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Basel Convention

on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

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by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
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**BASEL CONVENTION
ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF
HAZARDOUS WASTES AND THEIR DISPOSAL**

Preamble

The Parties to this Convention,

Aware of the risk of damage to human health and the environment caused by hazardous wastes and other wastes and the transboundary movement thereof,

Mindful of the growing threat to human health and the environment posed by the increased generation and complexity, and transboundary movement of hazardous wastes and other wastes,

Mindful also that the most effective way of protecting human health and the environment from the dangers posed by such wastes is the reduction of their generation to a minimum in terms of quantity and/or hazard potential,

Convinced that States should take necessary measures to ensure that the management of hazardous wastes and other wastes including their transboundary movement and disposal is consistent with the protection of human health and the environment whatever the place of their disposal,

Noting that States should ensure that the generator should carry out duties with regard to the transport and disposal of hazardous wastes and other wastes in a manner that is consistent with the protection of the environment, whatever the place of disposal,

Fully recognising that any State has the sovereign right to ban the entry or disposal of foreign hazardous wastes and other wastes in its territory,

Recognising also the increasing desire for the publication of transboundary movements of hazardous wastes and their disposal in other States, especially developing countries,

Convinced that hazardous wastes and other wastes should, as far as is compatible with environmentally sound and efficient management, be disposed of in the State where they were generated,

Aware also that transboundary movements of such wastes from the State of their generation to any other State should be permitted only when conducted under conditions which do not endanger human health and the environment, and under conditions in conformity with the provisions of this Convention,

Considering that enhanced control of transboundary movement of hazardous wastes and other wastes will act as an incentive for their environmentally sound management and for the reduction of the volume of such transboundary movement,

Convinced that States should take measures for the proper exchange of information on and control of the transboundary movement of hazardous wastes and other wastes from and to those States,

Noting that a number of international and regional agreements have addressed the issue of protection and preservation of the environment with regard to the transit of dangerous goods,

Taking into account the Declaration of the United Nations Conference on the Human Environment (Stockholm, 1972), the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes adopted by the Governing Council of the United Nations Environment Programme (UNEP) by decision 14/30 of 17 June 1987, the Recommendation of the United Nations Committee of Experts on the Transport of Dangerous Goods (formulated in 1957 and updated biennially), relevant recommendations, declarations, instruments and regulations adopted within the United Nations system and the work and studies done within other international and regional organisations,

Mindful of the spirit, principles, aims and functions of the World Charter for Nature adopted by the General Assembly of the United Nations at its thirty-seventh session (1982) as the rule of ethics in respect of the protection of the human environment and the conservation of natural resources,

Affirming that States are responsible for the fulfilment of their international obligations concerning the protection of human health and protection and preservation of the environment, and are liable in accordance with international law,

Recognising that in the case of material breach of the provisions of this Convention or any protocol thereto the relevant international law of treaties shall apply,

Aware of the need to continue the development and implementation of environmentally sound low-waste technologies, recycling options, good house-keeping and management systems with a view to reducing to a minimum the generation of hazardous wastes and other wastes,

Aware also of the growing international concern about the need for stringent control of transboundary movement of hazardous wastes and other wastes, and of the need as far as possible to reduce such movement to a minimum,

Concerned about the problem of illegal transboundary traffic in hazardous wastes and other wastes,

Taking into account also the limited capabilities of the developing countries to manage hazardous wastes and other wastes,

Recognising the need to promote the transfer of technology for the sound management of hazardous wastes and other wastes produced locally, particularly to the developing countries in accordance with the spirit of the Cairo Guidelines and decision 14/16 of the Governing Council of UNEP on Promotion of the transfer of environmental protection technology,

Recognising also that hazardous wastes and other wastes should be transported in accordance with relevant international conventions and recommendations,

Convinced also that the transboundary movement of hazardous wastes and other wastes should be permitted only when the transport and the ultimate disposal of such wastes is environmentally sound, and

Determined to protect, by strict control, human health and the environment against the adverse effects which may result from the generation and management of hazardous wastes and other wastes,

Have agreed as follows:

ARTICLE I

Scope of the Convention

1. The following wastes that are subject to transboundary movement shall be "hazardous wastes" for the purposes of this Convention:
 - (a) wastes that belong to any category contained in Annex I, unless they do not possess any of the characteristics contained in Annex III; and
 - (b) wastes that are not covered under paragraph (a) but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the Party of export, import or transit.
2. Wastes that belong to any category contained in Annex II that are subject to transboundary movement shall be "other wastes" for the purposes of this Convention.
3. Wastes which, as a result of being radioactive, are subject to other international control systems, including international instruments, applying specifically to radioactive materials, are excluded from the scope of this Convention.
4. Wastes which derive from the normal operations of a ship, the discharge of which is covered by another international instrument, are excluded from the scope of this Convention.

ARTICLE 2

Definitions

For the purposes of this Convention:

1. "Wastes" are substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law;
2. "Management" means the collection, transport and disposal of hazardous wastes or other wastes, including after-care of disposal sites;
3. "Transboundary movement" means any movement of hazardous wastes or other wastes from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State or to or through an area not under the national jurisdiction of any State, provided at least two States are involved in the movement;
4. "Disposal" means any operation specified in Annex IV to this Convention;
5. "Approved site of facility" means a site or facility for the disposal of hazardous wastes or other wastes which is authorised or permitted to operate for this purpose by a relevant authority of the State where the site or facility is located;
6. "Competent authority" means one governmental authority designated by a Party to be responsible, within such geographical areas as the Party may think fit, for receiving the notification of a transboundary movement of hazardous wastes or other wastes, and any information related to it, and for responding to such a notification, as provided in Article 6;
7. "Focal point" means the entity of a Party referred to in Article 5 responsible for receiving and submitting information as provided for in Articles 13 and 16;
8. "Environmentally sound management of hazardous wastes or other wastes" means taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes;
9. "Area under the national jurisdiction of a State" means any land, marine area or airspace within which a State exercises administrative and regulatory responsibility in accordance with international law in regard to the protection of human health or the environment;
10. "State of export" means a Party from which a transboundary movement of hazardous wastes or other wastes is planned to be initiated or is initiated;
11. "State of import" means a Party to which a transboundary movement of hazardous wastes or other wastes is planned or takes place for the purpose of disposal therein or for the purpose of loading prior to disposal in an area not under the national jurisdiction of any State;
12. "State of transit" means any State, other than the State of export or import, through which a movement of hazardous wastes or other wastes is planned or takes place;
13. "States concerned" means Parties which are States of export or import, or transit States, whether or not Parties;
14. "Person" means any natural or legal person;
15. "Exporter" means any person under the jurisdiction of the State of export who arranges for hazardous wastes or other wastes to be exported;
16. "Importer" means any person under the jurisdiction of the State of import who arranges for hazardous wastes or other wastes to be imported;

17. "Carrier" means any person who carries out the transport of hazardous wastes or other wastes;
18. "Generator" means any person whose activity produces hazardous wastes or other wastes or, if that person is not known, the person who is in possession and/or control of those wastes;
19. "Disposer" means any person to whom hazardous wastes or other wastes are shipped and who carries out the disposal of such wastes;
20. "Political and/or economic integration organisation" means an organisation constituted by sovereign States to which its member States have transferred competence in respects of matters governed by this Convention and which has been duly authorised, in accordance with its internal procedures, to sign, ratify, accept, approve, formally confirm or accede to it;
21. "Illegal traffic" means any transboundary movement of hazardous wastes or other wastes as specified in Article 9.

ARTICLE 3

National Definition of Hazardous Wastes

1. Each Party shall, within six months of becoming a Party to this Convention, inform the Secretariat of the Convention of the wastes, other than those listed in Annexes I and II, considered or defined as hazardous under its national legislation and of any requirements concerning transboundary movement procedures applicable to such wastes.
2. Each Party shall subsequently inform the Secretariat of any significant changes to the information it has provided pursuant to paragraph 1.
3. The Secretariat shall forthwith inform all Parties of the information it has received pursuant to paragraphs 1 and 2.
4. Parties shall be responsible for making the information transmitted to them by the Secretariat under paragraph 3 available to their exporters.

