
Rabat, Morocco, 8-12 January 2001

Note: The following meeting report is designed to serve a function distinct from the official Basel Secretariat report. It is expected that the official report will be available in about 3 weeks time. At that time it will be available at website: http://www.unep.ch/basel/. BAN reports on the general concerns of environmental NGOs as well as expressing the views and opinions of BAN with respect to those concerns. We do not attempt to cover all meeting business but only those issues especially of interest to BAN’s mission and campaigns. BAN believes its role is to report what transpires, as well as provide a healthy critique of such proceedings.

I. General Comments

BAN attended the Morocco meeting primarily due to its continuing interest in watch-dogging the activities of the Basel Convention and because of our concern over the trade and proliferation of what we consider to be an obsolete and dirty technology – the use of incinerators and cement kilns to dispose of hazardous wastes. This interest is underlined by our involvement in the Alternatives Implementation Group (AIG) – a group that is working to promote proven non-combustion alternative technologies for existing stocks of hazardous wastes and in the Global Anti-Incineration Alliance (GAIA) which is a new network now active in halting incineration technologies around the world.

BAN’s planned and formal contribution to the conference was a policy paper we presented at the conference entitled “Towards a Policy on Chemical Waste Stockpile Destruction and Transport in Africa: Ensuring Environmentally Sound Management of Existing Chemical Wastes and Stockpiles through the Stockholm, Basel and Bamako Conventions.” This paper is available in English and in French on our website under the Subsidiary Meetings Section.

The Rabat conference was well attended by African delegates, Intergovernmental Organizations, NGOs and industry. The incineration industry was attracted in mass to the conference like flies to honey. All of the major incinerator companies appeared to be represented including Tredi, Shanks, AVR, Ekokem, S.D. Meyers etc. Also represented were many incineration industry consultants and companies interested in retrofitting cement kilns. However many of these corporate interests left early and they were in fact seemingly inactive and ineffectual at selling their wares. Also represented was a good array of pesticide producers such as Bayer and of course representatives of the pesticide industry association the Global Crop Protection Federation.
The first part of the conference was largely technical and dealt with issues such as waste inventories, disposal/destruction technology, prevention strategies etc. The second part of the meeting was meant to be a high level session with Ministers present to endorse an action plan that was meant to spring from the discussion sessions in the first section.

NGOs were kept busy combating proposals such as reliance on cement kilns for the destruction of hazardous waste in African countries, and a resistance to consideration of non-incineration destruction technology. But in so doing the NGOs were able to do an effective job of educating African delegates of the real problems with incineration solutions -- pollution, contradictions with the new POPs treaty (Stockholm Convention), and the fact that the public is not likely to go for them. This educational effort was accomplished despite the fact that the agenda of the meeting was clearly stacked in a very unbalanced way toward incineration being highlighted as the “solution” to the problem. The NGOs, together submitted a joint declaration which was to be included as part of the final report (see attached).

The Conference produced a very vague declaration and Programme of Action and proposed that the facilitation of this action plan be taken up by UNEP Chemicals and the Secretariat of the Basel Convention (SBC). When it was raised by Pesticide Action Network that FAO, as the organisation that has done most and has greatest expertise in the prevention and disposal of obsolete pesticide stockpiles in Africa be included in the facilitation role, that idea was rejected by the Moroccan chair for insubstantial reasons.

A conclusion drawn by many present was that the SBC undertook the conference as an exercise in “empire building, trying perhaps to carve out territory in the area of global solutions and capacity building which has already been taken up by other agencies such as FAO and UNIDO. They seem to have justified this by combining the issue of PCBs and waste oils (subjects which are not part of the concern of FAO), with what has been predominately a concern of FAO – obsolete pesticides. However, as many African countries are still not Parties to the Basel Convention, and FAO is far ahead of the game on the issue of obsolete pesticide stocks, this new territorial issue grab without a sharing of roles was seen by many as inappropriate.

The meeting was very poorly organized from both a logistical and diplomatic process point of view. Many complaints were heard in the corridors about hotels and flights etc. but perhaps the worst aspect was the fact that the organizers, either through incompetence or by intent, provided no feedback mechanism for countries to amend or comment on the final action plan which was drafted almost entirely by consultants hired by the Basel Secretariat to help facilitate the meeting. Further the participants were asked to adopt the final report without ever having seen it. The process was thus very undemocratic and it remains to be seen if a hidden agenda appears from the final outcome which could prove to be the motivation for the very poor process.

