178 Countries Agree to Let the Ban on Exports of Toxic Wastes to Developing Countries Become Law

**Cartagena, Colombia. October 21, 2011.** In a major breakthrough decision at the 10th Conference of the Parties of the Basel Convention, 178 Parties agreed to allow an early entry into force of law of the Basel Ban Amendment which prohibits all exports of hazardous wastes, including electronic wastes and old obsolete ships from developed to developing countries. The deal was brokered by Indonesia and Switzerland and was strongly promoted by the developing countries, China, the European Union and Non-Governmental Organizations including Greenpeace, the Center for International Environmental Law, the NGO Platform on Shipbreaking and the Basel Action Network.

The Basel Ban Amendment was originally adopted in 1995 as a proposed amendment to the Basel Convention but has recently been stalled due to uncertainty as to how to interpret the Convention. Now following a diplomatic working group known as the Country Led Initiative, it has been decided that the Ban Amendment will go into force when 68 of the 90 countries that were Parties to the Convention in 1995, ratify the agreement. Already 51 of these have ratified the amendment, leaving just 17 more needed. It is expected that this can be achieved in 2-3 years. Currently there are 178 Parties to the Convention.

“Finally, the blockade has been lifted and the Basel Ban that has been held hostage now for many years is liberated,” said Jim Puckett, Executive Director of the Basel Action Network. “The Ban Amendment ensures that developing countries are not convenient dumping grounds for toxic factory waste, obsolete ships containing asbestos, or old computers coming from affluent countries. It enforces the Basel Convention obligation that all countries manage their own hazardous waste.”

Support for the Ban has been very strong from a vast majority of countries including China, the European Union, and developing countries. Countries that opposed the Basel Ban in the past, including Canada, Australia, New Zealand, Japan and India, decided to cease their opposition to allowing its entry into force at the earliest possible date. The United States has also opposed but is not a Party of the Convention.

Already 33 of the 41 developed countries to which the export ban applies have implemented it nationally, but today’s decision means that more countries will feel
diplomatic pressure to ratify, and countries such as the United States who have never ratified the Convention will have to accept the ban as an integral part of the Convention once it enters force.

In another important and related development, Basel Parties also disagreed that the International Maritime Organization’s Hong Kong Convention on ship recycling, provided an equivalent level of control to that of the Basel Convention. Legal experts and developing countries in attendance voiced the concern that because the Hong Kong Convention has no intention of minimizing the movement of toxic ships to developing countries, it was not sufficient, not legally equivalent, and therefore the Basel Convention must continue to be active to prevent the dumping of old toxic ships on the beaches of developing countries.

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