ARTICLE 4

General Obligations

1. (a) Parties exercising their right to prohibit the import of hazardous wastes or other wastes for disposal shall inform the other Parties of their decision pursuant to Article 13.
(b) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes to the Parties which have prohibited the import of such wastes, when notified pursuant to subparagraph (a) above.
(c) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes if the State of import does not consent in writing to the specific import, in the case where that State of import has not prohibited the import of such wastes.
2. Each Party shall take the appropriate measures to:
 - (a) Ensure that the generation of hazardous wastes and other wastes within it is reduced to a minimum, taking into account social, technological and economic aspects;
 - (b) Ensure the availability of adequate disposal facilities, for the environmentally sound management of hazardous wastes and other wastes, that shall be located, to the extent possible, within it, whatever the place of their disposal;
 - (c) Ensure that persons involved in the management of hazardous wastes or other wastes within it take such steps as are necessary to prevent pollution due to

hazardous wastes and other wastes arising from such management and, if such pollution occurs, to minimise the consequences thereof for human health and the environment;

- (d) Ensure that the transboundary movement of hazardous wastes and other wastes is reduced to the minimum consistent with the environmentally sound and efficient management of such wastes, and is conducted in a manner which will protect human health and the environment against the adverse effects which may result from such movement;
- (e) Not allow the export of hazardous wastes or other wastes to a State or group of States belonging to an economic and/or political integration organisation that are Parties, particularly developing countries, which have prohibited by their legislation all imports, or if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner, according to criteria to be decided on by the Parties at their first meeting.
- (f) Require that information about a proposed transboundary movement of hazardous wastes and other wastes be provided to the States concerned, according to Annex V A, to state clearly the effects of the proposed movement on human health and the environment;
- (g) Prevent the import of hazardous wastes and other wastes if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner;
- (h) Co-operate in activities with other Parties and interested organisations, directly and through the Secretariat, including the dissemination of information on the transboundary movement of hazardous wastes and other wastes, in order to improve the environmentally sound management of such wastes and to achieve the prevention of illegal traffic;

3. The Parties consider that illegal traffic in hazardous wastes or other wastes is criminal.

4. Each Party shall take appropriate legal, administrative and other measures to implement and enforce the provisions of this Convention, including measures to prevent and punish conduct in contravention of the Convention.

5. A Party shall not permit hazardous wastes or other wastes to be exported to a non-Party or to be imported from a non Party.

6. The Parties agree not to allow the export of hazardous wastes or other wastes for disposal within the area south of 60° South latitude, whether or not such wastes are subject to transboundary movement.

7. Furthermore, each Party shall:

- (a) Prohibit all persons under its national jurisdiction from transporting or disposing of hazardous wastes or other wastes unless such persons are authorised or allowed to perform such types of operations;
- (b) Require that hazardous wastes and other wastes that are to be the subject of a transboundary movement be packaged, labelled, and transported in conformity with generally accepted and recognised international rules and standards in the field of packaging, labelling, and transport, and that due account is taken of relevant internationally recognised practices;
- (c) Require that hazardous wastes and other wastes be accompanied by a movement document from the point at which a transboundary movement commences to the point of disposal.

8. Each Party shall require that hazardous wastes or other wastes, to be exported, are managed in an environmentally sound manner in the State of import or elsewhere. Technical guidelines for the environmentally sound management of wastes subject to this Convention shall be decided by the Parties at their first meeting.

9. Parties shall take the appropriate measures to ensure that the transboundary movement of hazardous wastes and other wastes only be allowed if:
- (a) The State of export does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose of the wastes in question in an environmentally sound and efficient manner; or
 - (b) The wastes in question are required as a raw material for recycling or recovery industries in the State of import; or
 - (c) The transboundary movement in question is in accordance with other criteria to be decided by the Parties, provided those criteria do not differ from the objectives of this Convention.
10. The obligation under this Convention of States in which hazardous wastes and other wastes are generated to require that those wastes are managed in an environmentally sound manner may not under any circumstances be transferred to the States of import or transit.
11. Nothing in this Convention shall prevent a Party from imposing additional requirements that are consistent with the provisions of this Convention, and are in accordance with the rules of international law, in order better to protect human health and the environment.
12. Nothing in this Convention shall affect in any way the sovereignty of States over their territorial sea established in accordance with international law, and the sovereign rights and the jurisdiction which States have in their exclusive economic zones and their continental shelves in accordance with international law, and the exercise by ships and aircraft of all States of navigational rights and freedoms as provided for in international law and as reflected in relevant international instruments.
13. Parties shall undertake to review periodically the possibilities for the reduction of the amount and/or the pollution potential of hazardous wastes and other wastes which are exported to other States, in particular to developing countries.

ARTICLE 5

Designation of Competent Authorities and Focal Point

To facilitate the implementation of this Convention, the Parties shall:

1. Designate or establish one or more competent authorities and one focal point. One competent authority shall be designated to receive the notification in case of a State of transit.
2. Inform the Secretariat, within three months of the date of entry into force of this Convention for them, which agencies they have designated as their focal point and their competent authorities.
3. Inform the Secretariat, within one month of the date of decision, of any changes regarding the designation made by them under paragraph 2 above.

ARTICLE 6

Transboundary Movement between Parties

1. The State of export shall notify, or shall require the generator or exporter to notify, in writing, through the channel of the competent authority of the State of export, the competent authority of the States concerned of any proposed transboundary movement of hazardous wastes or other wastes. Such notification shall contain the declarations and information specified in Annex V A, written in a language acceptable to the State of import. Only one notification needs to be sent to each State concerned.
2. The State of import shall respond to the notifier in writing, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. A copy of the final response of the State of import shall be sent to the competent authorities of the States concerned which are Parties.

3. The State of export shall not allow the generator or exporter to commence the transboundary movement until it has received written confirmation that:

- (a) the notifier has received the written consent of the State of import; and
- (b) the notifier has received from the State of import confirmation of the existence of a contract between the exporter and the disposer specifying environmentally sound management of the wastes in question.

4. Each State of transit which is a Party shall promptly acknowledge to the notifier receipt of the notification. It may subsequently respond to the notifier in writing, within 60 days, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. The State of export shall not allow the transboundary movement to commence until it has received the written consent of the State of transit. However, if at any time a Party decides not to require prior written consent, either generally or under specific conditions, for transit transboundary movements of hazardous wastes or other wastes, or modifies its requirements in this respect, it shall forthwith inform the other Parties of its decision pursuant to Article 13. In this latter case, if no response is received by the State of export within 60 days of the receipt of a given notification by the State of transit, the State of export may allow the export to proceed through the State of transit.

5. In the case of a transboundary movement of wastes where the wastes are legally defined as or considered to be hazardous wastes only:

- (a) by the State of export, the requirements of paragraph 9 of this Article that apply to the importer or disposer and the State of import shall apply *mutatis mutandis* to the exporter and State of export, respectively;
- (b) by the State of import, or by the States of import and transit which are Parties, the requirements of paragraphs 1, 3, 4 and 6 of this Article that apply to the exporter and State of export shall apply *mutatis mutandis* to the importer or disposer and State of import, respectively; or
- (c) by any State of transit which is a Party, the provisions of paragraph 4 shall apply to such State.

6. The State of export may, subject to the written consent of the States concerned, allow the generator or the exporter to use a general notification where hazardous wastes or other wastes having the same physical and chemical characteristics are shipped regularly to the same disposer via the same customs office of exit of the State of export via the same customs office of entry of the State of import, and, in the case of transit, via the same customs office of entry and exit of the State or States of transit.

7. The States concerned may make their written consent to the use of the general notification referred to in paragraph 6 subject to the supply of certain information, such as the exact quantities or periodical lists of hazardous wastes or other wastes to be shipped.

8. The general notification and written consent referred to in paragraphs 6 and 7 may cover multiple shipments of hazardous wastes or other wastes during a maximum period of 12 months.