Perhaps the most likely candidate for a hidden agenda was a part of the action plan calling for a pilot project on cement kilns. NGOs and progressive countries were able to add a similar call at the last minute for alternative non-combustion pilot projects. However until we see the final Action Plan and report, we cannot be sure of what the conference really produced. Other than that, the Action Plan draft that was produced was not very specific or interesting particularly in as much as none of the sponsors or any of the potential donors present committed one cent of
money toward carrying it out.

Thus, from a practical, implementational point of view, it appeared that the meeting was largely a waste of time and money and that little is likely to spring from it. It will be important to stay vigilant however to see if major donations for perpetuating incinerator projects in African or for African waste don’t get proposed utilizing the meeting as some kind of mandate for such. On the other hand, from an educational point of view, it provided an excellent platform to educate on issues such as public participation, the problems of incineration and the viability of alternate non-combustion technologies as well as a host of logistical and technical issues regarding managing chemical stockpiles.

II. Mandate for the Conference?

The conference was facilitated by the Secretariat of the Basel Convention. In the announcement to the meeting it was stated that the Fifth Basel Conference of Parties mandated the meeting. But BAN cannot find this mandate in the Decisions and Reports of COP5 and can find only the following vague reference in the Decision on Implementation of Environmentally Sound Management:

"Activities should be undertaken in the following....

Enhancement of cooperation between the secretariat and international organizations active in areas relevant to the implementation of the Basel Convention and its amendments, bearing in mind that this is to include cooperation with United Nations bodies active in the field of sustainable development, to encourage the incorporation of policies on the environmentally sound management of hazardous wastes in Parties' national environmental management and sustainable development plans and cooperation with the relevant programmes on cleaner production, such as with the joint programme on cleaner production of the United Nations Environment Programme and the United Nations Industrial Development Organization; launching of joint activities and projects in cooperation with organizations such as the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations in areas of common interest, in particular, on persistent organic pollutants, waste pesticides and other chemical wastes;”

It is very interesting to note that it is said that work should be done jointly with such organizations as the FAO when in fact near the close of the meeting when Mr. Mark Davis, representative of PAN, made the case for precisely that – a joint responsibility in implementing the proposed plan of action with FAO, the chair scuttled the idea. Yet joint activity was the actual mandate from the COP.

There is an Annex to the decision of proposed priority activities and nowhere does the conference appear in this Annex. The only actual reference that we could find was a small fine-print listing in a background paper prepared for COP5 known as “Compendium of proposed assistance activities to be carried out in the context of the implementation of the Basel Convention.” As far as we know, this paper was prepared by the Secretariat and was never really adopted or endorsed at COP5.
Rather, it appears that the meeting was donor driven— that is Germany and Switzerland (the major funders said to have contributed together $150,000 dollars) together with the Global Crop Federation and the secretariat proposed the conference and it was approved by the Basel Bureau. Little discussion about the conference by the Parties took place— certainly the agenda was not approved by the Parties. BAN was concerned ever since first hearing about the conference due to the fact that the national policies of both Germany and Switzerland are heavily prejudiced in favour of incineration of hazardous wastes. Indeed despite Greenpeace and BAN protests, the agenda reflected a huge bias toward incineration technology.

It is believed that the entire conference budget was around 225,000 dollars. This money might have been well spent had the conference better reflected the wishes of the Parties, truly had a mandate, was well organized and had some concrete funding possibilities worked out in advance for further implementation. However these requisites did not take place.

III. Cement Kilns Debate: DANIDA / Matola, Mozambique Controversy

The Tuesday session on Cement Kilns proved to be the most interesting and instructive session. However it must be stated that the session was ill conceived from the start. The cement kilns issue took place in parallel to another session entitled “Treatment Technologies” which was basically everything except cement kilns including stand-alone incinerators and non-combustions alternatives.

This way of laying out the agenda was misguided for many reasons. First, it gave undue significance to cement kilns as some kind of solution to the hazardous waste management problem in Africa when in fact cement kilns present serious problems and the notable experience with cement kilns in Africa have been failures. Moreover, the session was designed to be horrifically unbalanced as it allowed but one speaker (Mozambique NGO “Livaningo”) which was not favorable to cement kilns against 4 that were favorable. Further, Livaningo was only supposed to address the “Social Aspects” of cement kilns as if they had nothing to say about the flaws in the technological aspects.

