

Regional Programme for the Preparation of National Inventories, and National Plans for the Environmentally Sound Management of PCB and PCB Containing Equipments in Central America and Panama in the context of the Basel and the Stockholm Conventions (2002-2003).
<http://www.unep.ch/basel/centers/ProgrammeActivities/PCBCentralAmerica.htm>



3. Rotterdam Convention

Prior Informed Consent homepage
<http://www.pic.int/>

Database of the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade
<http://www.fao.org/pic/>

Information on Food & Agriculture Organisation (FAO) activities relating to the PIC procedure
<http://www.fao.org/ag/agp/agpp/pesticid/pichome.htm>

UNEP Implementation of the existing, voluntary PIC procedure
<http://irptc.unep.ch/pic/volpic/h2.html>

4. Persistent Organic Pollutants

Stockholm Convention homepage
<http://www.pops.int>

Database on POPs alternatives
<http://dbserver.irptc.unep.ch:8887/irptc/owa/ini.init>

Persistent Organic Pollutants in Pacific Island Countries
<http://193.247.37.2/pops/pops%5Finc/proceedings/bangkok/munro.html>

Stockholm Convention on POPs Proceedings:
<http://irptc.unep.ch/sc/documents/implementation/gef/proceedings.htm>

Regionally Based Assessment of Persistent Toxic Substances. Workshop Reports from a Global Environment Facility Project, 1999.
http://www.chem.unep.ch/pops/GEF_project/pops_gef.htm

List of industrial activities and product uses that can create POPs emissions with relevant indicators.
http://www.chem.unep.ch/pops/GEF_project/WS-1/appen_4/sld001.htm

Eastern Caribbean Cooperation on Chemicals Including Persistent Organic Pollutants
<http://193.247.37.2/pops/pops%5Finc/proceedings/cartagena/roopna.html>

POPs Problems, Issues and Management in Suriname
<http://193.247.37.2/pops/pops%5Finc/proceedings/cartagena/monsels.html>

Reports of Subregional Workshop on Implementation
<http://irptc.unep.ch/sc/documents/implementation/gef/>

5. Interlinkages

United Nations University Inter-Linkages Initiative
<http://www.unu.edu/inter-linkages/>

Global Environment Information Centre
<http://www.geic.or.jp>

The Ramsar Convention on Wetlands International Environmental Governance: Multilateral Environmental Agreements (MEAs)
Chapter IV is a summary of proposals presented by MEA secretariats concerning challenges and problems facing environmental conventions and related international agreements
http://www.ramsar.org/key_unep_governance1.htm

6. Information for Small Island States

SIDSnet
<http://www.sids.org>

South Pacific Forum
<http://www.forumsec.org.fj/>

South Pacific Applied Geoscience Commission
<http://www.sopac.org.fj/default.asp>

Pacific Island Development Program
<http://www.ewc.hawaii.edu/pidp/pidp0001.htm>

The UNU Island Gateway
<http://www.geic.or.jp/Islands/index.html>

Islands of the Pacific website and links
http://www.macmeekin.com/Links/Research/pacific_islands.htm

Legal Information System (LIS) of the Federated States of Micronesia (FSM) provides public access to the laws and other legal authority of the FSM and its four states.
<http://www.fsmlaw.org/index.html>

The University of South Pacific School of Law has collected and published in this format a range of judgments, legislation, treaties, conventions and agreements from countries in the South Pacific region. These collections are works in progress
http://www.vanuatu.usp.ac.fj/paclawmat/Paclawmat_MAIN.html

Pacific Islands Legal Material from University of Waikato Law Library
http://www.waikato.ac.nz/library/resources/law/pacific_legal/

The Europe Pacific Solidarity network made up of non-governmental organisations (NGOs) and church organisations in France, Germany, the United Kingdom, the Netherlands, Belgium, Denmark and Switzerland. In 1992 the network started the European Centre on Pacific Issues (ECSIEP) to improve the quantity and quality of the information flow from the Pacific to Europe.
<http://www.antenna.nl/ecsiep/>

Caribbean Regional Environmental Programme (CREP)
<http://www.caribbeanconservation.org/projects/crep/index.html>