9. The Parties shall require that each person who takes charge of a transboundary movement of hazardous wastes or other wastes sign the movement document either upon delivery or receipt of the wastes in question. They shall also require that the disposer inform both the exporter and the competent authority of the State of export of receipt by the disposer of the wastes in question and, in due course, of the completion of disposal as specified in the notification. If no such information is received within the State of export, the competent authority of the State of export or the exporter shall so notify the State of import.

10. The notification and response required by this Article shall be transmitted to the competent authority of the Parties concerned or to such governmental authority as may be appropriate in the case of non-Parties.

11. Any transboundary movement of hazardous wastes or other wastes shall be covered by insurance, bond or other guarantee as may be required by the State of import or any State of transit which is a Party.

ARTICLE 7

Transboundary Movement from a Party through States which are not Parties

Paragraph 2 of Article 6 of the Convention shall apply *mutatis mutandis* to transboundary movement of hazardous wastes or other wastes from a Party through a State or States which are not Parties.

ARTICLE 8

Duty to Re-import

When a transboundary movement of hazardous wastes or other wastes to which the consent of the States concerned has been given, subject to the provisions of this Convention, cannot be completed in accordance with the terms of the contract, the State of export shall ensure that the wastes in question are taken back into the State of export, by the exporter, if alternative arrangements cannot be made for their disposal in an environmentally sound manner, within 90 days from the time that the importing State informed the State of export and the Secretariat, or such other period of time as the States concerned agree. To this end, the State of export and any Party of transit shall not oppose, hinder or prevent the return of those wastes to the State of export.

ARTICLE 9

Illegal Traffic

1. For the purpose of this Convention, any transboundary movement of hazardous wastes or other wastes:

- (a) without notification pursuant to the provisions of this Convention to all States concerned; or
- (b) without the consent pursuant to the provisions of this Convention of a State concerned; or
- (c) with consent obtained from States concerned through falsification, misrepresentation or fraud; or
- (d) that does not conform in a material way with the documents; or
- (e) that results in deliberate disposal (eg dumping) of hazardous wastes or other wastes in contravention of this Convention and of general principles of international law,

shall be deemed to be illegal traffic.

2. In case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the exporter or generator, the State of export shall ensure that the wastes in question are:

- (a) taken back by the exporter or the generator or, if necessary, by itself into the State of export, or, if impracticable,
- (b) are otherwise disposed of in accordance with the provisions of this Convention,

within 30 days from the time the State of export has been informed about the illegal traffic or such other period of time as States concerned may agree. To this end the Parties concerned shall not oppose, hinder or prevent the return of those wastes to the State of export.

3. In the case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the importer or disposer, the State of import shall ensure that the wastes in question are disposed of in an environmentally sound manner by the importer or disposer or, if necessary, by itself within 30 days from the time the illegal traffic has come to the attention of

the State of import or such other period of time as the States concerned may agree. To this end, the Parties concerned shall co-operate, as necessary, in the disposal of the wastes in an environmentally sound manner.

4. In cases where the responsibility for the illegal traffic cannot be assigned either to the exporter or generator or to the importer or disposer, the Parties concerned or other Parties, as appropriate, shall ensure, through co-operation, that the wastes in question are disposed of as soon as possible in an environmentally sound manner either in the State of export or the State of import or elsewhere as appropriate.

5. Each Party shall introduce appropriate national/domestic legislation to prevent and punish illegal traffic. The Parties shall co-operate with a view to achieving the objects of this Article.

ARTICLE 10

International Co-operation

1. The Parties shall co-operate with each other in order to improve and achieve environmentally sound management of hazardous wastes and other wastes.

2. To this end, the Parties shall:

- (a) upon request, make available information, whether on a bilateral or multilateral basis, with a view to promoting the environmentally sound management of hazardous wastes and other wastes, including harmonisation of technical standards and practices for the adequate management of hazardous wastes and other wastes;
- (b) co-operate in monitoring the effects of the management of hazardous wastes on human health and the environment;
- (c) co-operate, subject to their national laws, regulations and policies, in the development and implementation of new environmentally sound low-waste technologies and the improvement of existing technologies with a view to eliminating, as far as practicable, the generation of hazardous wastes and other wastes and achieving more effective and efficient methods of ensuring their management in an environmentally sound manner, including the study of the economic, social and environmental effects of the adoption of such new or improved technologies;
- (d) co-operate actively, subject to their national laws, regulations and policies, in the transfer of technology and management systems related to the environmentally sound management of hazardous wastes and other wastes. They shall also co-operate in developing the technical capacity among Parties, especially those which may need and request technical assistance in this field;
- (e) co-operate in developing appropriate technical guidelines and/or codes of practice.

3. The Parties shall employ appropriate means to co-operate in order to assist developing countries in the implementation of subparagraphs (a), (b), (c) and (d) of paragraph 2 of Article 4.

4. Taking into account the needs of developing countries, co-operation between Parties and the competent international organizations is encouraged to promote, *inter alia*, public awareness, the development of sound management of hazardous wastes and other wastes and the adoption of new low-waste technologies.

ARTICLE 11

Bilateral, Multilateral and Regional Agreements

1. Notwithstanding the provisions of Article 4 paragraph 5, Parties may enter into bilateral, multilateral, or regional agreements or arrangements regarding transboundary movement of hazardous wastes or other wastes with Parties or non-Parties provided that such agreements or arrangements do not derogate from the environmentally sound management of hazardous wastes and other wastes as required by this Convention. These agreements or arrangements shall stipulate provisions which are not less environmentally sound than those provided for by this Convention in particular taking into account the interests of developing countries.

2. Parties shall notify the Secretariat of any bilateral, multilateral or regional agreements or arrangements referred to in paragraph 1 and those which they have entered into prior to the entry into force of this Convention for them, for the purpose of controlling transboundary movements of hazardous wastes and other wastes which take place entirely among the Parties to such agreements. The provisions of this Convention shall not affect transboundary movements which take place pursuant to such agreements provided that such agreements are compatible with the environmentally sound management of hazardous wastes and other wastes as required by this Convention.

ARTICLE 12

Consultations on Liability

The Parties shall co-operate with a view to adopting, as soon as practicable, a protocol setting out appropriate rules and procedures in the field of liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes.

ARTICLE 13

Transmission of Information

1. The Parties shall, whenever it comes to their knowledge, ensure that, in the case of an accident occurring during the transboundary movement of hazardous wastes or other wastes or their disposal, which are likely to present risks to human health and the environment in other States, those States are immediately informed.
2. The Parties shall inform each other, through the Secretariat, of:
 - (a) changes regarding the designation of competent authorities and/or focal points, pursuant to Article 5;
 - (b) changes in their national definition of hazardous wastes, pursuant to Article 3; and, as soon as possible,
 - (c) decisions made by them not to consent totally or partially to the import of hazardous wastes or other wastes for disposal within the area under their national jurisdiction;
 - (d) decisions taken by them to limit or ban the export of hazardous wastes or other wastes;
 - (e) any other information required to paragraph 4 of this Article.
3. The Parties, consistent with national laws and regulations, shall transmit, through the Secretariat, to the Conference of the Parties established under Article 15, before the end of each calendar year, a report on the previous calendar year, containing the following information:
 - (a) competent authorities and focal points that have been designated by them pursuant to Article 5;
 - (b) information regarding transboundary movements of hazardous wastes or other wastes in which they have been involved, including:
 - (i) the amount of hazardous wastes and other wastes exported, their category, characteristics, destination, any transit country and disposal method as stated on the response to notification;
 - (ii) the amount of hazardous wastes and other wastes imported, their category, characteristics, origin, and disposal methods;
 - (iii) disposals which did not proceed as intended;
 - (iv) efforts to achieve a reduction of the amount of hazardous wastes or other wastes subject to transboundary movement;
 - (c) information on the measures adopted by them in implementation of this Convention;
 - (d) information on available qualified statistics which have been compiled by them on the effects on human health and the environment of the generation, transportation and disposal of hazardous wastes or other wastes;

- (e) Information concerning bilateral, multilateral and regional agreements and arrangements entered into pursuant to Article 11 of this Convention;
- (f) Information on accidents occurring during the transboundary movement and disposal of hazardous wastes and other wastes and on the measures undertaken to deal with them;
- (g) Information on disposal options operated within the area of their national jurisdiction;
- (h) Information on measures undertaken for development of technologies for the reduction and/or elimination of production of hazardous wastes and other wastes; and
- (i) Such other matters as the Conference of the Parties shall deem relevant.

