

Basel Convention, Background, Objectives, Features, Amendments, PIC

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The **Basel Convention is an international agreement** that aims to protect people and the environment from the **harmful effects of hazardous waste**. It was adopted in **1989 and came into force in 1992**, at a time when many developed countries were sending dangerous waste to developing nations without proper safety measures.

Background of the Basel Convention

- The issue of hazardous waste became a global concern in the early 1980s, when it was included as a **priority area under the UNEP's Montevideo Programme on Environmental Law (1981)**.
- During the 1980s, it was discovered that **toxic waste from developed countries was being dumped in developing regions, especially in Africa**, which led to strong public protests worldwide.
- At the same time, **developed countries had started enforcing strict environmental laws in the 1970s and 1980s**, which made waste disposal more expensive and difficult.
- People in these countries opposed having hazardous waste near their homes, leading to the **NIMBY (Not In My Backyard) attitude**.

- Due to rising costs and public pressure, some companies began **sending hazardous waste to Eastern Europe and developing countries**, where environmental rules were weaker. This practice became known as **“toxic trade.”**
- To address this issue, the **UNEP Governing Council in June 1987** approved the **Cairo Guidelines**, which helped countries manage hazardous waste but were not legally binding.
- In the same year, based on a proposal by **Switzerland and Hungary**, **UNEP formed a working group** to draft a global agreement to **control the movement of hazardous waste**.
- The final draft was discussed at the **Conference of Plenipotentiaries**, held in **Basel, Switzerland, from 20-22 March 1989**, with participation from 116 countries.
- The Basel Convention was adopted **unanimously on 22 March 1989, along with eight supporting resolutions**.
- A total of **105 countries and the European Economic Community (EEC)** signed the Final Act of the conference.
- The Convention finally came into force on **5 May 1992**, after the required number of countries formally accepted it.

Objective of the Basel Convention

- The main goal of the Convention is to **protect human health and the environment from the harmful effects of hazardous waste**.
- It covers a wide range of waste types, including those that are dangerous due to their **origin, composition, or characteristics**.
- It also includes certain **“other wastes”** such as household waste, incinerator ash, some plastic waste, and electronic waste (e-waste).
- **Aims and Key Provisions**
 - The Convention aims to reduce the **generation of hazardous waste** and encourage countries to **manage it safely within their own boundaries** as much as possible.
 - It tries to limit the **movement of hazardous waste across borders**, allowing it only when it is absolutely necessary and environmentally safe.
 - A proper **regulatory system is created to control such movements** when they are allowed.

Basel Convention Salient Features

- **Prior Informed Consent (PIC):** Hazardous waste cannot be sent from one country to another without prior information and approval from the receiving country.
- **Restriction on Non-Parties:** Countries that are not members of the Convention cannot trade hazardous waste with member countries, unless there is a special agreement.
- **Domestic Laws Required:** All member countries must create their own laws to control, prevent, and punish illegal handling or movement of hazardous waste.
- **Responsibility of Countries:** Each country is responsible for the safe generation, storage, transport, treatment, recycling, and disposal of hazardous waste within its territory.

- **Environmentally Sound Management (ESM):** Waste must be handled in a way that protects human health and the environment at every stage.
- **Minimisation of Waste:** Countries are encouraged to reduce the generation of hazardous waste as much as possible.
- **Control of Transboundary Movement:** The Convention aims to reduce and strictly regulate international movement of hazardous waste.
- **Conference of Parties (COP):** The COP is the main decision-making body, which reviews progress, adopts rules, and guides implementation of the Convention.
- **Illegal Traffic as Crime:** Illegal transport or dumping of hazardous waste is treated as a criminal offence under the Convention.
- **Technical Cooperation:** Encourages sharing of technology, knowledge, and capacity building among countries for better waste management.

Waste under Basel Convention

- **Waste** means any material or object that is **thrown away, planned to be thrown away, or required by law to be disposed of**.
- **Annex I lists hazardous wastes** (toxic, flammable, harmful), which are strictly controlled.
- **Annex II covers “other wastes”** that need special care, mainly household waste.
- Common examples include used lead-acid batteries, biomedical waste, used oils, industrial chemical waste, toxic pesticides, and **POP** (persistent organic pollutants) waste.
- It also includes **harmful substances** like PCBs, found in plastics, paints, and electrical equipment.
- The Convention now also deals with **modern issues like e-waste** (mobiles, laptops), **ship-breaking waste** (mercury, asbestos), and **illegal dumping of hazardous waste**.
- It ensures that all such **waste is handled, transported, recycled, and disposed** of safely to protect human health and the environment.
- It also encourages countries to **reduce waste generation and adopt cleaner and safer technologies**.