Resources on Small Islands
<http://www.gdrc.org/oceans/a-island.html>

UN Sustainable Development: Small Islands
<http://www.un.org/esa/sustdev/sids.htm>

Sustainable Development of Small Island Developing States
<http://www.iisd.ca/sids/>

The Caribbean Sustainable Development Pages
<http://community.wow.net/eclac/home.htm>

Island Resources Foundation
<http://www.irf.org/irhome.htm>

Canada: Institute of Island Studies
<http://www.ypei.ca/~iis/>

Alliance of Small Island States (AOSIS)
<http://www.sidsnet.org/aosis/>

Island Links
<http://www.geic.or.jp/Islands/links.html>

The FAO Programme of Fisheries Assistance for SIDS
<http://www.fao.org/WAICENT/FAOINFO/FISHERY/sids/sids.htm>

UNDP Small Islands Developing States Network
<http://www.sidsnet.org/>

The UNEP Islands Web Site
<http://www.unep.ch/islands.html>

Programme of Action for the Sustainable Development of Small Island States
<http://www.unep.ch/islands/dsidsspoa.htm>

Management of Wastes in Small Island Developing States
<http://www.unep.ch/islands/dd98-7a2.htm> Small Island Environmental Management
A do-it-yourself course and training programme for people living on islands. Includes 46 units explaining the basic principles of island environmental management.
<http://www.unep.ch/siem.htm>

United Nations Documents on Islands
<http://www.unep.ch/islands/#UN>

Islands in Agenda 21, the Barbados Conference, reports to the Commission on Sustainable Development, etc.

Other islands documents
<http://www.unep.ch/islands/#OTHER ISLANDS DOCUMENTS>

PNG Information Sources
<http://www.unitech.ac.pg/ATCDI/info.html>

PapuaNewGuinea Online
<http://www.niugini.com/>

Republic of Kiribati
<http://tskl.net.ki/Kiribati/>

Cook Island Online News
<http://www.cinews.co.ck/>

Republic of the Marshall Islands
<http://www.rmiembassyus.org/>

Solomon Islands Department of Commerce, Employment and Trade
<http://www.commerce.gov.sb/>

Tonga on the NET
<http://www.tongatapu.net.to/>



7. General Chemical Management

UNEP Chemicals
<http://irptc.unep.ch/>

UNEP Chemicals Inventory of Information Sources on Chemicals
<http://irptc.unep.ch/irptc/invent/igo.html>

IPCS INCHEM consolidates information from a number of intergovernmental organizations whose goal it is to assist in the sound management of chemicals.
<http://www.inchem.org>

FAO Pesticide Management Unit
<http://www.fao.org/waicent/FaoInfo/Agricult/AGP/AGPP/Pesticid/Default.htm>

Global Programme of Action for the Protection of the Marine Environment from Land-based Activities
<http://193.247.37.2/gpa%5Ftrial/22policytext.htm>

IOMC The Inter-organization Programme for the Sound Management of Chemicals
<http://www.who.int/iomc/>

WHO/IPCS International Program on Chemical Safety
<http://www.who.ch/pcs/index.htm>

ILO International Labour Organisation
<http://www.ilo.org/ilosearch/public/index.htm>

FAO
<http://www.fao.org>

UNIDO United Nations Industrial Development Organisation
<http://www.unido.org>

OECD Organisation for Economic Cooperation and Development – Environment and Chemicals
<http://www.oecd.org/ehs/>

UNITAR
<http://www.unitar.org>

UNITAR's Training and Capacity Building Programmes in Chemicals and Waste Management
<http://www.unitar.org/cwm/>

The UNITAR Programme to Facilitate the Design and Implementation of National Pollutant Release and Transfer Registers (PRTRs)
<http://www.unitar.org/cwm/homepage/b/prtr/index.htm>

The UNITAR/IPCS Programme on Risk Management Decision-Making for Priority Chemicals
<http://www.unitar.org/cwm/homepage/b/risk/index.htm>

The ILO/UNITAR Programme on Chemical Hazard Communication
<http://www.unitar.org/cwm/homepage/b/hc/index.htm>

The Series of Thematic Workshops on Priority Topics of National Chemicals Management Capacity Building
<http://www.unitar.org/cwm/homepage/c/tw/index.htm>