The parallel session which was about alternatives— presumably to cement kilns— was likewise stacked in favor of incineration with only Dr. Darryl Lubscombe of Greenpeace International scheduled to speak on alternative non-combustion technologies. This time the ratio of incineration to non-incineration speakers was 3 to 1. Finally, those interested in cement kilns were not able to hear the news about the alternatives to them that were presented by Greenpeace in the parallel session. This caused a great deal of misinformation about alternative technologies in the cement kiln session. Again, the agenda appeared to be intentionally designed to give a big boost to incinerator technologies of all kinds.

The Basel Convention Secretariat chose to deal with the recent cement kiln controversy in Matola, Mozambique and its DANIDA hazardous waste retro-fit donor by inviting a representative of DANIDA (Danish Aid Agency), a representative of MICOA (Ministry of Environment in Mozambique) and Livaningo (Mozambique NGO fighting the plan) to the meeting, to each make a presentation. To round out the session they had two other pro-cement
kiln speakers – one, Mr. Karstensen, -- a strong cement kiln advocate.

Unfortunately however due to a mix-up with the UNEP ticket, Mr. Aurelio Gomes of Livaningo never arrived at the meeting. Even though Mr. Mabjaia the Vice Minister of Mozambique Environment was also not present (he arrived later), the session without Livaningo was completely one-sided from the standpoint of both the cement kiln issue in general and the Mozambique case in particular. BAN had read the DANIDA paper written and prepared by Ms. Jette Michelsen and was appalled by what we had read. The DANIDA did not admit to one single mistake. Rather they regretted that the cause of a clean environment in Mozambique had to fall prey to misinformed NGO pressure spurred on by foreign NGOs. To proceed without Livaningo’s perspective being presented would have been very unbalanced to the detriment of the educational aspects of the conference.

BAN therefore approached the Secretariat and proposed that either they combine the two sessions (allowing Dr. Lubscombe of Greenpeace to be a part of the cement kiln one session), or they allow BAN to speak in the time slot reserved for Livaningo. The secretariat was very happy with the latter solution. BAN was part of the coalition effort which worked to halt the Mozambique cement kiln project and was able to provide the alternative stance even though we could not provide the details from an African perspective. Livaningo’s absence was regrettable.

IV. BAN (Jim Puckett) Presentation on Cement Kilns and Mozambique Case

Paraphrasing from notes:

“I am not Mr. Aurelio Gomes. I wish I was Aurelio Gomes because he has quite an amazing story to tell. I will try to tell a part of that story. I am Jim Puckett of the Basel Action Network, an international network of organizations fighting toxic trade in toxic wastes, toxic products and toxic technologies. BAN was part of the coalition working with Livaningo to halt the DANIDA project and Livaningo is one of our member organizations. Our role was primarily to provide expertise and information to Livaningo. As such I have been asked to say a few words to provide another perspective from what you have already heard from DANIDA.

From the outset I want to say that we have never been opposed to the aspect of DANIDA’s work involving the collection and safe storage of the obsolete pesticides. We have always applauded this action and applaud it now. If DANIDA had not acted to engage in this clean-up, the floods that came later could have created a chemical catastrophe. This phase of the project was well conceived. However what was not well conceived and what we have strongly opposed was the decision making process by which DANIDA insisted on promoting the retro-fitting of a Cement Kiln in Matola, Mozambique as the only solution to the problem both from a public process perspective and from an environmental perspective.

We are very disturbed by what has been presented by DANIDA here. They have accepted no responsibility for the so-called failure of the project, rather they insist on blaming NGOs – blaming the public for the fact that it was eventually decided not to go ahead with the retro-fit and burn of the hazardous waste. Yet numerous irresponsible and arrogant actions were taken by DANIDA – actions which would never have been tolerated in Denmark. For a full accounting
of these I urge you to read the paper by Livaningo and especially the chronology of the case which is very revealing. There is very much to be learned by reviewing this case but I only have time to give you some headlines here.

We first became involved when we got a hold of an Environmental Assessment of the project. We were shocked by the poor quality of the proposal and were worried that nobody in the Mozambique public was aware of the problems with hazardous waste incineration. As incineration expert, Dr. Paul Connett was traveling already to South Africa, several organizations organized for him to detour slightly to Maputo to speak with anyone who might be interested in the issue. From that talk by Dr. Connett, the very first environmental group in Mozambique was born, calling themselves “Livaningo” which means “the shedding of light”. This was an appropriate name because indeed the public had been entirely kept in the dark until Dr. Connett arrived.