Cartagena Declaration

- The **Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes** was adopted in **2011** during the 10th meeting of the Conference of the Parties (COP) to the Basel Convention.
- It reflects a **strong commitment by countries** to reduce the generation of hazardous waste and manage it in a safer and more efficient way.
- Even after 20 years of the Basel Convention, countries observed that hazardous waste was still increasing globally, and its movement across borders had not reduced significantly.
- Due to these growing concerns, the **declaration was adopted to protect human health and the environment from the harmful effects of such waste**.
- Countries agreed to take active steps to:
 - Prevent and minimize waste generation
 - Promote cleaner production methods

- Reduce the link between economic growth and environmental damage
- Improve global cooperation through technology transfer and capacity building

Basel Convention Members

- The Basel Convention (1989) is a widely accepted international agreement, and it currently has **191 member countries (Parties)**, showing strong global support and **53 signatories**.
- **India is also a member (party) to the Basel Convention** and actively follows its rules for managing hazardous waste.
- **India signed the Convention in June 1992**, and it officially came into force for India on 22 September 1992.
- Being a party means that **India is committed to controlling hazardous waste movement, ensuring safe disposal, and protecting the environment and human health**.

Amendments to Basel Convention

- **Plastic Waste Amendments (2019)**
 - At the **14th Conference of the Parties (COP-14)** held in 2019, important amendments were made to Annexes II, VIII and IX of the Basel Convention.
 - The **main aim of these amendments** was to **strengthen control over the movement of plastic waste across countries** and to clearly define how **plastic waste** is covered under the Convention.
 - This step was important because **plastic waste had become a major global environmental issue**, and better regulation was needed.
- **E-Waste Amendments (2022)**
 - At the **15th Conference of the Parties (COP-15)** held in June 2022, further amendments were made to Annexes II, VIII and IX.
 - These amendments focused on **electronic and electrical waste (e-waste)**.
 - The goal was to **expand control over the movement of e-waste** and ensure that all such waste follows the **Prior Informed Consent (PIC) procedure**.
 - This means that **countries must inform and get permission before exporting or importing e-waste**.

Basel Convention Ban Amendment

- The **Ban Amendment** is a key provision under the **Basel Convention that aims to stop the export of hazardous waste from developed countries to developing countries**, so that poorer nations are not burdened with waste they cannot safely manage.
- It applies to countries listed in Annex VII, which include **OECD countries, European Union (EU) members, and Liechtenstein**, and restricts them from sending hazardous waste to countries not included in this list.
- Under this amendment, **all exports of hazardous waste for final disposal are completely prohibited**, and exports for recycling, reuse, or recovery are also banned when sent from developed to developing countries. As many developing countries were receiving hazardous waste without having proper facilities to handle it in an environmentally safe way.

- It was **agreed that exports for final disposal should stop immediately**, while exports for recycling or recovery should be gradually phased out and completely banned by 31 December 1997.
- Later, at the **3rd Conference of the Parties (COP-3) in 1995**, this decision was officially adopted as an amendment to the Convention, which came to be known as the **Ban Amendment**.
- However, for several years, there was confusion among countries about how to interpret the rules for amendments, especially regarding when the Ban Amendment would come into force.
- To resolve this, the President of COP-9 suggested a way forward and encouraged countries to create conditions that would support the amendment's implementation.
- Following this, **Indonesia and Switzerland launched a Country-Led Initiative (CLI)** to improve the effectiveness of the Basel Convention and help move the Ban Amendment forward.
- At the **10th Conference of the Parties (COP-10)**, countries adopted Decision, which clarified the interpretation of the Convention's amendment rules and **supported the progress of the Ban Amendment**.