4. The Parties, consistent with national laws and regulations, shall ensure that copies of each notification concerning any given transboundary movement of hazardous wastes or other wastes, and the response to it, are sent to the Secretariat when a Party considers that its environment may be affected by that transboundary movement has requested that this should be done.

ARTICLE 14

Financial Aspects

1. The Parties agree that, according to the specific needs of different regions and sub-regions, regional or sub-regional centres for training and technology transfers regarding the management of hazardous wastes and other wastes and the minimisation of their generation should be established. The Parties shall decide on the establishment of appropriate funding mechanisms of a voluntary nature.
2. The Parties shall consider the establishment of a revolving fund to assist on an interim basis in case of emergency situations to minimise damage from accidents arising from transboundary movements of hazardous wastes and other wastes or during the disposal of those wastes.

ARTICLE 15

Conference of the Parties

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Executive Director of UNEP not later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.
2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.
3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure for itself and for any subsidiary body it may establish, as well as financial rules to determine in particular the financial participation of the Parties under this Convention.
4. The Parties at their first meeting shall consider any additional measures needed to assist them in fulfilling their responsibilities with respect to the protection and the preservation of the marine environment in the context of this Convention.
5. The Conference of the Parties shall keep under continuous review and evaluation the effective implementation of this Convention, and, in addition, shall:
 - (a) Promote the harmonisation of appropriate policies, strategies and measures for minimising harm to human health and the environment by hazardous wastes and other wastes;

- (b) Consider and adopt, as required, amendments to this Convention and its annexes, taking into consideration, *inter alia*, available scientific, technical, economic and environmental information;
- (c) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention in the light of experience gained in its operation and in the operation of the agreements and arrangements envisaged in Article 11;
- (d) Consider and adopt protocols as required; and
- (e) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention.

6. The United Nations, its specialised agencies, as well as any State not party to this Convention, may be represented as observers at meetings of the Conference of the Parties. Any other body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to hazardous wastes or other wastes which has informed the Secretariat of its wish to be represented as an observer at a meeting of the Conference of the Parties, may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

7. The Conference of the Parties shall undertake three years after the entry into force of this Convention, and at least every six years thereafter, an evaluation of its effectiveness and, if deemed necessary, to consider the adoption of a complete or partial ban of transboundary movements of hazardous wastes and other wastes in light of the latest scientific, environmental, technical and economic information.

ARTICLE 16

Secretariat

1. The functions of the Secretariat shall be:
- (a) To arrange for and service meetings provided for in Article 15 and 17;
 - (b) To prepare and transmit reports based upon information received in accordance with Articles 3, 4, 6, 11 and 13 as well as upon information derived from meetings of subsidiary bodies established under Article 15 as well as upon, as appropriate, information provided by relevant intergovernmental and non-governmental entities;
 - (c) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;
 - (d) To ensure the necessary co-ordination with relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;
 - (e) To communicate with focal points and competent authorities established by the Parties in accordance with Article 5 of this Convention;
 - (f) To compile information concerning authorised national sites and facilities of Parties available for the disposal of their hazardous wastes and other wastes and to circulate this information among Parties;
 - (g) To receive and convey information from and to Parties on;
 - sources of technical assistance and training;
 - available technical and scientific know-how;
 - sources of advice and expertise; and
 - availability of resources
 with a view to assisting them, upon request, in such areas as:
 - the handling of the notification system of this Convention;
 - the management of hazardous wastes and other wastes;
 - environmentally sound technologies relating to hazardous wastes and other wastes, such as low- and non-waste technology;
 - the assessment of disposal capabilities and sites;
 - the monitoring of hazardous wastes and other wastes; and
 - emergency responses;

- (h) To provide Parties, upon request, with information on consultants or consulting firms having the necessary technical competence in the field, which can assist them to examine a notification for a transboundary movement, the concurrence of a shipment of hazardous wastes or other wastes with the relevant notification, and/or the fact that the proposed disposal facilities for hazardous wastes or other wastes are environmentally sound, when they have reason to believe that the wastes in question will not be managed in an environmentally sound manner. Any such examination would not be at the expense of the Secretariat;
- (i) To assist Parties upon request in their identification of cases of illegal traffic and to circulate immediately to the Parties concerned any information it has received regarding illegal traffic;
- (j) To co-operate with Parties and with relevant and competent international organisations and agencies in the provision of experts and equipment for the purpose of rapid assistance to States in the event of an emergency situation; and
- (k) To perform such other functions relevant to the purposes of this Convention as may be determined by the Conference of the Parties.

2. The secretariat functions will be carried out on an interim basis by UNEP until the completion of the first meeting of the Conference of the Parties held pursuant to Article 15.

3. At its first meeting, the Conference of the Parties shall designate the Secretariat from among those existing competent intergovernmental organisations which have signified their willingness to carry out the secretariat functions under this Convention. At this meeting, the Conference of the Parties shall also evaluate the implementation by the interim Secretariat of the functions assigned to it, in particular under paragraph 1 above, and decide upon the structures appropriate for those functions.

ARTICLE 17

Amendment of the Convention

1. Any Party may propose amendments to this Convention and any Party to a protocol may propose amendments to that protocol. Such amendments shall take due account, *inter alia*, of relevant scientific and technical considerations.
2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the Signatories to this Convention for information.
3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, approval, formal confirmation or acceptance.
4. The procedure mentioned in paragraph 3 above shall apply to amendments to any protocol, except that a two-thirds majority of the Parties to that protocol present and voting at the meeting shall suffice for their adoption.
5. Instruments of ratification, approval, formal confirmation or acceptance of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraphs 3 or 4 above shall enter into force between Parties having accepted them on the ninetieth day after the receipt by the Depositary of their instrument of ratification, approval, formal confirmation or acceptance by at least three-fourths of the Parties who accepted the amendments to the protocol concerned, except as may

otherwise be provided in such protocol. The amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval, formal confirmation or acceptance of the amendments.

6. For the purpose of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

ARTICLE 18

Adoption and Amendment of Annexes

1. The annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be and, unless expressly provided otherwise, a reference to this Convention or its protocol constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:

- (a) Annexes to this Convention and its protocols shall be proposed and adopted according to the procedure laid down in Article 17, paragraphs 2, 3 and 4;
- (b) Any Party that is unable to accept an additional annex to this Convention or an annex to any protocol to which it is party shall so notify the Depositary, in writing, within six months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annexes shall thereupon enter into force for that Party;
- (c) On the expiry of six months from the date of the circulation of the communication by the Depositary, the annex shall become effective for all Parties to this Convention or to any protocol concerned, which have not submitted a notification in accordance with the provision of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, *inter alia*, of relevant scientific and technical considerations.

4. If an additional annex or an amendment to an annex involves an amendment to this Convention or to any protocol, the additional annex or amended annex shall not enter into force until such time as the amendment to this Convention or to the protocol enters into force.

ARTICLE 19

Verification

Any Party which has reason to believe that another Party is acting or has acted in breach of its obligations under this Convention may inform the Secretariat thereof, and in such an event, shall simultaneously and immediately inform, directly or through the Secretariat, the Party against whom the allegations are made. All relevant information should be submitted by the Secretariat to the Parties.

ARTICLE 20

Settlement of Disputes

1. In case of a dispute between Parties as to the interpretation or application of, or compliance with, this Convention or any protocol thereto, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. If the Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute, if the parties to the dispute agree, shall be submitted to the International Court of Justice or to arbitration under the conditions set out in Annex VI on Arbitration. However, failure to reach common agreement on submission of the dispute to the International Court of Justice or to arbitration shall not absolve the Parties from the responsibility of continuing to seek to resolve it by the means referred to in paragraph 1.

