

The Ban Amendment

In 1995, during the third meeting of the **Conference of the Parties to the Basel Convention**, some countries felt that it was necessary to address challenges faced by developing countries and countries with economies in transition in controlling imports of hazardous and other wastes, since they were unable to manage them in an environmentally sound manner. This resulted in the development of the **Ban Amendment**.



According to the amendment, Parties listed in Annex VII (members of OECD, EU and Liechtenstein) prohibit immediately all transboundary movements of hazardous wastes which are destined for final disposal operations stated under Annex IV B to States not listed in Annex VII.

In the same amendment, it was agreed that Parties listed in Annex VII phase out by 31 December 1997, and prohibit as of that date, all transboundary movements of hazardous wastes destined for operations stated under Annex IV B to States not listed in Annex VII.

For some years after, there were differing views among Parties about the interpretation of the amendment, with many considering it to be ambiguous. After several meetings, the President of the ninth meeting of the Conference of the Parties issued a statement calling on Parties to take measures conducive to the attainment of the objectives of the amendment. On this basis, Indonesia and Switzerland announced their readiness to organize a **“Country-led Initiative” (CLI)**.

At its tenth meeting, the Conference of the Parties adopted decision BC-10/3 on the CLI to improve the effectiveness of the Basel Convention. Section A of this decision addresses the entry into force of the Ban Amendment and suggests a different interpretation on the approval of amendments to the Basel Convention (Art. 17 of the Convention).

The amendment is not yet in force and, according to the CLI, **it will enter into force when 66 or more of the 87 countries** that were Parties to the Basel Convention in 1995, when the amendment was adopted, **ratify it**.

To ratify the amendment, Parties should submit to the Depositary of amendments to the Convention the instruments of ratification - approval - formal confirmation/acceptance of amendments, and if they are in accordance with paragraphs 3 or 4 of Article 17 of the Basel Convention, the amendment will enter into force on the 90th day after the receipt of the instruments.

The Secretariat of the Convention provides assistance to Parties that are facing difficulties in ratifying the Ban Amendment, on request and within available resources. This includes:

- provision of information and documentation to relevant stakeholders and decision-makers;
- provision of legal and practical advice;
- organization of electronic and face-to-face activities (workshops and webinars);
- and facilitation of exchange of information and experiences between Parties.



Number of ratifications
of the Ban Amendment
as of December 2014: **80**

Why should we ratify this amendment?

To protect human health and the environment against pollutants from poor waste management. The amendment guarantees the sound management and disposal of hazardous wastes.