The only public hearing ever held prior to the protests spoke only of the collection phase and not about the proposed burning of hazardous wastes in the community of Matola. Risks and alternatives were not presented. Indeed no paperwork in any language was presented.

The local citizens that made up Livaningo did not enjoy the irony that it was foreigners, that had to provide them with the Environmental Assessment. However even that document proved to be a joke, being but 32 pages in length and really only focusing on one alternative – burning the waste. In most parts of the world, assessment on projects of this kind are several centimeters thick and lay out the various alternatives and risks associated with each.

Dr. Connett was quoted as saying: “In the United States or Canada, those proposing a new toxic waste facility would be obliged to fully discuss all of the alternatives, all of the risks, and would have been required to hold several public hearings before decisions could be made about a particular disposal method. The environmental assessment and public involvement in this project is a sham.”

Later the government was forced to admit that the EA was indeed inadequate and hired consultants to provide another. The new EA surprised everyone by concluding what Livaningo had been saying for a long time – that the best option was export for disposal in Europe and also that before any proposals were developed to proceed with capacity building in hazardous waste management options, that first Mozambique should conduct a full national waste management audit and develop a national waste management strategy.

Then suddenly after this new EA recommended against the DANIDA solution, it was reported that MICOA rejected the new EA claiming that it failed to comply with the terms of reference. The consulting company was forced to hold a press conference to defend their professional integrity saying that they in fact did abide by the terms of reference and they were forced to strongly object to the ethics of the government process.

But it was soon announced by MICOA that the incineration would go ahead. However, following concerns raised in Copenhagen, a special independent commission was formed to review the burn plan. That independent commission eventually very quietly concluded that it made no sense to go ahead with the burn plan. Now it appears that the wastes will indeed by
exported to Europe which is what Livaningo called for many months ago.

In sum, the project became a clinic, a workshop in how not to set up a project with respect to involving the public. And we must stress that the public MUST be involved in the decision-making of any such project. Public Participation is fundamental. First it is vital from a moral perspective – as it is unacceptable in a democracy to not allow those most impacted by a decision to be a part of that decision. Second, it is vital as it allows unforeseen information and points of view to come to the table and finally, it is vital to the success of a project to have full community support for it.

According to DANIDA’s paper, it seems all they believe with respect to public participation is that they need to “sensitize” the public. They propose one-way communication when in fact it must be a two-way street.

Next I want to say a few words about cement kilns. We find it very puzzling that this conference has set aside a whole session to discuss cement kilns and thus highlights this disposal method as if it were some kind of preferred solution. But in fact cement kilns represent solving a problem with another problem and once the public in any country or community is presented the real information about cement kilns they will be opposed – and for good reason.

First, with or without hazardous wastes, cement kilns are major polluters. With hazardous wastes the pollution becomes more dangerous. The form the pollution takes at these facilities is called cement kiln dust and respiratory problems among workers at cement kilns are well documented.

The US EPA says that cement kilns burning hazardous wastes emit dioxins in stack gases at rates 80 times higher than those burning conventional fuels. In the US cement kilns burning hazardous wastes are listed as the fifth largest source of dioxin emissions to air. Dioxins are found in the cement kiln dusts at rates 100 times higher than those burning only conventional fuels. And cement kilns that burn hazardous wastes produce 75 to104% more cement kiln dusts. Once cement kiln studied burning 90 tons of hazardous waste per day produced cement kiln dust at the rate of 200 tons per day and it is impossible to capture all of this dust. Dioxins have also been found in the clinker product – that is made into cement. Burning chlorinated chemicals in cement kilns (such as chlorinated pesticides) is known to vastly increase the likelihood of upsets – resulting in increased emissions of unburned wastes and products of incomplete combustion.

Finally, FAO has warned that “many of the older types of cement kilns are not suitable. Only a few of the cement kilns in developing countries meet the technical requirements that, in principle, would make them suitable for incineration of certain groups of pesticides.”

To sum up, there are a great many lessons that can be learned from reviewing the DANIDA/Mozambique case. First, the public must be truly involved. If Livaningo had been listed to from the beginning then much unnecessary time and resources and good will would not have been spent. Second, the risks of incineration technology such as cement kilns must not be underestimated but must be well understood, and Third, it is time to pursue viable non-incineration chemical degradation technologies for these wastes. In this regard we refer you to the paper that is being presented in the parallel session by Greenpeace and to also make it known
to you that UNIDO is also making a presentation at that session about a pilot project they are 
pursuing through the GEF which will utilize these non-combustion technologies to destroy PCBs 
in the Philippines and in Slovakia – however they are looking for donors to add an African 
component to the project. The concept paper for this GEF project is being printed up by the 
Secretariat and will be distributed.