3. When ratifying, accepting, approving, formally confirming or acceding to this Convention, or at any time thereafter, a State or political and/or economic integration organisation may declare that it recognises as compulsory *ipso facto* and without special agreement, in relation to any Party accepting the same obligation:

- (a) submission of the dispute to the International Court of Justice; and/or
- (b) arbitration in accordance with the procedures set out in Annex VI.

Such declaration shall be notified in writing to the Secretariat which shall communicate it to the Parties.

ARTICLE 21

Signature

This Convention shall be open for signature by States, by Namibia, represented by the United Nations Council for Namibia, and by political and/or economic integration organisations, in Basel on 22 March 1989, at the Federal Department of Foreign Affairs of Switzerland in Berne from 23 March 1989 to 30 June 1989, and at United Nations Headquarters in New York from 1 July 1989 to 22 March 1990.

ARTICLE 22

Ratification, Acceptance, Formal Confirmation or Approval

1. This Convention shall be subject to ratification, acceptance or approval by States and by Namibia, represented by the United Nations Council for Namibia, and to formal confirmation or approval by political and/or economic integration organisations. Instruments of ratification, acceptance, formal confirmation, or approval shall be deposited with the Depositary.

2. Any organisation referred to in paragraph 1 above which becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organisations, one or more of whose member States is a Party to the Convention, the organisation and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organisation and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In their instruments of formal confirmation or approval, the organisations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention. These organisations shall also inform the Depositary, who will inform the Parties of any substantial modification in the extent of their competence.

ARTICLE 23

Accession

1. This Convention shall be open for accession by States, by Namibia, represented by the United Nations Council for Namibia, and by political and/or economic integration organisations from the day after the date on which the Convention is closed for signature. The instruments of accession shall be deposited with the Depositary.

2. In their instruments of accession, the organisations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention. These organisations shall also inform the Depositary of any substantial modification in the extent of their competence.

3. The provisions of Article 22 paragraph 2, shall apply to political and/or economic integration organisations which accede to this Convention.

ARTICLE 24

Right to Vote

1. Except as provided for in paragraph 2 below, each Contracting Party to this Convention shall have one vote.

2. Political and/or economic integration organisations, in matters within their competence, in accordance with Article 22, paragraph 3, and Article 23, paragraph 2, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to the Convention or the relevant protocol. Such organisations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

ARTICLE 25

Entry into force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification, acceptance, formal confirmation, approval or accession.

2. For each State or political and/or economic integration organisation which ratifies, accepts, approves or formally confirms this Convention or accedes thereto after the date of the deposit of the twentieth instrument of ratification, acceptance, approval, formal confirmation or accession, it shall enter into force on the ninetieth day after the date of deposit by such State or political and/or economic integration organisation of its instrument of ratification, acceptance, approval, formal confirmation or accession.

3. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a political and/or economic integration organisation shall not be counted as additional to those deposited by member States of such organisation.

ARTICLE 26

Reservations and Declarations

1. No reservation or exception may be made to this Convention.

2. Paragraph 1 of this Article does not preclude a State or political and/or economic integration organisation, when signing, ratifying, accepting, approving, formally confirming or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, *inter alia*, to the harmonisation of its laws and regulations with the provisions of the Convention, provided that such declarations or statements do not purport to exclude or to modify the legal effects of the provisions of the Convention in their application to that State.

ARTICLE 27

Withdrawal

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Withdrawal shall be effective one year from receipt of notification by the Depositary, or on such later date as may be specified in the notification.

ARTICLE 28

Depositary

The Secretary-General of the United Nations shall be the Depositary of this Convention and of any protocol thereto.

ARTICLE 29

Authentic texts

The original Arabic, Chinese, English, French, Russian and Spanish texts of this Convention are equally authentic.

In witness whereof the undersigned, being duly authorised to that effect, have signed this Convention.

Done at Basel on the 22nd day of March 1989.

SIGNATURES AND RATIFICATIONS

<i>State</i>	<i>Date of Signature</i>	<i>Date of deposit of instrument of Ratification, Approval (AP) or Acceptance (A)</i>
Afghanistan	22 Mar 1989	
Argentina	28 Jun 1989	27 Jun 1991
Austria	19 Mar 1990	12 Jan 1993
Bahrain	22 Mar 1989	15 Oct 1992
Belgium	22 Mar 1989	1 Nov 1993
Bolivia	22 Mar 1989	
Canada	22 Mar 1989	28 Aug 1992
Chile	31 Jan 1990	11 Aug 1992*
China, Peoples Republic of	22 Mar 1990	17 Dec 1991
Colombia	22 Mar 1989*	
Cyprus	22 Mar 1989	17 Sep 1992
Denmark	22 Mar 1989*	6 Feb 1994(AP)
Ecuador	22 Mar 1989*	23 Feb 1993
El Salvador	22 Mar 1990	13 Dec 1991
European Economic Community	22 Mar 1989	7 Feb 1994(AP)
Finland	22 Mar 1989	19 Nov 1991(A)
France	22 Mar 1989	7 Jan 1991(AP)
Germany, Democratic Republic	19 Mar 1990	
Germany, Federal Republic	23 Oct 1989*	21 Apr 1995*
Greece	22 Mar 1989	4 Aug 1994
Guatemala	22 Mar 1989	
Haiti	22 Mar 1989	
Hungary	22 Mar 1989	21 May 1990(AP)
India	15 Mar 1990	24 Jun 1992
Ireland, Republic of	19 Jan 1990	7 Feb 1994
Israel	22 Mar 1989	14 Dec 1994
Italy	22 Mar 1989*	7 Feb 1994
Jordan	22 Mar 1989	22 Jun 1989(AP)
Kuwait	22 Mar 1989	11 Oct 1993
Lebanon	22 Mar 1989*	21 Dec 1994
Liechtenstein	22 Mar 1989	27 Jan 1992
Luxembourg	22 Mar 1989	7 Feb 1994*
Mexico	22 Feb 1991	
Netherlands	22 Mar 1989	16 Apr 1993(A)
New Zealand	18 Dec 1989	20 Dec 1994*
Nigeria	15 Mar 1990	13 Mar 1991
Norway	22 Mar 1989	2 Jul 1990*
Panama	22 Mar 1989	22 Feb 1991
Philippines	22 Mar 1989	21 Oct 1993
Poland	22 Mar 1990	20 Mar 1992*
Portugal	26 Jun 1989	26 Jan 1994
Russian Federation (formerly the Soviet Union)	22 Mar 1990*	31 Jan 1995
Saudi Arabia	22 Mar 1989	7 Mar 1990
Spain	22 Mar 1989	7 Feb 1994*
Sweden	22 Mar 1989	2 Aug 1991
Switzerland	22 Mar 1989	31 Jan 1990
Syria	11 Oct 1989	22 Jan 1992
Thailand	22 Mar 1990	
Turkey	22 Mar 1989	22 Jun 1994
United Arab Emirates	22 Mar 1989	17 Nov 1992
United Kingdom	6 Oct 1989*	7 Feb 1994*
United States	22 Mar 1990	
Uruguay	22 Mar 1989*	20 Dec 1991
Venezuela	22 Mar 1989*	

ACCESSIONS

<i>State</i>	<i>Date of deposit of instrument of Accession</i>
Australia	5 Feb 1992
Antigua and Barbuda	5 Apr 1993
Bahamas	12 Aug 1992
Bangladesh	1 Apr 1993
Brazil	1 Oct 1992
Comoros	31 Oct 1994
Costa Rica	7 Mar 1995
Cote D'Ivoire	1 Dec 1994
Croatia	9 May 1994
Cuba	3 Oct 1994*
Czechoslovakia	24 Jul 1991
Egypt	8 Jan 1993
Estonia	21 Jul 1992
Guinea	26 Apr 1995
Indonesia	20 Sep 1993*
Iran	5 Jan 1993
Japan	17 Sep 1993*
Korea, Republic of	28 Feb 1994
Latvia	14 Apr 1992
Malawi	21 Apr 1994
Malaysia	8 Oct 1993
Maldives	28 Apr 1992
Mauritius	24 Nov 1992
Monaco	31 Aug 1992
Oman	8 Feb 1995
Pakistan	26 Jul 1994
Peru	23 Nov 1993
Romania	27 Feb 1991*
Senegal	10 Nov 1992
Seychelles	11 May 1993
Slovenia	7 Oct 1993
South Africa	5 May 1994
Sri Lanka	28 Aug 1992
St Kitts and Nevis	7 Sep 1994*
St Lucia	9 Dec 1993
Tanzania	7 Apr 1993
Trinidad and Tobago	18 Feb 1994
Vietnam	13 Mar 1995
Zaire	6 Oct 1994
Zambia	15 Nov 1994

