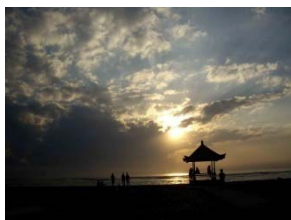

Indonesian-Swiss Country-led Initiative to improve the effectiveness of the Basel Convention



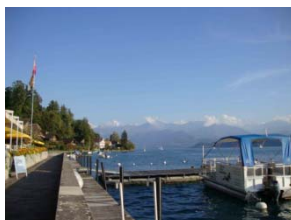
Presented by:
Ministry of Environment
Republic of Indonesia



The Workshop 2010 on Asian Network for Prevention of
Illegal Transboundary Movement of Hazardous Waste

Siem Reap, Cambodia

30 November-2 December 2010



background

COP 9 Decision IX/26 - President's statement

- Launch a process which will reaffirm the objectives of the Ban Amendment and explore means by which these objectives could be achieved.
- Parties are called to create enabling conditions, through, among other measures, ***country-led initiatives*** conducive to attainment of the objectives of the Amendment.

Indonesian Swiss Country-Led Initiative / CLI was launched

Objectives of the CLI

To develop recommendations for COP 10 for a way forward to attain the objectives of the Basel Convention and the Ban Amendment, namely

- to protect countries without adequate capacity to manage hazardous wastes in an environmentally sound manner from unwanted imports of hazardous waste, and**
- to ensure that the transboundary movements of hazardous wastes, especially to developing countries, lead to an environmentally sound management of hazardous wastes as required by the Basel Convention,**

Process of the CLI

Three physical meetings are planned, addressing the following issues:

- 1) identify, analyse and enhance the understanding of the problem;**
- 2) continuation of this analysis and beginning to develop options and solutions;**
- 3) formulation of recommendation for the COP 10, containing the analysis of the problem and possible solutions or way forwards.**

Process of the CLI

- **Informal, open-minded and dynamic consultations among key players**
- **Think-tank, brainstorming**
- **Therefore: Chatham House rule!**
- **However: Transparent process:**
 - reports disseminated to all Parties to the Basel Convention, NGOs, IGOs and Non-Parties
 - Invitation to submit comments and inputs.
 - development of the Initiative is published on the BC's website

Participating Countries

- **1st Meeting:** Argentina, Australia, Canada, Denmark, Germany, India, Indonesia, Jamaica, Japan, Malaysia, New Zealand, Norway, Sénégal, Switzerland, Uruguay and the EC. Not able to attend: Chile, China, Brazil, Egypt, Hungary, Nigeria, Poland, Republic of Korea, Russian Federation, Saudi Arabia and South Africa;
- **2nd Meeting:** Australia, Brazil, Canada, China, Denmark, Egypt, Germany, Hungary, Indonesia, Jamaica, Japan, Malaysia, New Zealand, Poland, Saudi Arabia, South Africa, Spain, Switzerland, Uruguay and the European Commission. Not able to attend: Argentina, Chile, India, Nigeria, Norway, Republic of Korea, Russian Federation, Senegal and Tanzania;
- **3rd Meeting:** Australia, Belgium, Brazil, Canada, China, Colombia, Denmark, Egypt, Germany, Hungary, India, Indonesia, Jamaica, Japan, Malaysia, Nigeria, New Zealand, Norway, Poland, Senegal, South Africa, Switzerland, Tanzania, Uruguay and the EC. Not able to attend: Argentina, Chile, Republic of Korea, Russian Federation and Saudi Arabia.
- The meetings were supported by the Basel Convention Secretariat and consultant(s)



Objectives:

the 1st Meeting

Bali, Indonesia, 15-17 June 2009

Building on the President's statement of COP 9

- ❖ Development of a common understanding:
of the challenges to achieve the objectives of the Ban Amendment
and the Basel Convention
and of the reasons, why these objectives have not yet been fully
achieved
- ❖ Building a basis to develop later in the process jointly, in an open
minded, constructive and forward-looking manner, concrete proposals
for COP 10.
- ❖ Participants guided by 5 questions to explain they experiences and
perceptions related to illegal transboundary movement of HW

outcome : a draft analysis of possible reasons for the transboundary movement
of hazardous wastes where environmentally sound management cannot be
ensured



The 2nd Meeting

Wildhaus, Switzerland, 12-15 January 2010

- reviewed and discussed the analysis of the reasons for the transboundary movement of hazardous waste where environmentally sound management cannot be ensured, the report on impacts on human health and the environment and an analysis of transboundary movement in Asia
- started in collecting elements for a way forward to ensure that the transboundary movements of hazardous wastes, especially to developing countries and countries with economies in transition, constitute an environmentally sound management of hazardous wastes, as required by the Basel Convention and that those countries are protected against unwanted imports of hazardous waste. The fruitful discussions led to the preparation of a first draft list of elements for ways forward
- Participants identified that, in order to deliver this initiative, the following conditions are required:
 - Political will that translates into action and support;
 - A realistic timeframe;
 - A focused and step-wise approach: prioritising waste streams of most concern.
 - Careful management, including: Clearly defined objectives; Measurable targets; A programme of reviews of progress against these targets.
 - Careful resourcing



The 3rd Meeting

Hilterfingen, Switzerland, 23 - 28 September 2010

- The third meeting reviewed and discussed the elements that could be included in a proposal for a draft Decision to be forwarded to COP 10.
- started in grouping the elements and formulating a draft decision that could be recommended to the COP on a way forward
- Indonesia and Switzerland will collate and restructure the document into one comprehensive document that would take the form of a proposal for a draft decision and prepare accompanying documentation to explain the elements and the interrelations of those that also should be forwarded to the COP 10
- This documentation will include:
 - A draft decision;
 - Explanatory documents to explain the ideas and discussions behind the proposals included in the draft decision;
 - Background information that was gathered during and through the CLI process including the issues included in 'reasons paper' and the 'magnitude paper'.

Draft of the omnibus decision

1. *Addressing the entry into force of the Ban Amendment;*
2. *Developing standards and guidelines for ESM;*
3. *Providing further legal clarity;*
4. *The important role of the Basel Convention Regional and Coordinating Centres (BCRCs);*
5. *Combating illegal traffic more effectively;*
6. *Assisting vulnerable countries to prohibit the import of hazardous wastes;*
7. *Building Capacity*

Further Process CLI

| 15 October 2010 | Send out omnibus decision and explanatory information to members for comments |
|-----------------------------------|--|
| End November 2010 | Revision of omnibus decision and explanatory information based on comments of members. |
| December 2010 | Revised documents circulated for comments by Parties, Signatories and other interested stakeholders |
| 31 January 2011 | Deadline for provision of comments by Parties, Signatories and other interested stakeholders |
| | Preparation of documentation to be forwarded to the : <ul style="list-style-type: none"> • Draft decision • Explanatory statements • Background information |
| | Consultations and information sessions with: <ul style="list-style-type: none"> • Missions • Regional groups • Stakeholders |
| Second half July 2011 | Submission of documents to the by Indonesia and Switzerland and possible co-sponsors |
| Second half August 2011 | Circulation of documents to Parties by SBC |
| 17-21 October 2011 (tentative) | COP 10 in Cartagena de Indios, Colombia |

Context of the CLI:

Over time, discussion on Ban Amendment has become very emotional and over-politicized:

- **Some see it as the best solution to a complex problem**
- **Some see it as a harmful tool that prevents effective and efficient ESM of hazardous wastes**

Even impossible to agree on the threshold for the entry into force of the Ban Amendment!

This time is an opportunity to have options resolving the issue