


**BASEL
CONVENTION**

BRS Treaties • Basel Convention

Key provisions of the Basel Convention

Objective

The overarching objective of the Basel Convention is to protect human health and the environment against the adverse effects of hazardous wastes. Its scope of application covers a wide range of wastes defined as “hazardous wastes” based on their origin and/or composition and their characteristics, as well as two types of wastes defined as “other wastes” - household waste and incinerator ash.

Principle Aims

- the reduction of hazardous waste generation and the promotion of environmentally sound management of hazardous wastes, wherever the place of disposal;
- the restriction of transboundary movements of hazardous wastes except where it is perceived to be in accordance with the principles of environmentally sound management; and
- a regulatory system applying to cases where transboundary movements are permissible.

Article 4: The first aim is addressed through a number of general provisions requiring States to observe the fundamental principles of environmentally sound waste management (article 4). A number of prohibitions are designed to attain the second aim: hazardous wastes may not be exported to Antarctica, to a State not party to the Basel Convention, or to a party having banned the import of hazardous wastes (article 4).

Article 11: Parties may, however, enter into bilateral or multilateral agreements on hazardous waste management with other parties or with non-parties, provided that such agreements are “no less environmentally sound” than the Basel Convention (article 11). In all cases where transboundary movement is not, in principle, prohibited, it may take place only if it represents an environmentally sound solution, if the principles of environmentally sound management and non-discrimination are observed and if it is carried out in accordance with the Convention’s regulatory system.

Articles 6 and 7: The regulatory system is the cornerstone of the Basel Convention as originally adopted. Based on the concept of prior informed consent, it requires that, before an export may take place, the authorities of the State of export notify the authorities of the prospective States of import and transit, providing them with detailed information on the intended movement. The movement may only proceed if and when all States concerned have given their written consent.

Articles 10 and 13: The Basel Convention also provides for cooperation between Parties, ranging from the exchange of information on issues relevant to the implementation of the Convention to technical assistance, particularly to developing countries.

Article 16: The Secretariat is required to facilitate and support this cooperation, acting as a clearing-house.

Articles 8 and 9: In the event of a transboundary movement of hazardous wastes having been carried out illegally, i.e., in contravention of the provisions of Articles 6 and 7, or cannot be completed as foreseen, the Convention attributes responsibility to one or more of the States involved, and imposes the duty to ensure safe disposal, either by re-import into the State of generation or otherwise.

Article 14: The Convention also provides for the establishment of regional or sub-regional centres for training and technology transfer regarding the management of hazardous wastes and other wastes and the minimization of their generation to cater to the specific needs of different regions and subregions. Fourteen such centres have been established. They carry out training and capacity building activities in the regions.

Ratifying the Basel Convention: reservations and declarations

Reservations upon ratification or accession to the Basel Convention are not provided for – however, under international law, a country ratifying or acceding to a treaty may make a declaration where they express their understanding of some matter or the interpretation of a particular provision.

Unlike reservations, declarations merely clarify the country’s position and do not modify the legal effect of a treaty. Usually, declarations are made at the time of ratification or signature.

This factsheet on **The Chemicals Treaties (BRS Treaties): Basel Convention** is included in the comprehensive report: *Multilateral Environmental Agreements (MEAs)*, pp. 23–25.