Thank you very much.”

V. Discussion on Cement Kilns

Finally, Mr. Karstensen spoke and presented cement kilns in glowing terms. The result of the 
session was an exciting and heated debate with many questions asked and Ms. Michelsen of 
DANIDA having to take the floor and state that they did not really blame the public and she 
back-pedaled on some of her statements, admitting that they could have had a better 
communication strategy with the public and NGOs. Mr. Karstensen however got very strident 
and used his front table position to dominate the discussion countering BAN’s quotations from 
USEPA and FAO about cement kilns, citing his own statistics and quotes.

As a result some of the African delegates expressed confusion – “Who do we believe and what 
do we tell the Ministers with respect to whether cement kilns are good or not?” Mark Davis of 
Pesticides Action Network (PAN) made an excellent intervention in that regard, saying that it 
was inappropriate to say much of anything as cement kilns were but one of many options, all of 
which were not presented or compared in the meeting. Therefore it was inappropriate to say that 
cement kilns were better than any other method and all that could be said is that they were but 
one possibility.

A representative of GTZ (German aid agency) blasted the non-combustion alternatives idea 
saying that these alternatives were not viable and were only experimental. The DANCED 
(Danish aid agency associated with their Ministry of Environment) representative said that using 
these new technologies was tantamount to making Africa a guinea pig. Mark Davis replied that 
the technologies were tried and true and had been destroying wastes for many years. Here the 
NGOs were supported by the Chair of the session – John Vijgen of “International HCH and 
Pesticides Forum” who took off his chair’s hat to say that the Eco-Logic process had been 
working for many years in Australia and the BCD process had been successful in Bilbao, Spain. 
He further stated that of course we needed to use and look at these alternatives along with 
cement kilns, and that they were likely the way of the future.

Again the fact that non-combustion alternatives expert Darryl Lubscombe was not there at the 
session was a serious flaw in the organization of the meeting. However, important lessons from 
the session did get expressed: a) that the public is now expecting to be involved in the process 
and further; b) was not likely to go for burning hazardous wastes in their backyards once they 
knew about it; c) that there was a serious debate as to whether cement kilns were really safe; and 
d) that in fact there were non-combustion alternatives that were (if not ready for Africa now) the 
way of the very near future. The written conclusion reported back from the workshop to the 
plenary was less helpful than what was communicated to the delegates orally and it remains to be 
seen which aspects of the cement kiln debate described above will be reported in the final
VI. Session on “Treatment Technologies” // GEF Pilot Project

The incineration and alternatives session originally consisted of 3 presentations on incineration and one on alternatives. The first speaker (Dudly Achu Sama from Nigeria) did not make it and so the first presentation of the session was by Mr. Verdier of Euroclor on “BAT for PCB destruction Incineration.”

His presentation could be summed up as “because PCBs have some proven health effects, (eg chloracne), there is widespread concern and they have been banned in many countries. Industry believes that incineration is the best, most cost-effective technology for PCB destruction.” The presentation took conference awards for most likely to induce sleep.

The next presentation was on non-combustion destruction alternatives (Dr. Darryl Luscombe of Greenpeace International). Dr. Luscombe covered the broader policy consideration, placing the disposal of POPs into the context of the new Stockholm Convention and technical criteria for Destruction Efficiency and containment developed by Greenpeace. The deficiencies of incineration and cement kiln disposal were raised in that context. The range of alternative technologies available were then presented and how some of the alternatives have been demonstrated to meet the Greenpeace criteria and that of the upcoming Stockholm Convention. The paper submitted by Greenpeace is available at the Secretariat website:

http://www.unep.ch/basel/Congress/Documents%20des%20sessions/session3B-4.luscombe.PDF

Also Greenpeace brought up the UNIDO/UNDP/GEF (It has just been officially approved) pilot project on alternatives implementation in Central and Eastern Europe/developing countries. The Basel Secretariat was very good to copy up the UNIDO/UNDP/GEF project Concept Paper (English) for distribution to all Parties.

