

THE BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

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INTRODUCTION

The generation, storage, treatment, transport, recovery and disposal of hazardous wastes pose a real problem to society and represent a serious danger for man and the environment. There is great concern for the future if this issue is not properly addressed; it will necessitate vigorous actions by governments, business and industry, by people and international organizations for decades to come.

No one knows the true sum of man's toxic throwaways. In the last 30 years, billions of tons of hazardous wastes have been dumped on land or in the sea and vast amounts still move across frontiers unregistered.

Uncontrolled or inefficient surveillance or transboundary movements and disposal of hazardous wastes result too often in long term exposures of the population to their hazards. Illegal traffic of these wastes can and often does have adverse effects, both acute and long term, on human health and the environment with related detrimental consequences on the quality of life.

The potential damaging effects of hazardous waste has led the world community to take measures to manage these wastes in an environmentally sound manner and to aim towards minimizing their production and preventing their generation. In this context, health and environmental factors have started to play a major part in the selection of appropriate hazardous wastes management practices.

In response to the growing recognition of the health and environmental risks associated with hazardous wastes, governments have brought into force a series of laws to control the generation, handling, storage, treatment, transport, disposal and recovery of these wastes.

BASEL CONVENTION

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was adopted unanimously on 22 March 1989 by the 116 States participating in the Conference of Plenipotentiaries, which was convened by the Executive Director of the United Nations Environment Programme (UNEP) and held in Basel at the invitation of the Government of Switzerland. The final Act of the Basel Conference was signed by 105 States and the European Community (EEC). The Basel Convention which entered into force on 5 May 1992 has proven to be an effective international Convention. The increasing number of Parties, 71 States and the European Union, in addition to the expression of interest from at least another dozen of countries to become Parties before the end of this year, is a recognition from the international community of the importance of the Convention.

The main principles of the Convention are:

- The generation of hazardous wastes as well as their transboundary movements shall be reduced to a minimum. The wastes should be disposed of as close as possible to their source of generation.
 - Every State has the sovereign right to ban the import of hazardous wastes. The parties to the Convention shall not allow any transboundary movement of hazardous wastes to a State that has prohibited their import. Transboundary movement shall also be prohibited if the exporting State has reason to believe that the wastes in question shall not be managed in an environmentally sound manner.
 - A party shall not permit hazardous wastes to be exported to a non-party or to be imported from a non-party, unless it is in accordance with a bilateral, multilateral or regional agreement, the provisions of which are no less environmentally sound than those of the Basel Convention.
 - The State of export shall not allow a transboundary movement of hazardous wastes to commence until it has received the written consent, based on prior detailed information of the State of import, as well as of any State of transit.
 - When a transboundary movement of hazardous wastes which is carried out in accordance with the Convention cannot be completed in an environmentally sound manner, the State of export has the duty to ensure the re-importation of the wastes.
 - Transboundary movement of hazardous wastes which do not conform to the provisions of the Convention are deemed to be illegal traffic. The Convention states that "illegal traffic of hazardous wastes is criminal". The State responsible for an illegal movement of hazardous wastes has the obligation to ensure their environmentally sound disposal, by re-importing the wastes or otherwise. Every party shall introduce national legislation to prevent and punish illegal traffic of hazardous wastes. Four sets of technical guidelines to assist developing countries in the implementation of the Convention and in environmentally sound management of hazardous wastes were adopted and several others are being prepared.
- The Secretariat of the Basel Convention, provided by UNEP is located in Geneva and has as its main functions to:
- Monitor and control transboundary movement of hazardous wastes and their disposal through implementation of the notification and pre-consent system required by the Convention and to use the notification and movement documents to tighten the control.
 - Provide assistance to developing countries on strengthening their national capabilities in the management of hazardous wastes.
 - Monitor and prevent illegal traffic in hazardous wastes.