**BAN Intervention on Ships**

Distinguished Delegates. We have heard now how independent legal experts find that there is clearly no equivalent level of control in the Hong Kong Convention. Indeed it is clear that the two regimes are entirely different in what they do and what they ever intended to do.

The Hong Kong Convention does not concern itself with minimizing the transboundary movement of hazardous wastes and in particular to developing countries. But that of course is the foundation -- the fundamental aim of the Basel Convention.

Thus it is highly surprising when experts from certain countries make the claim that Hong Kong is, while entirely different, equivalent. I think everyone knows they are not equivalent, but this is an expedient determination for those that wish to prevent the Basel Convention’s ability to control this very dangerous form of hazardous waste flowing on a daily and very profitable basis from developed to developing countries.

There are several countries with major shipping industries that have taken this view but I would like especially to focus in on the European position and the problems with that viewpoint as it plays out in the rest of the world.

There is a fundamental disconnect with a viewpoint in Europe that says on the one hand that they support the Basel Ban Amendment and that for example an old toxic computer could not therefore be exported from the EU to a developing country, but on the other hand an old ship full of asbestos and PCBs can be. Moreover such a massive form of toxic waste can in fact be run up and broken on a tidal beach as this is perfectly acceptable under the Hong Kong Convention. Think of a ship as a giant toxic computer if that is helpful – would the EU allow it to be exported to an Asian or African beach and taken apart – of course not. This is a fundamental reversal of the principles that the EU has held on the Basel Convention and Basel Ban since 1994.

The EU knows this is a form of double standard with respect to TBM so they are proposing on an EU basis to strengthen their own ESM requirements for ships and require for example on an EU certification of facilities working at a higher standard.

The problem with this is that while it makes the EU appear to be conscientious in fact what will happen is that the European ships will simply reflag from European flags to another. Talk about a loophole!

The EU is forgetting that at Basel we are concerned with an international regime and a level playing field. What is being done to appear green in Europe while at the same time the EU argues for far less-than-green standards internationally – does not solve any problems globally.
If the Basel Convention does not have its full current competency over ships and the EU removes ships from their Waste Shipment Regulation, no matter what additional requirements they call for in the EU, they will shamefully be facilitating the movement of all ships globally to the beaches of developing countries. Today its South Asia, in the future it could very well be Africa or Latin America or any country with beaches anywhere. I have a feeling however that it will not be upon the beaches of European countries that the ships will land. The European solution is all too convenient for them but comes at the expense of others.

Delegates, there is clearly a need for a global approach that minimizes trans-boundary movement to developing countries for hazardous waste including those wastes on ships. The Hong Kong Convention does not do that. Therefore it is vital that the Basel Convention retains its competency on ships as toxic waste and both regimes should be applied at the same time, if and when Hong Kong goes into force. Already many ships have been prevented from being exported by the Basel Convention and with further work on how to close some of the known loopholes used by unscrupulous shipowners it can do even more.

Finally I must remind the Parties that laborers are continuing to die now on the beaches. More than 60 have died since the Hong Kong Convention was adopted in Hong Kong. Just two days ago 6 more were added to the list -- an explosion followed by poisonous gasses resulted in the deaths of Mir Kashem 22, Nesar Uddin 25, Younus 23, Gias Uddin 22, Nur Mohammad 22, and a 19 year old boy reported only as being named Delwar. All now have lost their lives at an early age just 2 days ago because of Basel hazardous wastes on board ships that created an explosion.

Distinguished delegates, there is no equivalency but there is a lot of work that the Basel Convention can do presently to improve its own implementation with respect to ships. We urge a contact group to not only consider the very serious matter of a lack of equivalency, but also to explore how we in the Basel Convention can better do our job to prevent future deaths of young men on the beaches of developing countries.

Thank you very much.