SUCCESSIONS

<i>State</i>	<i>Date of Succession</i>
Czech Republic	1 Jan 1993*
Slovak Republic	1 Jan 1993

*Declaration

DECLARATIONS

CHILE

On ratifying the Convention the Government of Chile made the following declaration:

The Government of Chile considers that the provisions of this convention are in full accordance with the principles underlying the set recommendations adopted by this country through the system of consultations provided for in article IX of the Antarctic Treaty. They also help to consolidate and expand the legal regime that Chile has established through various international instruments on the control of transboundary movements of hazardous wastes and their territory of the Republic and its area of jurisdiction situated south of latitude 60 degrees S, in accordance with the provisions of article 4, paragraph 6, of the present Convention.

COLOMBIA

On signing the Convention the Government of the Republic of Colombia made the following declaration:

It is the understanding of Colombia that the implementation of the present Convention shall in no case restrict, but rather shall strengthen, the application of the juridical and political principles which, as this delegation made clear in the statement [made on 21 March to the Basel Conference], govern the actions taken by the Colombian State in matters covered by the Convention—in other words, *inter alia*, the latter may in no case be interpreted or applied in a manner inconsistent with the competence of the Colombian State to apply those principles and other norms of its internal rule to its land area (including the subsoil), air space, territorial sea, submarine continental shelf and exclusive economic maritime zone, in accordance with international law.

CUBA

On its accession to the Convention the Government of the Republic of Cuba made the following declaration:

“The Government of the Republic of Cuba declares, with regard to article 20 of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, that any disputes between Parties as to the interpretation or application of, or compliance with, this Convention or any protocol thereto, shall be settled through negotiation through the diplomatic channel or submitted to arbitration under the conditions set out in Annex VI on arbitration.”

CZECH REPUBLIC

On 30 September 1993, the Government of the Czech Republic notified the Secretary-General that it considered itself bound, by virtue of succession to the Czech and Slovak Republic, by the Basel Convention on the Control of Hazardous Wastes and their Disposal, with effect from 1 January 1993, the date on which the Czech Republic assumed responsibility for its international relations. The succession to the said treaties includes “reservations and declarations to their provisions made earlier by the Czech and Slovak Federal Republic”.

DENMARK

On signing the Convention the Government of the Kingdom of Denmark made the following declaration:

“Denmark’s signature of the Global Convention of the Control of Transboundary Movements of Hazardous Wastes and Their Disposal does not apply to Greenland and the Faroe Islands.”

ECUADOR

On signing the Convention of the Government of the Republic of Ecuador made the following declaration:

The elements contained in the Convention which has been signed may in no way be interpreted in a manner inconsistent with the domestic legal norms of the Ecuadorian State, or with the exercise of its national sovereignty.

GERMANY, FEDERAL REPUBLIC OF

On signing the Convention the Government of the Federal Republic of Germany made the following declaration:

(Original: English)

“It is the understanding of the Government of the Federal Republic of Germany that the provisions in article 4, paragraph 12 of this Convention shall in no way affect the exercise of navigational rights and freedoms as provided for in international law. Accordingly, it is the view of the Government of the Federal Republic of Germany that nothing in this Convention shall be deemed to require the giving of notice to or the consent of any State for the passage of hazardous wastes on a vessel under the flag of a party exercising its right of innocent passage through the territorial sea or the freedom of navigation in an exclusive economic zone under international law.”

“The Federal Republic of Germany rejects the reservation of the Republic of Ghana to article 9, paragraphs 3 and 4 of this Convention because it is contradictory to article 26 of the Convention.”

On ratifying the Convention the Government of the Federal Republic of Germany made the following declaration:

(Original: English)

“It is the understanding of the Government of the Federal Republic of Germany that the provisions in article 4, paragraph 12 of this Convention shall in no way affect the exercise of navigational rights and freedoms as provided for in international law. Accordingly, it is the view of the Government of the Federal Republic of Germany that nothing in this Convention shall be deemed to require the giving of notice to or the consent of any State for the passage of hazardous wastes on a vessel under the flag of a party exercising its right of innocent passage through the territorial sea or the freedom of navigation in an exclusive economic zone under international law.”

INDONESIA

On its accession to the Convention the Government of Indonesia made the following declaration:

“Mindful of the need to adjust the existing national laws and regulations, the provisions of Article 3(1) of this Convention shall only be implemented by Indonesia after the new revised laws and regulations have been enacted and entered into force.”

ITALY

On signing the Convention the Government of the Republic of Italy made the following declaration and objection which were confirmed upon ratification:

Declaration:

The Government of Italy declares further that it is in favour of the establishment of a global control system for the environmentally sound management of transboundary movements of hazardous wastes.

Objection:

The Government of Italy, in expressing its objections *vis à vis* the declarations made, upon signature, by the Governments of Colombia, Ecuador, Mexico, Uruguay and Venezuela, as well as other declarations of similar tenor that might be made

in the future, considers that no provision of this Convention should be interpreted as restricting navigational rights recognized by international law. Consequently, a State party is not obliged to notify any other State or obtain authorization from it for simple passage through the territorial sea or the exercise of freedom of navigation in the exclusive economic zone by a vessel showing its flag and carrying a cargo of hazardous wastes.

JAPAN

On its accession to the Convention the Government of Japan made the following declaration:

“The Government of Japan declares that nothing in the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal be interpreted as requiring notice to or consent of any State for the mere passage of hazardous wastes or other wastes on a vessel exercising navigational rights and freedoms, as paragraph 12 of Article 4 of the said Convention stipulates that nothing in the Convention shall affect in any way the exercise of navigational rights and freedoms as provided for in international law and as reflected in relevant international instruments.”

LEBANON

On signing the Convention the Government of the Lebanese Republic made the following declaration:

[Lebanon] declares that Lebanon can under no circumstances permit burial of toxic and other wastes in any of the areas subject to its legal authority they have entered illegally. In 1988, Lebanon announced a total ban on the import of such wastes and adopted Act No.64/88 of 12 August 1988 to that end. In all such situations, Lebanon will endeavour to co-operate with the States concerned, and with the other States parties, in accordance with the provisions of this treaty.

LUXEMBOURG

On ratifying the Convention the Government of Luxembourg made the following declaration:

“For the implementation of article 5 of the Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, signed at Basel on 22 March 1989, the competent authority in Luxembourg is the Environmental Administration, Wastes Division.”

MEXICO

On signing the Convention the Government of the United Mexican States made the following declaration which was confirmed upon ratification:

Mexico is signing *ad referendum* the Basel Convention on the Control of the Transboundary Movements of Hazardous Wastes because it duly protects its rights as a coastal State in the areas subject to its national jurisdiction, including the territorial sea, the exclusive economic zone and the continental shelf and, insofar as it is relevant, its airspace, and the exercise in those areas of its legislative and administrative competence in relation to the protection and preservation of the environment, as recognised by international law and, in particular, the law of the sea.

Mexico considers that, by means of this Convention, important progress has been made in protection of the environment through the legal regulation of transboundary movements of hazardous wastes. A framework of general obligations for States parties has been established, fundamentally with a view to reducing to a minimum the generation and transboundary movement of dangerous wastes and ensuring their environmentally rational management, promoting international co-operation for those purposes, establishing co-ordination and follow-up machinery, and regulating the implementation of procedures for the peaceful settlement of disputes.