Mohammed Eisa (UNIDO, Vienna) followed with a brief presentation on the NIDO/UNDP/GEF project, acknowledging that this was an NGO initiated project intended to demonstrate non-incineration technologies in developing countries, with a clear emphasis on broader barrier reduction to the use of the alternatives, and the effective participation of civil society in the projects.

Finally, Ron McDowall, Auckland University, New Zealand, presented a summary of a new 1000 page manual has prepared for disposal. He was originally listed for a 30 minute presentation as an invited expert. However, because of the length of time Verdier spoke, his presentation was cut to 15 minutes. The new manual covers all aspects of stockpile evaluation, storage, safety and disposal options. It does present a range of the alternatives in a reasonably factual manner, but is clearly biased in favour of incineration. McDowall, while an academic, does most of his consulting work for Tred (French incinerator giant).

The discussion that followed was mainly focused on the non-combustion alternatives. The South African delegate raised the issue of Greenpeace presentation directly, and while thankful, was
somewhat skeptical that any technology could meet a criteria of “effectively 100 % destruction.” He did however agree that this was a serious consideration and raised the issue that the provisions of the new Stockholm treaty may mean that incineration would not be an option once it entered into force; and this may need to be considered in future plans for disposal of stockpiles.

The chair of the meeting, Dr Dada (Nigeria) raised a number of concerns about any technology being “appropriate for African conditions.” As an example he cited a large (and expensive) municipal solid waste incinerator which was installed in Lagos, which never worked, yet the company involved took the government to court and successfully sued for payment. After the meeting Dr Dada raised the possibility of further input from NGOs and the possibility of attending a regional workshop later in the year.

A number of EU/Nordic countries were also present at the session or the cement kiln session and discussions were pursued with the representatives of GTZ (Germany), Danced (Denmark) and the Ministry of Housing, Spatial Planning and the Environment (Netherlands). The GTZ representative was initially very hostile to the alternatives issue, but eventually decided that it was something that GTZ needed to evaluate and if viable, implement in their work.

A consultant to the Basel Secretariat at the meeting, John Vijgen, who also runs a small NGO called the HCH and International Pesticide Forum mentioned that they would be holding a three day meeting in Poland in March, with a focus on remediation of pesticide contaminated sites in central and eastern Europe. They have arranged an impressive array of technology providers and EU agencies to attend (including by many of the non-combustion technology companies). This may be a very useful forum to advance the debate on alternatives in Europe.

Finally, at numerous occasions during the meeting Greenpeace and BAN took the floor to stress that the GEF/UNIDO/UNDP pilot project (now approved) is open to adding new geographic areas and types of waste to it. And that it would be excellent to have an African component added. It should be a goal of the NGO community to try and seek a donor country to ensure that this happens.

VII. BAN Policy Paper Presentation

BAN’s planned and formal contribution to the conference was a policy paper we presented at the conference entitled “Towards a Policy on Chemical Waste Stockpile Destruction and Transport in Africa: Ensuring Environmentally Sound Management of Existing Chemical Wastes and Stockpiles through the Stockholm, Basel and Bamako Conventions.” This paper is available in English and in French on our website under the Subsidiary Meetings Section.


The paper examines relevant international instruments and gleans from them a hierarchy of policy principles to be employed when assessing waste management situations in Africa and elsewhere. These principles in order of importance are:
1. Public Participation in Waste Management Decisions
2. Complete Destruction over Disposal (not producing new POPs via incineration)
3. On-site Destruction
4. Generator and Producer Responsibility / Polluter Pays Principle

BAN reminded the delegates that the problem of obsolete pesticides and even of PCBs was created by well-intentioned persons seeking to solve a problem. And the result was another, perhaps worse problem. It was therefore incumbent on this well-intentioned conference to not create yet more problems in our coming to a solution. By utilizing the above hierarchy, this outcome could likely be avoided.

The BAN paper stressed that the new Stockholm Convention on POPs went examined carefully clearly stated that the incineration disposal was a technology of the past, and non-combustion alternatives were the technology of the future.

VIII. Mozambique Objection to Livango Paper

Mr. Mabjaia, the Vice Minister of Environment for Mozambique arrived for the high level portion of the meeting on Thursday where the Ministers were each given time to make a speech. Mr. Mabjaia gave his and then surprised the conference by returning to the podium after starting away, to state that he would like the meeting to withdraw the paper submitted by Livango as it was an insult to him and his country. Pierre Portas of the Secretariat then replied that he would do that.