The Information Exchange Network on Capacity Building for the Sound Management of Chemicals (INFOCAP)
<http://www.unitar.org/cwm/homepage/c/cbn/index.htm>

Global Development Research Centre – Urban Environmental Management
<http://www.gdrc.org/uem/index.html>

IISD International Institute for Sustainable Development
<http://www.iisd.ca/>

The Earth Negotiations Bulletin published by the International Institute for Sustainable Development (IISD).
<http://www.iisd.ca/enbvol/enb-background.htm>



8. Australia and New Zealand

Ministry for the Environment New Zealand
<http://www.mfe.govt.nz/index.html>

Wasteline - Ministry for the Environment's various programmes on waste, including hazardous waste, landfill, used oil
<http://www.mfe.govt.nz/wasteline/content.php?id=1>

Environment Australia
Hazardous Waste Act Home Page
Commonwealth Applications; Hazardous wastes; Legislation; Permits
<http://www.ea.gov.au/industry/hwa/>

National Dioxins Program
<http://www.ea.gov.au/industry/chemicals/dioxins/index.html>

State of Knowledge Report: Air Toxics and Indoor Air Quality in Australia
<http://www.ea.gov.au/atmosphere/airtoxics/sok/chapter1.html>

Scheduled Wastes Management in Australia
<http://www.ea.gov.au/industry/chemicals/swm/>

National Advisory Body on Scheduled Wastes Scheduled Wastes Management Group
Review of the PCB Management Plan Discussion Paper
<http://www.ea.gov.au/industry/chemicals/swm/pubs/pcb-review.pdf>

Cooperative Research Centre for Waste Management and Pollution Control
<http://www.crcwmpc.com.au/>

REFERENCE LIBRARY



REFERENCE LIBRARY NGOs - Non Government Organisations

Non Government Organisations

This section provides information on relevant Non Government Organisations (NGOs).

- ▶ Pacific Islands Association of Non-Governmental Organisations (PIANGO)
- ▶ Pacific Concerns Resource Centre (PCRC)
- ▶ World Wildlife Fund (WWF)
- ▶ Greenpeace
- ▶ Basel Action Network (BAN)
- ▶ International POPs Elimination Network (IPEN)
- ▶ Pesticide Action Network (PAN)
- ▶ National Toxics Network (NTN)



PACIFIC ISLANDS ASSOCIATION OF NON-GOVERNMENTAL ORGANISATIONS (PIANGO)

The Pacific Islands Association of Non-Governmental Organisations (PIANGO) is a regional network of NGO focal points or coordinating bodies known as National Liaison Units (NLUs) based in 22 Pacific Island countries and non-self-governing territories. PIANGO was formally established in 1991 to assist NGOs in the Pacific to initiate action, give voice to their concerns and work collaboratively with other development actors for just and sustainable human development. PIANGO's primary role is to be a catalyst for collective action, to facilitate and support coalitions and alliances on issues of common concern, and to strengthen the influence and impact of NGO efforts in the region.

PIANGO provides an On-Line Resource Documents section on their website which includes the 'PIANGO Monthly' and reports of the meetings of the PIANGO Council. Their website also provides an extensive list of other websites of interest to NGOs and regulators in the South Pacific.

Further information is available at <http://www.piango.org>

Contact :

Pacific Islands Association of Non-Governmental Organisations (PIANGO)
Secretariat
PO Box 164
Port Vila, Vanuatu
Tel: (678) 25607
Fax: (678) 25609
e-mail: piango@vanuatu.com.vu