Mexico further hopes that, as an essential supplement to the standard-setting character of the Convention, a protocol will be adopted as soon as possible, establishing, in accordance with the principles and provisions of international law, appropriate procedures in the matter of responsibility and compensation for damage resulting from the transboundary movement and management of dangerous wastes.

NEW ZEALAND

In a communication dated 10 February 1995, the Secretary-General of the United Nations stated the following "The instrument [of ratification] of New Zealand contains a declaration to the effect that the ratification shall not extend to Tokelau, until the date of notification by the Government of New Zealand that the Convention shall so extend to Tokelau."

NORWAY

On ratifying the Convention the Government of the Kingdom of Norway made the following declaration:

"Norway accepts the binding means of settling disputes set out in Article 20, paragraphs 3(a) and (b), of the Convention, by (a) submission of the dispute to the International Court of Justice and/or (b) arbitration in accordance with the procedures set out in Annex VI."

POLAND

On ratifying the Convention the Government of the Republic of Poland made the following declaration:

With respect to article 20, paragraph 2, of the Convention, the Polish Republic declares that it recognizes submission to arbitration in accordance with the procedures and under the conditions set out in Annex VI to the Convention, as compulsory *ipso facto*.

ROMANIA

On its accession to the Convention the Government of Romania made the following declaration:

In conformity with article 26, paragraph 2, of the Convention, Romania declares that the import and the disposal on its national territory of hazardous wastes and other wastes can take place only with the prior approval of the competent Romanian authorities.

RUSSIAN FEDERATION

(Formerly the Union of Soviet Socialist Republics)

The signature of the Union of Soviet Socialist Republics was accompanied by the following understanding:

The definition of "territory" in the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes (UNEP Governing Council decision 14/30 of 17 June 1987) to which reference is made in the preamble to the Convention is a special formulation and cannot be used for purposes of interpreting the present Convention or any of its provisions in the light of article 31, paragraph 2, or article 32 of the 1969 Vienna Convention on the Law of Treaties or on any other basis.

SPAIN
(Translation) (Original: Spanish)

On ratifying the Convention the Government of Spain made the following declaration:

The Spanish Government declares, in accordance with article 26.2 of the Convention, that the criminal characterization of illegal traffic in hazardous wastes or other wastes, established as an obligation of States Parties under article 4.3, will in future take place within the general framework of reform of the substantive criminal legal order.

ST. KITTS AND NEVIS

On its accession to the Convention the Government of St. Kitts and Nevis made the following declaration:

“With respect to article 20, paragraph 2 of the Convention, the Government of Saint Kitts and Nevis declares that it recognizes submission to arbitration in accordance with the procedures and the conditions set out in Annex VI to the Convention, as compulsory *ipso facto*.”

UNITED KINGDOM

On signing the Convention the Government of the United Kingdom made the following declaration which was confirmed upon ratification:

“The Government of the United Kingdom of Great Britain and Northern Ireland declare that, in accordance with Article 4(12), the provisions of the Convention do not affect in any way the exercise of navigational rights and freedoms as provided for in international law. Accordingly, nothing in this Convention requires notice to or consent of any state for the passage of hazardous wastes on a vessel under the flag of a party, exercising rights of passage through the territorial sea or freedom of navigation in an exclusive economic zone under international law.”

URUGUAY

On signing the Convention the Government of the Oriental Republic of Uruguay made the following declaration:

Uruguay is signing *ad referendum* the Convention on the Control of the Transboundary Movements of Hazardous Wastes and their elimination because it is duly protecting its rights as a riparian State in the areas subject to its national jurisdiction, including the territorial sea, the exclusive economic zone and the continental shelf and, as appropriate, the superjacent airspace as well as the exercise in such areas of its standard-setting and administrative competence in connection with the protection and preservation of the environment as recognized by international law and, in particular, by the law of the sea.

VENEZUELA

On signing the Convention the Government of the Republic of Venezuela made the following declaration:

Venezuela considers that the Convention [as] adopted properly protects its sovereign rights as a riparian State over the areas under its national jurisdiction, including its territorial sea, exclusive economic zone and continental shelf, and, as appropriate, its air space. The Convention also safeguards the exercise in such areas of its standard-setting and administrative jurisdiction for the purpose of protecting and preserving the environment and its natural resources in accordance with international law, and in particular the law of the sea.

ANNEX I

Categories of Wastes to be Controlled

Waste Streams

- Y1 Clinical wastes from medical care in hospitals, medical centres and clinics.
- Y2 Wastes from the production and preparation of pharmaceutical products.
- Y3 Waste pharmaceuticals, drugs and medicines.
- Y4 Wastes from the production, formulation and use of biocides and phytopharmaceuticals.
- Y5 Wastes from the manufacture, formulation and use of wood preserving chemicals.
- Y6 Wastes from the production, formulation and use of organic solvents.
- Y7 Wastes from heat treatment and tempering operations containing cyanides.
- Y8 Waste mineral oils unfit for their originally intended use.
- Y9 Waste oils/water, hydrocarbons/water mixtures, emulsions.
- Y10 Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs).
- Y11 Waste tarry residues arising from refining, distillation and any pyrolytic treatment.
- Y12 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish.
- Y13 Wastes from production, formulation and use of resins, latex, plasticisers, glues/adhesives.
- Y14 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known.
- Y15 Wastes of an explosive nature not subject to other legislation.
- Y16 Wastes from production, formulation and use of photographic chemicals and processing materials.
- Y17 Wastes resulting from surface treatment of metals and plastics.
- Y18 Residues arising from industrial waste disposal operations.

Wastes having as constituents:

- Y19 Metal carbonyls.
- Y20 Beryllium; beryllium compounds.
- Y21 Hexavalent chromium compounds.
- Y22 Copper compounds.
- Y23 Zinc compounds.
- Y24 Arsenic; arsenic compounds.
- Y25 Selenium; selenium compounds.
- Y26 Cadmium; cadmium compounds.
- Y27 Antimony; antimony compounds.
- Y28 Tellurium; tellurium compounds.
- Y29 Mercury; mercury compounds.
- Y30 Thallium; thallium compounds.
- Y31 Lead; lead compounds.
- Y32 Inorganic fluorine compounds excluding calcium fluoride.
- Y33 Inorganic cyanides.
- Y34 Acidic solutions of acids in solid form.
- Y35 Basic solutions or bases in solid form.
- Y36 Asbestos (dust and fibres).
- Y37 Organic phosphorous compounds.
- Y38 Organic cyanides.
- Y39 Phenols; phenol compounds including chlorophenols.
- Y40 Ethers.

- Y41 Halogenated organic solvents.
- Y42 Organic solvents excluding halogenated solvents.
- Y43 Any congener of polychlorinated dibenzo-furan.
- Y44 Any congener of polychlorinated dibenzo-p-dioxin.
- Y45 Organohalogen compounds other than substances referred to in this Annex (eg. Y39, Y41, Y42, Y43, Y44).

ANNEX II

Categories of Wastes requiring Special Consideration

Y46 Wastes collected from households.

Y47 Residues arising from the incineration of household wastes.

ANNEX III
List of Hazardous Characteristics

<i>UN Class*</i>	<i>Code</i>	<i>Characteristics</i>
1	H1	Explosive An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings.
3	H3	Flammable liquids The word "flammable" has the same meaning as "inflammable". Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5°C, closed-cup test, or not more than 65.6°C, open-cup test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such differences would be within the spirit of this definition.)
4.1	H4.1	Flammable solids Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.
4.2	H4.2	Substances or wastes liable to spontaneous combustion Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.
4.3	H4.3	Substances or wastes which, in contact with water emit flammable gases Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.
5.1	H5.1	Oxidizing Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.
5.2	H5.2	Organic Peroxides Organic substances or wastes which contain the bivalent—O—O— structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.
6.1	H6.1	Poisonous (Acute) Substances or wastes liable either to cause death or serious injury or harm to human health if swallowed or inhaled or by skin contact.
6.2	H6.2	Infectious substances Substances or wastes containing viable micro organisms or their toxins which are known or suspected to cause disease in animals or humans.