While this statement probably meant little to the assembled delegates other than they might be compelled to pick it up and read it again more carefully, the statement sent a chill through the NGO delegations. It was the first time in any of our memories that such a thing had been proposed at any United Nations environmental meeting – Basel Convention or otherwise and it signaled a very dangerous precedent. If any one country could simply call for an NGO paper to be thrown out this would mean an end to independent watch-dogging of conferences – and end to transparency and NGO independence.

We did not believe that it was correct that the Secretariat could make a decision in this regard. According to the Rules of Procedure of the Basel Convention “Observers may, upon invitation of the President, and if there is not objection from at least one third of the Parties present, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency they represent.” It would seem that participation would include the submission of papers. And it would seem that the role of the Secretariat was not to decide such a matter in any event but rather the Parties. And yet Pierre Portas stating that he would withdraw the Livango paper was a problem as it would be difficult for him to retract his utterance. NGOs agreed not to raise the issue on the floor but rather to raise it privately with the Secretariat and then with Mr. Mabjaia. If he was insulted then perhaps some of the language could be changed to make it less insulting. However if he simply disagreed with the paper, then his objection was not acceptable.

Jim Puckett of BAN was able to speak to Mr. Mabjaia at the reception for the Ministers that
night. I asked him about his problem with the paper and he recited a list of issues. First, he objected to the fact that the paper named names which he felt was undiplomatic and unprofessional. Clearly he felt that this made him out to be a personal villain when in fact he was furthering his Ministry’s role and obligations. Also he claimed that sections of the paper made it sound like he was a liar and operated dishonestly, and thus it was a personal attack. He also objected to the implication that the government of Mozambique controlled the press. This he said was a slander against Mozambique. I told him that I could understand why he might feel that way, but at the same time, I told him from an NGO point of view, we cannot have our papers simply thrown out because on the basis of a differing point of view. He said he had no problems with differences of opinion if they were stated in that way and not as personal attacks. I asked if it were possible to negotiate with Livaningo to adjust the paper so that in substance it remained the same with what he felt were personal and slanderous attacks removed. He stated that yes, what he would do would be to go back to Maputo and contact Livaningo to try and work out the issues with the paper. He hoped that they could come to a mutual agreement whereby the paper would remain as part of the proceedings of the conference. It remains to be seen whether this will take place.

It is BAN’s belief that diplomacy is important in international meetings but it is also very important not to let a precedent stand whereby an NGO, exercising their rights to tell a story, however unpopular, has it thrown out on the basis of one country objecting to it. We will all remain very interested in what transpires from the negotiation on the paper. We sincerely hope that the Livaningo paper will be included as one of the official papers available on the SBC website in future.

IX. The Reason the DANIDA/Matola Project was Halted

The most interesting part of the discussion between BAN and Mr. Mabjaia was his telling of why it was that the government finally rejected the DANIDA proposal to retrofit the Matola Cement Kiln. He said that when they finally did the calculations of how much time it would take to burn the wastes (approximately 300 tonnes) of waste (not including the waste that would be returned as the sender was known, or the wastes which were deemed unfit for burning such as heavy metal laden wastes), the remaining wastes were so heavily chlorinated that they would have to be introduced into the kiln very slowly to avoid the formation of “rings” in the kiln which cause upsets. As the plant operators did not want to run the plant 24 hours per day, but rather 8, it was calculated that the time to destroy the 300 tonnes would be in excess of 3 years! This was deemed as too long a time for the operation.

However when one considers the amount of time and money that DANIDA expended to promote their cement kiln retro-fit idea; the fact that they were so certain (witness the attitude of their Minister in his correspondence to the coalition found on BAN website) of the viability of the plan; the fact that they were so ready to proceed that they had already sent the equipment for the retrofit to Mozambique, and yet they had not done the most basic technological calculation as to how long the operation was to last!!! This signals a serious incompetence on the part of DANIDA and makes their presentation at Rabat where they admitted no mistakes but rather blamed NGOs for the project’s failure, all the more surprising. All of this could have been avoided had DANIDA laid out their entire plan transparently to experts and community groups
for all of the logistics to be fully discussed well in advance. Rather it is clear that the DANIDA project was led by cement kiln zealots that were not really looking for the best solution to the pesticides problem but were rather looking for a cement kiln solution.

