

REPORT OF THE INFORMAL CONSULTATIVE MEETING AMONG PARTIES TO THE BAMAKO CONVENTION ON THE BAN OF THE IMPORT INTO AFRICA AND THE CONTROL OF TRANSBOUNDARY MOVEMENT AND MANAGEMENT OF HAZARDOUS WASTES WITHIN AFRICA (THE BAMAKO CONVENTION)

Nairobi, Kenya, 28 May 2016



EXECUTIVE SUMMARY

1. Representatives of Parties to the Bamako convention held an informal consultative meeting on 28 May 2016 from 09:30 am to 01:30 pm at the Headquarters of the Secretariat of the Convention, the UN complex in Nairobi, to consult each other on the status of implementation of the Bamako Convention since its first meeting of the Conference of Parties, preparations for its second meeting of the Conference of Parties and other related matters, and share information on issues related to the Secretariat.

2. Ministers responsible for environmental affairs from six Parties to the Bamako Convention (Burkina Faso, Cameroon, Ethiopia, Mauritius, Senegal, Uganda) and senior government officials responsible for environmental affairs from eleven Parties (Côte d'Ivoire, Republic of the Congo, Gabon, Libya, Mali, Mozambique, Niger, Tanzania, Togo, Tunisia, Zimbabwe) attended the meeting (see attached list of participants).
3. The meeting was chaired by the President of the Conference of Parties to the Bamako Convention, His Excellency Mr. Ousmane Kone, Minister of Environment, Sanitation and Sustainable Development of the Republic of Mali.
4. After fruitful discussions and debates on the different issues, the Delegates underlined the importance of the Bamako Convention for Africa and reaffirmed their commitment to its implementation.
5. The Delegates appreciate and commend the tireless support provided by UNEP, which provides secretariat functions, to the implementation of the Bamako Convention.
6. On all the issues consulted at this meeting, the Delegates agreed, with the support of the secretariat, to share the Minutes of the meeting as well as a Summary with the all Parties to the Convention for their necessary attention and to take measures to execute them, and to review status of their implementation at the next meeting of the Conference of Parties to be held in Côte d'Ivoire in 2017, at a date to be agreed upon.

MINUTES OF THE MEETING

AGENDA ITEM 1: Opening of the meeting

The meeting was chaired by the President of the Conference of Parties to the Bamako Convention, His Excellency Mr. Ousmane Kone, Minister of Environment, Sanitation and Sustainable Development of the Republic of Mali.

Opening and welcoming statements were be delivered by Mr. Ibrahim Thiaw, Assistant Secretary-General of the United Nations and Deputy Executive Director of the United Nations Environment Programme, and by Ms. Juliette Biao Koudenoukpo, Head of the Secretariat of the Bamako convention, and Director and Regional Representative for Africa of the United Nations Environment Programme:

- 1.1 Ms. Juliette Biao Koudenoukpo welcomed the participants and stressed out that it had been unanimously recognized that the First Conference of the Bamako convention held in Bamako in June 2013 has been a great success, which has generated a lot of hope in the continent. Many important decisions have been taken on key issues for the operationalization of the Bamako convention. It is now time to implement these decisions, and this meeting gives an

opportunity to elaborate strategies on how the Bamako convention can reach its objectives. Ms. Biao said: “This is our unique opportunity to show the world Africa’s firm commitment on the implementation of the Agenda of the Bamako convention. Ms. Biao added that this meeting will contribute to help parties to the Bamako convention, and furthermore African countries, to move forward the agenda of sound management of waste.

1.2 Mr. Ibrahim Thiaw reminded the audience that the First Conference of Parties highlighted the ambition of Africa to protect vulnerable groups including children and poor communities from negative impacts resulting from unsafe chemical use and unsound waste disposal. The holding of the Extraordinary Meeting today illustrates the determination of Parties to the Bamako convention to address Africa serious environmental challenges arising from illegal trade and traffic of hazardous chemicals and wastes, as evidenced by many dramatic cases of dumping of hazardous waste in Africa. Mr. Thiaw said “The meeting today marks an important milestone in the development of the Bamako convention. I trust your wise deliberations will prompt action to overcome barriers to the operationalization of the Bamako convention, to prevent Africa to become a dumping ground for toxic wastes and to achieve effective management and minimization of waste in Africa, in order to prevent harm to health and environment”. Mr. Thiaw ensured the audience that UNEP will continue to place this programme, and specific regional priorities, at the core of its agenda and looks forward to continuous cooperation with the Parties to the Bamako convention.

