BAN Intervention on the Basel Ban and the Country Led Initiative

Distinguished Delegates. It is important to take a moment to remind ourselves why it is that we are here. Why did we travel at great expense to come half way around the world to this beautiful city of Cartagena? We are not here to fill the seats of a large room as part of a bureaucratic exercise. We are here only because we have been entrusted by the world’s citizens to do something very significant for the world -- for its inhabitants, for its children -- our children. We are here to make a difference. And in particular at this meeting we are here to fulfill a long-standing promise not only to this distinguished body – but to all future generations.

The promise has been over 20 years in coming. The Basel Ban was the original intended desire of the Basel Convention from its very first days. While its achievement was thwarted in 1989 at the adoption of the Convention, the global community, and in particular developing countries did not give up. Soon after the adoption of the Convention the African Caribbean and Pacific Group adopted the Ban as part of the Lome’ Convention. Africans created the Bamako Convention, Central America adopted a regional ban, the South Pacific Forum as well adopted the Waigani Convention, and so on. By the time the first COP came in 1992 Uruguay, and was the first COP to be held in Latin America, many Parties were ready for a ban to be adopted. But at that time, the EU was not as yet ready. However when COP2 came in 1994, the Ban was adopted by consensus on a proposal by the G-77 and China, and passed due to full support lent to it by the European Union. The next year it was adopted again but this time as a decision to amend the Convention. It has now been more than 15 years since that 1995 amendment decision and 71 countries have ratified the Agreement. Argentina having just ratified and especial congratulations goes to them.

71 countries is a very substantial number of countries all desiring the same thing. The Basel Convention itself went into force with but 20 countries. We wonder by what right do any countries believe they can deny the aspirations of 71 countries to better their environment, particularly when they aspire to do so in a way entirely consistent with the intent of the Basel Convention, and particularly when that ban decision itself was adopted by a consensus of the Parties.

The Basel Ban is an instrument that lives at the heart of the Convention itself. The Convention calls for national self-sufficiency in hazardous waste management, it calls for minimizing the generation of hazardous waste, and it calls for minimizing the transboundary movements of wastes in particular taking into account the interests of developing countries. The Ban Amendment is the implementation of these Convention’s general obligations starting with the countries that generate the most waste and are most able to achieve these goals – the Annex VII countries. Looked at another way – under the lens of the Green Economy, the Basel Ban Amendment is a means to prevent real costs and harm from being externalized, which in turn provides incentives for a market in cleaner production, and waste avoidance technologies that entire world needs. In other words in a green economy we should be exporting clean production
technologies to developing countries and not toxic wastes which leave not only an environmental burden but an economic one as well.

The Ban Amendment is a clear implementation of the Convention’s general obligations and yet the Ban Amendment has been held hostage all of these years. More than 15 years! Held hostage by a small minority of countries that are not obliged to ratify it in any case. And yet they want to prevent progress for the vast majority of others. It is shameful and it has gone on for too long.

The CLI package, while we find it contains flaws in its reasoning in the latter part of the document, as it ignores the previously noted relationship between the ban and waste prevention, on the whole it represents a fair compromise to resolve the matter without resorting to a vote. Most importantly the CLI establishes the “fixed time” approach. The “current time” approach would raise an unacceptable, insurmountable and unexpected burden on entry into force. The CLI has been brokered with all countries involved for over two years now. It would be absolute bad faith for it to be rejected or amended in any substantive way after this long effort in which all Parties had the ability to participate.

If that does occur however, if a handful of countries see fit to stage a 11th hour blockade, a vote will be called for. This is provided for in the rules of procedure and was envisaged for just this type of situation where consensus cannot be reached after many efforts have been made to reach it.

To conclude, I ask you to ask yourself again, why are you here? Why are we here? Are we here to simply take part in another meeting that leaves us all with a heavy feeling of disappointment? Or --- are we here to finally fulfill the Basel promise? We are here to make a difference, both in our world and that of our children and grandchildren. I wish to harken back to this morning’s excellent speech by the distinguished Minister of Environment of our host country Colombia when he quoted Hendrik Ibsen in saying: "One of these days the next generation will come to knock on our door.” Ladies and Gentlemen those days are here. “Let us make Cartagena the meeting that Basel and the world has been waiting for. Thank you.