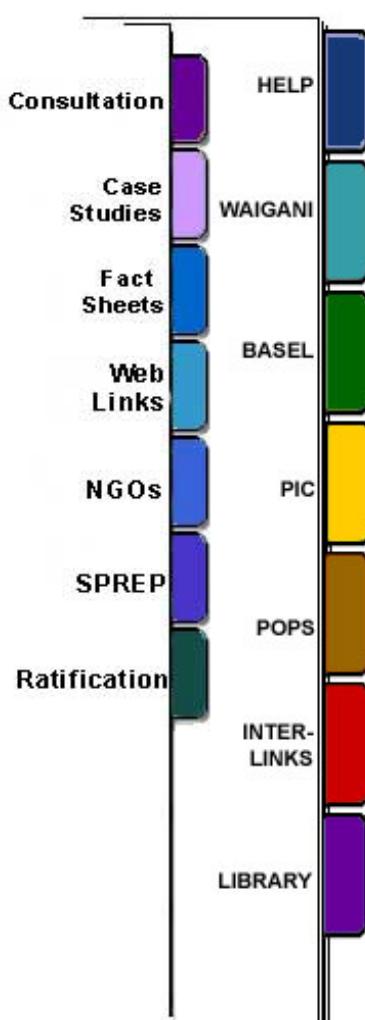
PACIFIC CONCERN RESOURCE CENTRE (PCRC)

The Pacific Concerns Resource Centre is the secretariat of the Nuclear Free and Independent Pacific movement with over a hundred member and affiliates consisting of NGOs and local groups from the Pacific Region. PCRC works on issues of Decolonisation, Demilitarisation, Environment, Sustainable Human Development and Human Rights and Good Governance. The Environment Desk conducts campaigns on Oceans, Climate Change and the management of trans-shipment of toxic and hazardous wastes (including high level radioactive wastes). Campaign activities include advocacy education and training, public awareness and lobbying key policy-makers and institutions, using the media and networking with other interest groups, facilitating civil society participation in decision-making and action and producing awareness raising materials.

Further information is available at <http://www.pcrc.org.fj>

Contact :

Pacific Concerns Resource Centre
Private mail Bag, Suva, Fiji.
Tel: (679) 3304649
Fax: (679) 3304755
e-mail: pcrc@connect.com.fj



WORLD WILDLIFE FUND (WWF)

WWF is a global organisation addressing the accelerating destruction of the natural world. WWF is a network with a central secretariat located in Switzerland, known as WWF International. Its role is to coordinate the WWF network of offices around the world, through developing policies and priorities, fostering global partnerships, coordinating international campaigns, and providing support. WWF has a Global Toxics Program and has been active in the development and monitoring of the Stockholm Convention on Persistent Organic Pollutants.

WWF International and the WWF network provides a wide range of information and reports on the effects of toxic chemicals, their management and destruction. WWF publishes factsheets on the POPs chemicals, explaining their effects and their alternatives. These are available in the reference library.

Further information is available at <http://www.panda.org>

Contact:

WWF Global Toxics Program
1250 24th St., N.W.
Washington, D.C. 20037 USA
Tel: +1.202.861.8379
Fax: +1.202.530.0743

GREENPEACE

Greenpeace is a non-profit organisation, with a presence in 40 countries across Europe, the Americas, Asia and the Pacific. To maintain its independence, Greenpeace does not accept donations from governments or corporations but relies on contributions from individual supporters and foundation grants. As a global organisation, Greenpeace has a range of campaigns focusing on the most crucial worldwide threats to the planet's biodiversity and environment. This includes a campaign to eliminate toxic chemicals. Greenpeace has prioritised action on the persistent organic pollutants.

Greenpeace provides comprehensive resource documents on POPs issues including dioxins and furans and their sources, which are available in the reference library.

Further information is available at <http://www.greenpeace.org> and <http://www.greenpeace.org.au>

Regional Greenpeace Contacts:

Greenpeace Australia/Pacific
Level 4, 35-39 Liverpool Street, Sydney, NSW 2000 Australia
Tel: 61 29261 4666
Fax: 61 29261 4588
e-mail: greenpeace@au.greenpeace.org

Greenpeace Australia/Pacific
P.O. Box 136, Gerehu, NCD, Papua New Guinea
Tel/Fax: (675) 326 0560
e-mail: greenpeace.australia@dialb.greenpeace.org

Greenpeace New Zealand
113 Valley Road, Mount Eden, Auckland, New Zealand
Tel +64 9630 6317
Fax +64 9630 7121
e-mail: greenpeace.new.zealand@dialb.greenpeace.org

BASEL ACTION NETWORK (BAN)

BAN is a global network of toxics and development activist organisations that share a vision of international environmental justice. They aim to prevent all forms of 'toxic trade' in toxic wastes, toxic products and toxic technologies. BAN members seek to ensure that the Basel Convention and its ban (Decisions II/12 and III/1) on the export of hazardous wastes from OECD to non-OECD countries is not be weakened, but ratified and implemented at the earliest possible date. Aiming to prevent the trade and growth of the world's most hazardous, and often obsolete industries, particularly with respect to developing or newly industrializing countries, BAN supports national self-sufficiency in waste management through clean production and toxics use reductions. BAN promotes the principle of global environmental justice where no peoples or environments are disproportionately poisoned and polluted due to the dictates of market forces and trade.