*Corresponds to the hazard classification system included in the United Nations Recommendations on the Transport of Dangerous Goods (ST/SG/AC.10/1/Rev.5, United Nations, New York, 1988).

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| 8 | H8 | Corrosives
Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or, in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards. |
| 9 | H10 | Liberation of toxic gases in contact with air or water
Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities. |
| 9 | H11 | Toxic (Delayed or chronic)
Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity. |
| 9 | H12 | Ecotoxic
Substances or wastes which if released present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation and/or toxic effects upon biotic systems. |
| 9 | H13 | Capable, by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above. |

Tests

The potential hazards posed by certain types of wastes are not yet fully documented; tests to define quantitatively these hazards do not exist. Further research is necessary in order to develop means to characterise potential hazards posed to man and/or the environment by these wastes. Standardised tests have been derived with respect to pure substances and materials. Many countries have developed national tests which can be applied to materials listed in Annex I, in order to decide if these materials exhibit any of the characteristics listed in this Annex.

ANNEX IV

Disposal Operations

A. *Operations which do not lead to the possibility of Resource Recovery, Recycling, Reclamation, Direct Re-Use or Alternative Uses*

Section A encompasses all such disposal operations which occur in practice.

- D1 Deposit into or onto land, (e.g., landfill, etc.).
- D2 Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.).
- D3 Deep injection, (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.).
- D4 Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.).
- D5 Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.).
- D6 Release into a water body except seas/oceans.
- D7 Release into seas/oceans including sea-bed insertion.
- D8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A.
- D9 Physico chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A, (e.g., evaporation, drying, calcination, neutralisation, precipitation, etc.).
- D10 Incineration on land.
- D11 Incineration at sea.
- D12 Permanent storage (e.g., emplacement of containers in a mine, etc.).
- D13 Blending or mixing prior to submission to any of the operations in Section A.
- D14 Repacking prior to submission to any of the operations in Section A.
- D15 Storage pending any of the operations in Section A.

B. *Operations which may lead to Resource Recovery, Recycling, Reclamation, Direct Re-Use or Alternative Uses*

Section B encompasses all such operations with respect to materials legally defined as or considered to be hazardous wastes and which otherwise would have been destined for operations included in Section A

- R1 use as a fuel (other than in direct incineration) or other means to generate energy.
- R2 Solvent reclamation/regeneration.
- R3 Recycling/reclamation of organic substances which are not used as solvents.
- R4 Recycling/reclamation of metals and metal compounds.
- R5 Recycling/reclamation of other inorganic materials.
- R6 Regeneration of acids or bases.
- R7 Recovery of components used for pollution abatement.
- R8 Recovery of components from catalysts.
- R9 Used oil re-refining or other reuses of previously used oil.
- R10 Land treatment resulting in benefit to agriculture or ecological improvement.
- R11 Uses of residual materials obtained from any of the operations numbered R1–R10.
- R12 Exchange of wastes for submission to any of the operations numbered R1–R11.
- R13 Accumulation of material intended for any operation in Section B.

ANNEX VA

Information to be provided on notification

1. Reason for waste export.
2. Exporter of the waste¹.
3. Generator(s) of the waste and site of generation¹.
4. Disposer of the waste and actual site of disposal¹.
5. Intended carrier(s) of the waste or their agents, if known¹.
6. Country of export of the waste.
Competent authority².
7. Expected countries of transit.
Competent authority².
8. Country of import of the waste.
Competent authority².
9. General or single notification.
10. Projected date(s) of shipments(s) and period of time over which waste is to be exported and proposed itinerary (including point of entry and exit)³.
11. Means of transport envisaged (road, rail, sea, air, inland waters).
12. Information relating to insurance⁴.
13. Designation and physical description of the waste including Y number and UN number and its composition⁵ and information on any special handling requirements including emergency provisions in case of accidents.
14. Type of packaging envisaged (eg. bulk, drummed, tanker).
15. Estimated quantity in Weight/volume⁶.
16. Process by which the waste is generated⁷.
17. For wastes listed in Annex I, classifications from Annex III: hazardous characteristic, H number, and UN class.
18. Method of disposal as per Annex IV.
19. Declaration by the generator and exporter that the information is correct.
20. Information transmitted (including technical description of the plant) to the exporter or generator from the disposer of the waste upon which the latter has based his assessment that there was no reason to believe that the wastes will not be managed in an environmentally sound manner in accordance with the laws and regulations of the country of import.
21. Information concerning the contract between the exporter and disposer.

Notes

¹ Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted.

² Full name and address, telephone, telex or telefax number.

³ In the case of a general notification covering several shipments, either the expected dates of each shipment or, if this is not known, the expected frequency of the shipments will be required.

⁴ Information to be provided on relevant insurance requirements and how they are met by exporter, carrier and disposer.

⁵ The nature and the concentration of the most hazardous components, in terms of toxicity and other dangers presented by the waste both in handling and in relation to the proposed disposal method.

⁶ In the case of a general notification covering several shipments, both the estimated total quantity and the estimated quantities for each individual shipment will be required.

⁷ Insofar as this is necessary to assess the hazard and determine the appropriateness of the proposed disposal operation.

ANNEX VB

Information to be provided on the movement document

1. Exporter of the waste¹.
2. Generator(s) of the waste and site of generation¹.
3. Disposer of the waste and actual site of disposal¹.
4. Carrier(s) of the waste¹ or his agent(s).
5. Subject of general or single notification.
6. The date the transboundary movement started and date(s) and signature on receipt by each person who takes charge of the waste.
7. Means of transport (road, rail, inland waterway, sea, air) including countries of export, transit and import, also point of entry and exit where these have been designated.
8. General description of the waste (physical state, proper UN shipping name and class, UN number, Y number and H number as applicable).
9. Information on special handling requirements including emergency provision in case of accidents.
10. Type and number of packages.
11. Quantity in weight/volume.
12. Declaration by the generator or exporter that the information is correct.
13. Declaration by the generator or exporter indicating no objection from the competent authorities of all States concerned which are Parties.
14. Certification by disposer of receipt at designated disposal facility and indication of method of disposal and of the approximate date of disposal.

Notes

The information required on the movement document shall where possible be integrated in one document with that required under transport rules. Where this is not possible the information should complement rather than duplicate that required under the transport rules. The movement document shall carry instructions as to who is to provide information and fill out any form.

¹ Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted in case of emergency.

ANNEX VI

Arbitration

ARTICLE 1

Unless the agreement referred to in Article 20 of the Convention provides otherwise, the arbitration procedure shall be conducted in accordance with Articles 2 to 10 below.

ARTICLE 2

The claimant party shall notify the Secretariat that the parties have agreed to submit the dispute to arbitration pursuant to paragraph 2 or paragraph 3 of Article 20 and include, in particular, the Articles of the Convention the interpretation or application of which are at issue. The Secretariat shall forward the information thus received to all Parties to the Convention.

ARTICLE 3

The arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator, and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the Chairman of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

ARTICLE 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of either party, designate him within a further two months period.
2. If one of the parties to the dispute does not appoint an arbitrator within two months of the receipt of the request, the other party may inform the Secretary-General of the United Nations who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the Secretary-General of the United Nations, who shall make this appointment within a further two months' period.

ARTICLE 5

1. The arbitral tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Convention.
2. Any arbitral tribunal constituted under the provisions of this Annex shall draw up its own rules of procedure.

ARTICLE 6

1. The decisions of the arbitral tribunal both on procedure and on substance, shall be taken by majority vote of its members.
2. The tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the parties, recommend essential interim measures of protection.
3. The parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.
4. The absence or default of a party in the dispute shall not constitute an impediment to the proceedings.

ARTICLE 7

The tribunal may hear and determine counter-claims arising directly out of the subject-matter of the dispute.

ARTICLE 8

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the parties.

ARTICLE 9

Any Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

ARTICLE 10

1. The tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time-limit for a period which should not exceed five months.
2. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the parties to the dispute.
3. Any dispute which may arise between the parties concerning the interpretation or execution of the award may be submitted by either party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another tribunal constituted for this purpose in the same manner as the first.

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