

## **Basel Action Network Intervention Regarding Entry into Force of the BAN Amendment – 24 June 2008**

A great damage is being done to this Convention every day, every year, that the Basel Ban lies in a bureaucratic coma.

Never has the Ban been needed more. Just a few years ago the world witnessed the worst instance of hazardous waste dumping in history in the dumping incident in Abidjan in cote d'Ivoire. And every day we witness the steady onslaught of hazardous obsolete ships and electronic waste which in a slower, less dramatic way is every bit as deadly.

So the notion that somehow the world has changed and this gross method of actors in developed countries externalizing their costs through pathways made available to them via globalization no longer is a problem – is utterly a false notion.

The Ban is needed both as a legal instrument to block this immoral, uneconomic and unsustainable trade and also to send the strongest global message that such exploitation will no longer be tolerated.

The idea also, that this issue can be limited to looking at facilities, and simply we can somehow certify facilities in developing countries and then just send them wastes as has been suggested is a very self-serving naïve argument. The actual facilities are the least of our consideration of what determines an Environmentally Sound Management destination. One must look at the entire context of the country in which that facility exists to understand what it means for a developing country to be handed the major liability of hazardous waste. One must think about downstream waste management and whether it is adequate, occupational health and safety training and expertise, availability of clinics and ways for workers to redress their damages on the job should they get sick. One must think about labor rights, legal infrastructure, enforcement and monitoring capacity etc. and on and on, the list of such considerations regarding protective infrastructure and safety nets is very long.

The Basel Ban Amendment has been stalled now for 13 years. 13 years Ladies and Gentlemen despite having garnered 63 ratifications – more than 3 times the number of Parties that brought the Basel Convention itself into force.

We have heard that the current time approach in the view of the OLA must be the interpretation we use. But this is simply not correct. It is misinformation. The OLA simply has stated that in the absence of the Parties making a determination the default method they will use is the Current Time approach. But as was stated earlier by Norway and the EU, the Parties are masters of the Convention and we can decide via our rules of Procedure which interpretation we want. And it is fundamentally transparent that the vast majority of Parties want the Ban to enter into force at the earliest possible date.

For years the Parties have only spoken of the fixed time approach as being the understood reading of the Convention. Nobody even dreamed that the current time approach was a

possibility and it was not until the notion of ambiguity came up. But Ladies and Gentlemen we know full well that the language in Article 17 is not that ambiguous. A plain reading of the text indicates that it is the fixed time approach that was indicated. Indeed why on earth would the drafters even have created the phrase 3/4ths “of the Parties who accepted them” if they had simply meant 3/4ths “of the Parties”.

Ladies and Gentlemen, the 130 countries that would be needed for entry into force under the current time approach would be a death sentence for the Ban, and those that support that approach know that. They wish for the Ban to die. It is shameful ladies and gentlemen. It is shameful what is happening in this room.

13 years is long enough. The Ban has been adopted twice by consensus. First in 1994 and in 1995 and in every COP since that time we have urged all Parties to ratify it at the earliest possible date.

What hypocrisy! The vast majority of Parties have always supported the Ban. It is time to stop the games and resolve this issue at this conference. We have the rules of procedure. This is what they are there for. We urge the Parties to resolve this issue once and for all at this COP and take action to ensure the most rapid entry into force of the Ban.

Thank you.