BAN provides an extensive range of submissions, reports and other resource material to support the effective implementation of the Basel Convention and the Ban Amendment, and stop toxic trade. Copies of the most relevant of BAN documents are in the library catalogue.

More information is available at <http://www.ban.org>

Contact :

Basel Action Network Secretariat
c/o Asia Pacific Environmental Exchange
1305 Fourth Ave., Suite 606
Seattle, Washington 98101 USA
Phone: 1-206-652-5555 Fax: 1-206-652-5750
e-mail: info@ban.org



INTERNATIONAL POPs ELIMINATION NETWORK (IPEN)

The International POPs Elimination Network is a global network of public interest non-governmental organisations united in support of a common POPs elimination goal. The mission of IPEN, achieved through its participating organisations, is to work for the global elimination of persistent organic pollutants, on an expedited yet socially equitable basis. IPEN was launched in June 1998 in Montreal at the first session of the UNEP Intergovernmental Negotiating Committee (INC1) to develop a global, legal instrument to control and/or eliminate persistent organic pollutants. Throughout the course of the five negotiating sessions, the network grew to include more than 350 public health, environmental, consumer, and other non-governmental organisations in 65 countries.

IPEN has three working groups:

- Dioxin, PCB & Waste Working Group
- Pesticides Working Group
- Community Monitoring Working Group

The working groups publish subject specific resource documents and the IPEN website provides resource material to support the effective implementation of the Stockholm Convention. The IPEN website also provides access to the IPEN POPs Handbook, available as a download. The websites of IPEN participating organisations provide information on the full range of toxic issues including pesticides.

Further information and access to the POPs Handbook is available at <http://ipen.ecn.cz>
<http://www.ipen.org>

Contact:

IPEN International Coordinator
Connecticut Ave. NW Suite 300
Washington, DC 20036
Tel. (202) 785-8700
Fax (202) 785-8701



PESTICIDE ACTION NETWORK (PAN)

Pesticide Action Network (PAN) is a network of over 600 participating nongovernmental organisations, institutions and individuals in over 60 countries working to replace the use of hazardous pesticides with ecologically sound alternatives. Its projects and campaigns are coordinated by five autonomous Regional Centers.

PAN Pesticide Database

Pesticide Action Network North America provides access to a comprehensive pesticide database. The PAN Pesticide Database is a one-stop location for current toxicity and regulatory information for pesticides bringing together a diverse array of information on pesticides from many different sources. It provides information on human toxicity (chronic and acute), ecotoxicity and regulatory information for about 6,400 pesticide active ingredients and their transformation products, as well as adjuvants and solvents used in pesticide products. The database of active ingredients has been integrated with the U.S. EPA product databases, which provide information on formulated products containing these active ingredients.

Most of the toxicity information comes directly from official sources such as the U.S. Environmental Protection Agency (U.S. EPA), World Health Organization (WHO), National Toxicology Program (NTP), National Institutes of Health (NIH), International Agency for Research on Cancer (IARC), the European Union (EU), and the State of California. The information is most complete for pesticides registered for use in the United States.

Pesticide Action Network Asia and the Pacific (PAN Asia Pacific)

Pesticide Action Network Asia and the Pacific coordinates a regional center dedicated to

ensuring the empowerment of people, especially women, agricultural workers, farmers and peasants, and is committed to protecting the safety and health of people and the environment from pesticide use.

