Intervention of BAN on e-Waste Guideline
Final Plenary / Basel OEWG9

September 19, 2014

Thank you, mister co-chair. This week we embarked on creating a careful set of criteria in the e-Waste Technical Guideline paragraph (26b) to allow some non-functional electronic equipment for testing/repair/refurbishment to be exported as non-waste under certain strict, limited, conditions.

It is BAN’s concern that there are already suggestions to water down some of these criteria that were originally posed, and this weakening could create dangerous loopholes for unscrupulous actors to use this exemption. Because we are embarking on a dangerous path of allowing this material flow of broken equipment to fall outside of the control regime and obligations of the Basel Convention, it is vital that we retain a strong package of controls and conditions.

Of great importance in our view, is the assurance that any corporation taking advantage of this exemption -- not be allowed to undermine the Ban amendment through the back door, by hazardous residues from the repair process being left in a non-Annex VII country.

Developing countries already receive a large and disproportionate burden of hazardous waste from the electronics sector. We expect the major electronics manufacturers and others taking advantage of this exemption, granted to them by the Parties, to respect the Ban Amendment adopted by the Parties in 1995, and most recently endorsed at COP10 for early entry into force. Honoring the intent of the Ban Amendment must be a minimum requirement for exercising this exemption.

In the end we must be clear that while we support bridging the digital divide we cannot support at the same time creating a digital dump. While we want to foster legitimate reuse, this can never mean allowing illegitimate abuse – abuse of the basic tenets of environmental justice by allowing hazardous residues to flow from developed to developing countries.
We look forward to working with the Parties to ensure that the BAN Amendment is not undermined by this new exemption.

We urge the Parties to work with us to provide comments and on the current draft criteria for 26(b) with a view to providing the appropriate rigor in support of the original mission of the Basel Convention and the Ban Amendment. We thank you.