X. Repeated Calls to Re-invigorate the Bamako Convention

One interesting development was the repeated calls by many African delegates for the “resuscitation” of the Bamako Convention. Many delegates were unaware that it had already entered into force but were surprisingly aware of the Convention itself and felt it needed to be acted upon. BAN intervened to point out that actually what was needed was for the Convention to have its first Conference of Parties. I pointed out that what was needed was funds and that many of the papers were already prepared for the meeting by the Basel Convention Secretariat. There was a surprising and strong sentiment to make this happen within Africa. Leading up to the Rio plus 10 conference it may be wise to explore ways to hold the first Bamako COP this year or next.

XI. Meeting the New Basel Convention Coordinator

The Conference provided BAN an excellent opportunity to meet the new coordinator of the Basel Convention, Ms. Kuwabara-Yamamoto. She was keen to meet NGOs. She has worked recently on legal matters particularly pertaining to terrorism. BAN welcomes her to this challenging new task.

XII. Final Session // Programme/Framework for Action in Africa

As stated earlier, the final Ministerial Session was strange in that it offered delegates with very little opportunity to comment and amend the draft Action Plan. They just kept receiving slightly different drafts with no opportunity to change them. However this was not due to lack of time. Indeed, there were painful sessions of the meeting where the chair implored someone to take the floor and say something while at the same time stating that the Action plan could not be changed. At one point the chair repeatedly urged industry to make a declaration as was done by the NGO till he finally got it; (the representative of Global Crop Protection Federation made a very general intervention). The chair also asked the plenary to adopt the report of the meeting without ever distributing it! It still has yet to be produced.

He stressed the need to look for financial resources to make possible the destruction of chemical stockpiles in Africa and he suggested repeatedly that NGOs or industry might have something to say in this regard. He then finished the final session by saying that he (as a Moroccan) they will start right now to explore the cement kiln option in order to destroy the Moroccan existing stock pile (ignoring all the problems raised in the conference). He said that Morocco has about 10 cement kilns facilities currently operating, however, it just needs some minor modification in order to meet the criteria set up by this conference (no criteria was set)! to allow them to burn pesticides waste.

It remains to be seen whether or not the final report and the action plan is an accurate reflection of the meeting. It seems doubtful however that the Action Plan will really lead us substantially
Joint NGO Declaration, Rabat, Morocco, 12 January 2001

A diverse combination of technical, legal, socio-economic and political tools are needed to effectively address and solve problems associated with obsolete stockpiles of hazardous wastes. The recently concluded text of the international convention on Persistent Organic Pollutants (Stockholm Convention), the Basel Convention, Bamako Convention, Rotterdam Convention and other relevant instruments provide us with a complementary set of obligations and tools that will vastly assist in a solution to the problem. It is now time, regardless of legal force of these instruments, to ensure that they are implemented as soon as possible. In this way, the international community, and national governments can assure the protection of the environment and human health in Africa and all over the world. When the work is done, we can thank Africa and others working to solve the problem for their foresight, and dedication to the needed solutions.

We call upon governments to ensure that:

- measures are taken to prevent the creation of obsolete pesticide stocks by eliminating or reducing the reliance on pesticides for crop and human health protection;
- generators and countries of origin assume full logistical, environmental, legal and financial responsibility for the collection and destruction of all obsolete pesticide and POPs stockpiled wastes in co-operation with the country where the waste resides;
- all management decisions are made following full disclosure of all relevant information and with the active participation of all stakeholders, including civil society;
- a swift programme of action is put in place in order to take comprehensive inventory of all stockpiles in Africa, the rest of the developing world, and to secure them through repackaging, safe interim storage, and when appropriate, shipping them back and destroying them in an environmentally sound manner using appropriate destruction technologies in accordance with the Basel, Bamako and Stockholm Conventions’ criteria and provisions;
- an integral element of every stockpile management project must be a comprehensive assessment of all technological options taking into account the very different requirements for stockpile destruction and national waste management in general;
- other options of disposal should be pursued in preference to methods of waste deposit or incineration. Incineration, including cement kiln burning, is increasingly known to be an unsustainable disposal technology in that it can generate POPs by-products and serve as a disincentive to hazardous waste minimization; and
- destruction technologies should meet the criteria for destruction as set out in the Stockholm Convention, ie. require that disposal of POPs wastes be done in such a way that the POP content is “destroyed or irreversibly transformed” so that it no longer has the properties of a POP as set out in the Convention. Further, as required under the Stockholm Convention, substitution of alternatives must be required, where feasible, for
all products, and processes (such as incineration) which are known to lead to dioxin and furan formation.

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