AGENDA ITEM 2: Adoption of the Agenda

The Representatives of the Parties approved the following agenda for the meeting:

- Agenda item 1: Opening of the meeting.
- Agenda item 2. Adoption of the Agenda
- Agenda item 3: Outcomes of the first meeting of the Conference of the Parties and implementation of its decisions.
- Agenda item 4: Preparations for the second meeting of the Conference of the Parties.
- Agenda item 5: Review of the state of institutional, administrative and logistic arrangements for the Secretariat.
- Agenda item 6: Any other business.
- Agenda item 7: Closure of the meeting.

AGENDA ITEM 3: Outcomes of the first meeting of the Conference of the Parties and implementation of its decisions.

The Secretariat submitted a report on the outcomes and decisions adopted by first meeting of the Conference of the Parties (COP 1), and the measures and actions taken by the parties and the Secretariat for its implementation. The main decisions taken by COP 1 are:

1. Establishment of a Secretariat to be placed within UNEP. Establishment of two subsidiary bodies: the Legal and Technical Working Group (LTWG) and the Ad-Hoc Expert Group on Liabilities and Compensation (AHG-LC).
2. Adoption of a Work Plan and Budget for 2014.
3. Adoption of a decision on Ratification and Domestication of Mutually Beneficial Instruments: Bamako Convention, Basel Convention and Basel Ban Amendment.
4. Adoption of a decision recognizing the importance of the tools and expertise available under the Basel Convention for the control of the transboundary movement of hazardous waste and its environmentally sound management, recognizing the Bamako Convention as the vehicle to complement and strengthen the implementation of the Basel Convention at the regional level and vice versa, and encouraging the Secretariat to further strengthen its collaboration with the Secretariat of the Basel, Rotterdam and Stockholm Conventions and any other relevant Secretariats of Conventions.
5. Adoption of the Bamako Declaration on the Protection of Africa against illegal dumping of hazardous wastes.

The activities carried out for the effective implementation of the Bamako Convention, its decisions taken at its first meeting of the Conference of Parties included inter alia:

- i. Establishment of the Secretariat: internal arrangements were made by UNEP to host the Secretariat within the Regional Office for Africa (ROA) with support of the Division of Environment Law and Conventions (DELIC).
- ii. Development of technical material by the Secretariat in support of national implementation.
- iii. Information to Parties and consultations, Awareness raising and promotion of the Convention during relevant regional and global meetings (AMCEN 15, BRS Regional meeting, BRS COPs).
- iv. Capacity building: Organisation of a Meeting of National Authorities to train national Focal Points on their role and responsibilities.
- v. Contacts with BRS Secretariat, Minamata interim Secretariat, UNEP Chemicals Branch and other relevant partners within and outside the UN system to seek possible partnerships.
- vi. With regard to Parties to the Bamako Convention, some Parties have designated/nominated their National Focal Points (FPs) and other national entities (19 Parties have designated their FPs).

The Secretariat stressed out the critical financial situation of the Convention that needs to be addressed urgently. COP 1 has adopted a core budget for year 2014 of USD 4,355,000, and has also established a Revolving Fund for Assistance in case of Emergency situations. In addition COP 1 has established a Trust Fund (voluntary contributions from Parties and non-Parties. To ensure the functioning of the convention the Secretariat needs to receive funds.

The Delegates discussed and appreciated the report submitted by the Secretariat and expressed their concern about the slow progress made on some aspects of implementation of the COP 1 decisions. In this regard, the Delegates agreed to take necessary measures and actions as soon as feasible for the effective implementation of the Bamako Convention:

