

Basel Convention 1989

[UPSC Notes]

What is the Basel Convention?

Basel Convention is an international and wide-ranging agreement or settlement for the Command of Transboundary Movements of Harmful Wastes and their Discarding. The conference of Plenipotentiaries implemented this act in 1989, intending to protect the human atmosphere from the adverse effects of harmful wastes produced, controlled, and dumped in the global community.

- The main focus of the Basel Convention is to prevent the movement of hazardous waste from developed nations to developing or underdeveloped countries and reduce the transfer of hazardous waste among the countries across the globe.
- This international treaty has aimed to reduce the movement of dangerous waste such as toxic, flammable, explosive, and corrosive waste between countries.
- Nevertheless, the movement of radioactive waste is not covered or controlled by this Basel Convention.

A complete ban on single-use plastic comprising any of its products was banned in India by the Ministry of Consumer Affairs Food and Public Distribution in September 2019. The Basel Convention is recognized among the most crucial international environmental conventions implemented by all PSUs of the Ministry, counting the Food Corporation of India.

Objectives of Basel Convention

The goal or objective of the Basel Convention is to save the atmosphere or environment from harmful waste generated and moved across the globe. The main intention behind implementing the Basel Convention is to bring effective measures for controlling and regulating hazardous and other waste disposals at the global level.

- Under the sponsorships of the UNEP, the beginning of discussions about the Basel Convention commenced in the late 1980s.
- It also aims to prevent the dangerous waste transfer from developed countries to LDC.
- The Basel Convention also assists LDCs in the environmentally sound management of their generated hazardous and other disposable wastes.
- Another objective of the Basel Convention is to ensure the environmentally sound management of other countries by minimizing the amount and toxicity of waste that each country generates.

Leading Aspects of Basel Convention

Even though the idea and discussions of the Basel Convention started in 1989, the Convention came into action in 1992, after around three years.

- The administration office of the Basel Convention is located in Geneva city of Switzerland.
- The Basel Convention directs a "Prior Consent Approval" method to control the transboundary movements of the harmful and other wastes to reduce their adverse effects on the environment.
- Basel Convention states that the transfer or movement of harmful and other wastes among the -party nations is illegal. They cannot encourage such movement of harmful wastes unless specially agreed.
- On the other side, there is an internal legislature and regulation on prevention and punishment for the illegal movement or transfer of such hazardous wastes by the member countries to the Basel convention.
- This regulation and legislature certify that the Basel Convention's member countries restrict and regulate the production, storing, treatment, transporting, reusing, recycling, recovery, and final dumping of harmful wastes.
- The chief organ of the Basel Convention is the COP. It is accountable for making decisions about the actions and management of the Convention. It meets twice a year.

Functions of Basel Convention

The Basel Convention of 1989 controls the transboundary movement of harmful wastes that fall under the following criteria:

- If the wastes come under the category of wastes recorded in Annex I of the Basel Convention and exhibit at least one hazardous characteristic listed in Annex III of the Convention.
- It must be recorded and hold characteristics such as volatile, explosive, toxic, or destructive to the environment and living beings.
- In the Basel Convention's 14th Conference of the Parties (COP14), a resolution has been commended that will be legally obligatory for constraining requiring nations to get prior informed consent before exporting or transferring contaminated or miscellaneous plastic scrap.

Wastes under Basel Convention

The list of hazardous waste that the Basel Convention (1989) controls and regulates includes the following. Additionally, waste can come under the scope or list of the Basil Convention provided that either the laws in exporting nation or in the importing nation consider or count it as hazardous waste.

Some of the examples of waste that are considered hazardous under the scope of the Basil Convention:

- Consumed or exhausted lead-acid batteries
- All Biomedical wastes

- Stubborn Organic Pollutant wastes
- Explosive wastes and Utilized Oils
- Polychlorinated Biphenyls (PCBs) compounds
- Heat exchange fluids, paint extract, sealants, copy papers free from carbon and used plastics.
- Harmful chemicals and insecticides persist in the environment for years.
- Including chemical wastes generated by industries and consumers.
- Electronic & Electrical waste
- Ships intended for dismantling
- Mercury wastes

Achievements of Basel Convention

The COP 5 meeting implemented Basel Ban Amendment in 1999 for the protocol on accountability and reimbursement for the environmental damage caused due to transboundary movements of harmful wastes and their dumping, but it is yet to come into action.