Further information is available <http://www.panap.net/>

Contact:

Pesticide Action Network Asia and the Pacific
P.O. Box 1170
10850 Penang
Malaysia
e-mail: panap@panap.net



NATIONAL TOXICS NETWORK (NTN)

The National Toxics Network is an incorporated community-based network with a common aim to reduce the chemical load on the environment and promote environmentally responsible technologies and management systems. NTN is the Australian focal point for the International POPs Elimination Network and attended the POPs international negotiation and diplomatic sessions. NTN was instrumental in the design and compilation of the POPs Handbook (as a CD and website.)

NTN representatives have attended the South Pacific Forum's workshops on POPs and other chemical treaties and provided resources and expertise to assist with the destruction project for POPs stockpiles in the South Pacific. The network provides groups and campaigners from across Australia, NZ and South Pacific with opportunities for improved networking and information exchange on pollution issues.

Further information and access to the HCB Community Information System and alternative access to the POPs Handbook are available at <http://www.oztoxics.org>

Contact :

National Toxics Network Inc.
47 Eugenia St., Rivett ACT 2611
AUSTRALIA
Ph: + 612 62885881
Fax:+ 612 62885881



SPREP Waigani Convention Handbook



REFERENCE LIBRARY SPREP

The South Pacific Regional Environment Programme

The South Pacific Regional Environment Programme (SPREP) is a regional organization established by the governments and administrations of the Pacific region to look after its environment.

This is reflected in the Mission Statement of SPREP which calls on the organization, "to promote co-operation in the South Pacific region and to provide assistance in order to protect and improve its environment and to ensure sustainable development for present and future generations".

SPREP's members total 25, consisting of 21 Pacific island countries and territories, and four developed countries with direct interests in the region: Australia, France, New Zealand and the United States of America.

The importance of the environment to the Pacific region is exemplified by the fact that in an era where governments and administrations are seeking to consolidate, rather than to extend regional organizations, they decided to establish SPREP as a separate organization. Through this action, the Pacific island governments and administrations saw the need not only for the people of the Pacific to focus their attention on environmental considerations, but also for SPREP itself to serve as the conduit for concerted action in this area at the regional level. The establishment of SPREP also sends a clear signal to the global community of the deep commitment of the Pacific island governments and administrations towards sustainable development.

The History of SPREP

Historically, SPREP was conceived out of a workshop in 1969 focusing on nature conservation. The result of the workshop led to the inclusion in 1973 of a programme for the conservation of nature within the South Pacific Commission (SPC), based in Noumea, New Caledonia. That beginning led to the establishment of the South Pacific Regional Environment Programme in 1982. The programme had a coordinating group which guided its operations, comprising representatives of the South Pacific Bureau for Economic Cooperation (now the South Pacific Forum Secretariat based in Suva, Fiji); United Nations Environment Programme (UNEP); United Nations Economic and Social Commission for Asia and the Pacific (ESCAP); and South Pacific Commission.

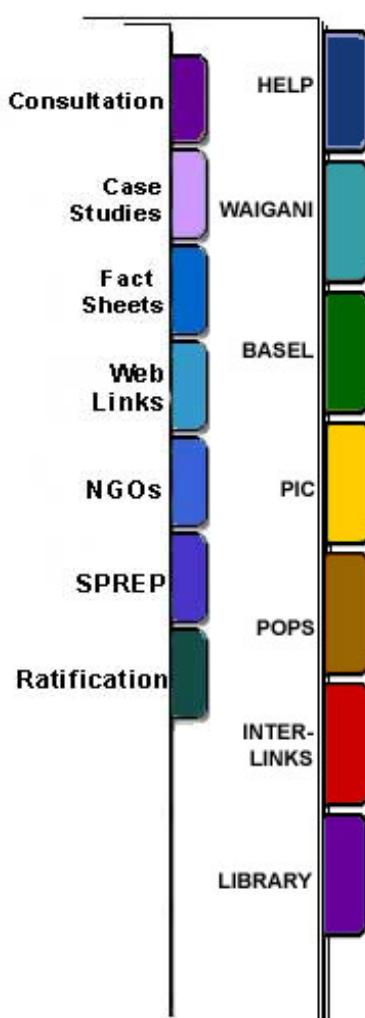
In 1991, the governing body of SPREP - the Intergovernmental Meeting - agreed that it should become an autonomous regional organization, and in agreeing to an offer by the government of Samoa, relocated its headquarters to Apia, Samoa in 1992. On 31 August 1995, SPREP officially became autonomous when Niue (the tenth country to do so), ratified the Agreement Establishing SPREP.