1. On the need to guarantee and secure total ban of the import to Africa and control of transboundary movement of hazardous wastes to the continent, the Delegates agreed to continue to urge and solicit non-Parties to the Bamako Convention to ratify or accede to it, as well as to the related Basel Convention on the Transboundary Movement of Hazardous Wastes and its Basel Ban Amendment.
2. To ensure the Bamako Convention is implemented and enforced effectively at national level, the Delegates underlined the importance of domesticating the Convention as well as the other related chemical conventions (namely, the Basel, Rotterdam, Stockholm and Minamata conventions) through the development of the appropriate national implementing laws and/or regulations to put into effect these conventions.
3. With regards to national institutional framework required for the effective implementation and enforcement of the Bamako Convention, the Delegates committed to ensure, if they have not yet done so, to designate and/or nominate and inform the secretariat their designated national competent authority, national focal point, and dumpwatch, as well as national experts to serve in the subsidiary bodies of the Conference of the Parties namely the Legal and Technical Working Group and the Ad Hoc Expert Group on Liabilities and Compensation.
4. With respect to strengthening the implementation of related chemicals and waste conventions, and the need to create coherence and promote synergies among them, the Delegates agreed to further promote an enhanced and integrated programmatic cooperation at national level between the Bamako Convention and other related chemicals and hazardous waste conventions as well as forge closer links and cooperation with their secretariats.
5. On the need to further promote synergies in the implementation of not only the Bamako Convention but also the other related chemicals and hazardous waste conventions, the Delegates agreed in collaboration with the secretariat, to conduct joint capacity development and capacity building activities including awareness raising and inclusion of management of chemicals and hazardous wastes related issues into the education curricula at all levels.
6. With regards to ensuring that the secretariat is well endowed with both human and financial resources to support and collaborate with the Parties to effectively implement and enforce the Bamako Convention, the Delegates committed to ensure that their assessed annual contributions as well as arrears are fully paid and requested the secretariat to resend to Parties, as reminders, the invoices for such payments.
7. As the Delegates committed to take concerted measures at national level for the payment of their assessed annual contributions and arrears, they urge non-Parties and all those concerned with illegal dumping of hazardous wastes and chemicals to support activities for the implementation of the Bamako Convention through voluntary contributions into the Convention's Trust Fund.

AGENDA ITEM 4: Preparations for the second meeting of the Conference of the Parties.

The Secretariat submitted a report on this issue.

1. The decision C1-DEC.11 – Date and venue of the second Conference of the Parties, taken at the first meeting of the Conference of the Parties, requests the Secretariat to convene the second meeting of the Conference of the Parties in March 2015 at Abidjan, Côte d'Ivoire, subject to official confirmation by this Party.
2. The holding of COP2 was delayed due to the several land mark events of year 2015.
3. Pursuant to UN Resolution 40/243, UN bodies might hold sessions away from their established headquarters when a Government issuing an invitation for a session to be held within its territory had agreed to defray the actual additional costs directly or indirectly involved.
4. A Host Government Agreement shall be signed between the Secretariat and the inviting Government. The Secretariat presented the main key elements of the Host Government Agreement.

The Delegates recognized the need to maintain momentum in the implementation of the Bamako Convention and ensure its regular review and monitoring, and agreed that the second meeting of the Conference of the Parties which was to have been held in 2015 should not be further delayed and hence agreed to have it in 2017 at the date to be agreed with the host country of the Conference of Parties, and convenient for all other Parties.

The Delegates appreciated the reconfirmation and readiness of the Government of Côte d'Ivoire to host the meeting in its territory subject to the timely submission by the secretariat of the budget implication for its consideration and necessary approvals as well as agreement on the hosting arrangements requirements for such a UN meeting to be held outside the headquarters of the secretariat.

AGENDA ITEM 5: Review of the state of institutional, administrative and logistic arrangements for the Secretariat.

The Secretariat submitted a report on this issue.

1. The Secretariat has received from the Government of Mali the communication ref. No. 0311/MEADD-SG dated 20 April 2016 expressing the interest of Mali for hosting the Secretariat of the Bamako convention.
2. To support Mali to further elaborate its proposal for consideration by the Parties to the Bamako Convention, the Secretariat has provided technical information, based on common practices within the United Nations system, including categories of information that may form part of the proposal from a Government interested in physically hosting the Secretariat.

With respect to this proposal received from the Government of Mali on the possible review of the institutional arrangements for hosting the secretariat of the Bamako Convention and the offer it has extended for consideration on its readiness to host the secretariat, divergent views on its discussion emerged. Some of the Delegates were of the view that the secretariat hosted by UNEP

at its headquarters in Nairobi was still in its nascent stage of its establishment and development and thus needs its parent host to nurture and thus status quo should remain. Others felt that the Bamako Convention is an African instrument that should be owned and administered by an African entity hence it should be hosted by an African country. Others were worry of the ability and readiness to bear the financial cost for hosting the secretariat but were of the view that if the decision is taken to move the secretariat then a transparent process should be followed which include opening up the bids for hosting the secretariat and call for more offers to be submitted by the Parties for consideration and possible decision at the second meeting of the Conference of Parties.

AGENDA ITEM 6: Any other business.

No particular issue was raised under this agenda item.

AGENDA ITEM 7: Closure of the meeting

After exchanging words of appreciation for the open and constructive exchange of views and opinions, the meeting was closed by the President of the Conference of Parties at 13:30 hours on 28 May 2016.