A calculated scheme was adopted in 2006 to implement the Basel Convention from 2002 to 2010.

Detailed Account on Basel Ban Amendment UPSC

Basel Ban Amendment covers all the modifications made in the Basel Convention after its adoption. Here are some details about Basel Ban Amendment that UPSC aspirants should know.

- The Basel Ban Amendment to the Basel Convention was taken on in the year 1995, consequently adding a new annex VII to the Convention. The amendment came into action on December 5, 2019.
- The most recent meeting of the Basel convention took place in April-May 2019 with the 14th Conference of Parties (COP 14). New entries which are effective since January 1, 2021, were taken into the Basel Convention during this meeting.
- The next meeting of the 15th Conference of Parties (COP 15) will be organized in July 2022 in Geneva, Switzerland.
- The Basel Ban Amendment for the protocol on accountability and reimbursement for the environmental damage caused due to transboundary movements of harmful wastes and their dumping was implemented in 1999, but it is yet to come into action.
- Moreover, this protocol is yet to be signed by India.
- The list of hazardous wastes according to the Basel Convention does not include radioactive wastes and wastes that originate from the usual operations of the ships.
- The 2nd Conference of the Parties (COP 2) meeting initially implemented the Basel Ban Amendment in March 1994.
- The “Basel Ban Amendment” provides Parties mentioned in Annex VII, including the members of OECD, EU, and Liechtenstein, to prohibit all transboundary

movements of harmful wastes intended for ultimate disposal operations from OECD to non-OECD countries. The waste includes outdated ships and other electronic wastes.

- As per the Basel ban amendment, Parties mentioned in Annex VII, including the members of OECD, EU, and Liechtenstein, have to prohibit and phase out all transboundary transfer of harmful wastes intended for recovering and recycling operations from OECD to non-OECD countries by December 31, 1997.
- At COP 3, member parties of the Basel Convention accepted the prohibition as a further amendment recognized as the "Basel Ban Amendment."
- This Ban Amendment had been hindered till now because of ambiguity over how to understand or take the Convention.
- According to BAN, it became a new Article from the Basel Convention and came into action in 97 states worldwide on December 5 after 90 days of adoption.
- As per the Basel Action Network (BAN), after Croatia approved and confirmed the adoption of the Basel Convention on September 6, 2019, the Basel Ban Amendment of 1995 for waste dumping prohibition at the global level became a crucial international law for protecting human health and the environment from the ill effects of harmful waste.
- BAN is a charitable trust body based in the United States and among the nations, organizations, and countries that established the Basel Ban Amendment. It is addressed as a landmark pact for environmental justice.
- The United States generates the maximum per-capita waste; however, it failed to authorize the Basel Convention, also actively countering the Ban Amendment.

Laws for Dangerous Waste Management In India

1. The MOEF&CC announced the rules for harmful and other waste management rules in 2016 and were last revised in 2019.
 - As per the amendment, India prohibits importing any solid plastic waste. It involves (SEZ) and (EOU).
 - The amendment provides immunity to Silk Waste Exporters for no longer needing permission from the Ministry.
 - Fabrications and components of the Faulty electrical or electronic devices can be brought back within a year of transfer without permission from the Ministry.
 - The amendment also exempted the industries from these rules, which were previously exempted from needing consent under the Water and Air (Prevention and Control of Pollution) Acts of 1974 and 1981, respectively.
2. MOEF&CC also introduced some New Bio-Medical Waste Management Rules in 2016.
3. MOEF&CC also declared new Electronic & Electric Waste Management Rules in 2016, replacing the previous Rules of 2011.

Basel Convention Member Countries

One hundred eighty-eight countries of the world are members of the Basel Convention, including India. It confirmed the Basel Convention in June 1992 and took it into action on September 22, 1992.

Consent Status of Other Countries for Basel Ban Amendment

The United States generates the maximum per-capita waste; however, it failed to authorize the Basel Convention and actively does not approve the Basel Ban Amendment.

Developed Countries like Japan, Australia, New Zealand, and Canada also refused to approve the ban amendment because of having e-waste export problems.

Countries such as Russia, India, South Korea, Brazil, and Mexico are yet to approve the Basel ban amendment.