Since its establishment as a separate entity in Samoa (1992), the Secretariat has continually expanded its coverage of environment issues to the extent that its staff has grown from less than ten to almost sixty. It has also had to expand its international linkages. Such expansion would not have been possible without the significant financial and other inputs from its four metropolitan members especially, Australia and New Zealand.

SPREP's Current Projects

With its inauspicious beginning in 1982 as the protégé of a joint venture between regional and international agencies, SPREP, in the last five years has also seen an ever increasing array of inputs into its activities. Some of SPREP's current projects with input from the international community include:

- The South Pacific Biodiversity Conservation Programme (SPBCP); a project for the preparation of a regional strategy for international waters; and the Pacific Islands Climate Change Assistance Programme (PICCAP) and CC:TRAIN (assist Pacific island countries meet their obligations under Article 4 and 12 of the UN Framework Convention on Climate Change). All of these projects are funded by the Global Environment Facility (GEF) through the United Nations Development Programme (UNDP)
- Waste Management Education and Awareness by the European Union
- Climate Change and Environmental Education and Training programmes through AusAID
- Atmospheric and Radiation Measurements in the Tropical Western Pacific with the US Department of Energy
- Meteorological services in conjunction with the World Meteorological Organization (WMO)
- The Programme of Capacity Building for Sustainable Development in the South Pacific: Building on NEMS (Capacity 21 for short), part of UNDP's focus on capacity building and
- The environmental clearing house functions of SPREP operate with funding from New Zealand.



The above are only some of the activities covered by SPREP, however, under a broader perspective, SPREP will develop and implement a regionally coordinated and comprehensive range of activities under the following programmes:

- Biodiversity and Natural Resource Conservation
- Climate Change and Integrated Coastal Management
- Waste Management, Pollution Prevention and Emergencies
- Environmental Management, Planning and Institutional Strengthening
- Environmental Education, Information and Training

SPREP is also the secretariat of three regional environmental conventions:

- The Convention for the Protection of the Natural Resources and Environment of the South Pacific Region (Noumea Convention) and its two related protocols on pollution and pollutants;
- The Convention on the Conservation of Nature in the South Pacific (Apia Convention); and
- The Convention to Ban the Importation into Forum Islands Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region (Waigani Convention).

All of SPREP's activities are guided by the Action Plan for Managing the Environment of the South Pacific Region to the year 2000 (this document is available from the Secretariat) and it outlines the vision for SPREP as:

"... a community of Pacific island countries and territories with the capacity and commitment to implement programmes for environmental management and conservation. This SPREP community shares responsibility for implementation of the Action Plan, facilitated by its Secretariat."

SPREP in all its activities will endeavour to work with its member countries, donor agencies and other regional organizations to ensure that its goals and objectives, as stated by its Action Plan, are successfully achieved to the benefit of the Pacific region for present and future generations.

Contact :

Jacques Mougeot, Legal Officer
SPREP (South Pacific Regional Environment Programme)
PO Box 240, Vaitele, Apia, Samoa
Tel: (685) 21929
Fax: (685) 20231
e-mail: JacquesM@sprep.org.ws
Web: <http://www.sprep.org.ws/>

The full list of SPREP Focal Points is provided. ➔





REFERENCE LIBRARY

Ratification

Ratification of Chemical Conventions

Information on the status of ratification of the chemical conventions is available from the following organisations.

The Pacific Islands Forum Secretariat provides a Waigani Convention Status Report.

This is available at <http://www.sidsnet.org/mir/pacific/forumsec/docs/statuswc.htm>

The WWF provides the Country Scorecard on the ratification of key chemical treaties. These include the Stockholm and Rotterdam Convention, the Basel Convention together with its 1995 Ban and the 1996 Protocol to the London Convention.

This is available at <http://www.panda.org/>

The Basel Action Network has also compiled country progress report on the ratification of the 'package of four' global toxics agreements.

This is available at http://www.ban.org/country_status/report_card.html

