

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

29/03/2017



مدرسه اسلامیہ جامعہ عربیہ اسلامیہ	
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The Basel Convention Ban Amendment

The Basel Ban At the Second Meeting of the Conference of the Parties (COP – 2) in March 1994, Parties agreed to an immediate ban on the export from OECD to non-OECD countries of hazardous wastes intended for final disposal. They also agreed to ban, by 31 December 1997, the export of wastes intended for recovery and recycling (Decision II/12).

However, because Decision II/12 was not incorporated in the text of the Convention itself, the question as to whether it was legally binding or not arose. Therefore, at COP-3 in 1995, it was proposed that the Ban be formally incorporated in the Basel Convention as an amendment (Decision III/1).

Scope of the Ban

Decision III/1 does not use the distinction OECD/non-OECD countries. Rather, it bans hazardous wastes exports for final disposal and recycling from what are known as Annex VII countries (Basel Convention Parties that are members of the EU, OECD, Liechtenstein) to non-Annex VII countries (all other Parties to the Convention).

Ratification

The Ban Amendment has to be ratified by three-fourths of the Parties who accepted it in order to enter into force. Please see ratifications for a [current list of the Parties that have ratified the Ban Amendment](#).

Decision III/1: Amendment to the Basel Convention

The Conference,

Recalling that at the first meeting of the Conference of the Parties to the Basel Convention, a request was made for the prohibition of hazardous waste shipments from industrialized countries to developing countries;

Recalling decision II/12 of the Conference;

Noting that:

- the Technical Working Group is instructed by this Conference to continue its work on hazard characterization of wastes subject to the Basel Convention (decision III/12);
 - the Technical Working Group has already commenced its work on the development of lists of wastes which are hazardous and wastes which are not subject to the Convention;
 - those lists (document UNEP/CHW.3/Inf.4) already offer useful guidance but are not yet complete or fully accepted;
 - the Technical Working Group will develop technical guidelines to assist any Party or State that has sovereign right to conclude agreements or arrangements including those under Article 11 concerning the transboundary movement of hazardous wastes.
1. Instructs the Technical Working Group to give full priority to completing the work on hazard characterization and the development of lists and technical guidelines in order to submit them for approval to the fourth meeting of the Conference of the Parties;
 2. Decides that the Conference of the Parties shall make a decision on a list(s) at its fourth meeting;
 3. 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, paragraph 1 (a) of the Convention which are destined for operations according to Annex IV B to States not listed in Annex VII. Such transboundary movements shall not be prohibited unless the wastes in question are characterized as hazardous under the Convention.

Annex VII

Parties and other States which are members of OECD, EC, Liechtenstein.