India's Waste Management Framework

- **Solid Waste Management (SWM) Rules, 2026**
 - Notified under the **Environment (Protection) Act, 1986**; has come into force from 1 April 2026, **replacing 2016 rules**.
 - Makes **four-stream waste segregation mandatory: wet, dry, sanitary, and special care waste**.
 - Follows **Circular Economy and Extended Producer Responsibility (EPR)** principles.
 - Introduces **environmental compensation (fines)** based on the **Polluter Pays Principle** for violations like improper waste handling or false reporting.
 - **Central Pollution Control Board (CPCB)** will issue **guidelines**; **State Boards will impose penalties**.
 - Defines **Bulk Waste Generators (BWGs)** (large institutions, societies, etc.) and makes them responsible for proper waste processing.
 - Introduces **Extended Bulk Waste Generator Responsibility (EBWGR)**; encourages on-site processing of wet waste.
 - Sets up a **centralised online portal for tracking waste from generation to disposal and for registrations, reporting, and audits**.
 - Promotes **faster land allocation for waste processing facilities** with buffer zone guidelines.
 - Recognises **Material Recovery Facilities (MRFs)** for sorting and recycling waste.
 - Mandates **industries to use Refuse Derived Fuel (RDF)**, increasing usage from **5% to 15% over time**.
 - **Restricts landfilling only to non-recyclable and inert waste**; higher fees for dumping unsegregated waste.
 - Focuses on **biomining and bioremediation of old dumpsites** with regular monitoring.
 - Special provisions for **hilly areas and islands**, including user fees for tourists and decentralised waste management.
 - Provides for **central and state-level committees** to ensure effective implementation of the rules.

- **Plastic Waste Management (Amendment) Rules 2026**

- Built on **Plastic Waste Management Rules 2016 and EPR framework 2022**
- Mandatory use of **recycled plastic in packaging by Producers, Importers and Brand Owners**
- **Category I rigid plastic** requires 30 percent recycled content in 2025-26 increasing to 60 percent by 2028-29
- **Category II flexible plastic** requires 10 percent initially and increases to 20 percent from 2027-28
- **Category III multi-layered plastic** requires 5 percent initially increasing to 10 percent from 2027-28
- **Mandatory labelling and marking** to disclose use of recycled plastic
- Exemptions allowed for **sectors like food, medicines and pesticides due to other regulatory laws**
- **Carry forward provision allows** companies to meet shortfall within **three years with partial yearly compliance**
- Introduction of **trading certificates for buying and selling recycling credits**
- **End-of-life disposal** allows use of non-recyclable plastic for energy generation, fuel, cement industry and road construction

- **E-Waste (Management) Rules, 2022**

- **Waste management** is handled through an **online portal managed by CPCB.**
- Producers must meet EPR targets for collecting and recycling e-waste.
- Aims to reduce harmful substances and promote safe recycling of electronics.

- **Hazardous and Other Wastes Rules, 2016**

- Covers generation, storage, treatment, and movement of hazardous waste.
- Industries must follow strict rules for classification and safe handling.
- Waste generators are fully responsible for safe disposal to avoid harm.

- **Bio-Medical Waste Management Rules, 2016**

- Applies to hospitals and healthcare facilities.
- Waste must be segregated using color-coded bags at the source.
- Requires proper treatment using incinerators or autoclaves.

- **Construction and Demolition (C&D) Waste Rules, 2016**

- Builders must separate construction waste and submit waste plans.
- Local authorities must set up collection and recycling systems.
- Encourages reuse and processing of construction debris.

Recent COP Meetings of Basel, Rotterdam & Stockholm Conventions

- The **17th Basel, 12th Rotterdam, and 12th Stockholm Convention COPs** were held together in **Geneva** to strengthen global environmental governance.
- **Joint Commitment:** All three conventions agreed to improve coordination and cooperation with other global environmental agreements.
- **Basel Convention (COP-17):**
 - Updated **technical guidelines for managing POPs (Persistent Organic Pollutants) waste.**
 - Adopted a new **Strategic Framework (2025-2031)** for better waste management.
 - Started **new work on transboundary movement of textile waste.**

- **New Focus Area - Textile Waste:**

- Often mislabelled as **donations or recyclables**.
- Creates problems for **developing countries (Global South) in identifying usable vs waste materials**.

- **Shipbreaking Issue:**

- Around **15,000 ships are expected to be dismantled in the next 15 years**.
- Ships contain hazardous materials like **POPs and heavy metals**.
- Regulatory challenge due to **overlap between Basel Convention and Hong Kong Convention rules**.

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