

### 3. BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

*Basel, 22 March 1989*

<b>ENTRY INTO FORCE:</b>	5 May 1992, in accordance with article 25(1).
<b>REGISTRATION:</b>	5 May 1992, No. 28911.
<b>STATUS:</b>	Signatories: 53. Parties: 187. <sup>1</sup>
<b>TEXT:</b>	United Nations, <i>Treaty Series</i> , vol. 1673, p. 57; and depositary notifications C.N.302.1992.TREATIES-9 of 25 November 1992 (procès-verbal of rectification of the original English text) <sup>2</sup> ; C.N.248.1993.TREATIES-7 of 7 September 1993 (procès-verbal of rectification of the authentic French text); C.N.144.1994.TREATIES-4 of 27 June 1994 (procès-verbal of rectification of the authentic Arabic, Chinese, English and Spanish texts); C.N.15.1997.TREATIES-1 of 20 February 1997 (procès-verbal of rectification of the authentic Russian text); C.N.77.1998. TREATIES-2 of 6 May 1998 (amendment to annex I and adoption of annexes VIII and IX) <sup>3</sup> ; C.N.245.2003.TREATIES-4 of 27 March 2003 [proposal of corrections to the original text of the Convention (authentic Chinese text)] and C.N.321.2003.TREATIES-5 of 29 April 2003 [Corrections to the original of the Convention (authentic Chinese text)]; C.N.399.2003.TREATIES-9 of 20 May 2003 (Proposal of amendments to Annexes VIII and IX of the Convention) and C.N.1314.2003.TREATIES-12 of 20 November 2003 (Entry into force of amendments to Annexes VIII and IX of the Convention); C.N.119.2005.TREATIES-2 of 23 February 2005 [(Proposal of corrections to the original text of the Convention (authentic Spanish text)] and C.N.406.2005.TREATIES-6 of 25 May 2005 [(Corrections to the original of the Convention (Authentic Spanish text)]; C.N.263.2005.TREATIES-4 of 8 April 2005 (Proposal of amendments to Annexes VIII and IX of the Convention) and C.N.263.2005.TREATIES-4 of (Re-issued) of 13 June 2005 (Proposal of amendments to Annexes VIII and IX of the Convention) and C.N.1044.2005.TREATIES-7 of 10 October 2005 (Entry into force of amendments to Annexes VIII and IX of the Convention); C.N.1038.2007.TREATIES-5 of 14 November 2007 (Proposal of corrections to Annexes VIII and IX of the Convention) and C.N.119.2008.TREATIES-1 of 26 February 2008 (Corrections to Annexes VIII and IX); C.N.125.2008.TREATIES-2 of 26 February 2008 (Proposal of Correction to Annex IX of the Convention) and C.N.243.2008.TREATIES-3 of 7 April 2008 (Correction to Annex IX of the Convention); C.N.397.2008.TREATIES-4 of 27 May 2008 (Proposal of Correction to Annexes VIII and IX of the Convention) and C.N.609.2008.TREATIES-8 of 28 August 2008 (Corrections to Annexes VIII and IX of the Convention); C.N.644.2008.TREATIES-9 of 18 September 2008 (Proposal of correction to Annex IX of the Convention) and C.N.778.2008.TREATIES-10 of 28 October 2008 (Corrections to Annex IX of the Convention); C.N.284.2011.TREATIES-2 of 18 May 2011 (Proposal of correction to the original text of [the] Convention (French version) and to the certified true copies) and C.N.359.2011.TREATIES-3 of 20 June 2011 (Correction to the original text of Convention (French version) and to the certified true copies); C.N.760.2011.TREATIES-6 of 28 November 2011 (Proposal of correction to Annex VIII of the Convention) and C.N.824.2011.TREATIES-7 of 30 December 2011 (Correction to Annex VIII of the Convention); C.N.965.2013.TREATIES-XXVII-3 of 26 November 2013 (Amendments to Annex IX) and C.N.304.2014.TREATIES-XXVII-3 of 28 May 2014 (Entry into force of the Amendments to Annex IX).

*Note:* The Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, was adopted on 22 March 1989 by the Conference of Plenipotentiaries which was convened at Basel from 20 to 22 March 1989. In accordance with its article 21, the Convention, which was open for signature at the Federal Department of Foreign Affairs of Switzerland in Berne from 23 March 1989 to 30 June 1989, was open thereafter at the Headquarters of the United Nations in New York until 22 March 1990, by all States, Namibia, and by political and/or economic integration organizations<sup>4</sup>.

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<i>Participant</i>	<i>Signature</i>	<i>Approval(AA), Formal confirmation(c), Acceptance(A), Accession(a), Succession(d), Ratification</i>
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<i>Participant</i>	<i>Signature</i>	<i>Approval(AA), Formal confirmation(c), Acceptance(A), Accession(a), Succession(d), Ratification</i>	<i>Participant</i>	<i>Signature</i>	<i>Approval(AA), Formal confirmation(c), Acceptance(A), Accession(a), Succession(d), Ratification</i>
Afghanistan.....	22 Mar 1989	25 Mar 2013	Cook Islands .....		29 Jun 2004 a
Albania.....		29 Jun 1999 a	Costa Rica.....		7 Mar 1995 a
Algeria .....		15 Sep 1998 a	Côte d'Ivoire .....		1 Dec 1994 a
Andorra.....		23 Jul 1999 a	Croatia .....		9 May 1994 a
Angola .....		6 Feb 2017 a	Cuba.....		3 Oct 1994 a
Antigua and Barbuda.....		5 Apr 1993 a	Cyprus.....	22 Mar 1989	17 Sep 1992
Argentina .....	28 Jun 1989	27 Jun 1991	Czech Republic <sup>7</sup> .....		30 Sep 1993 d
Armenia .....		1 Oct 1999 a	Democratic People's Republic of Korea....		10 Jul 2008 a
Australia.....		5 Feb 1992 a	Democratic Republic of the Congo.....		6 Oct 1994 a
Austria .....	19 Mar 1990	12 Jan 1993	Denmark .....	22 Mar 1989	6 Feb 1994 AA
Azerbaijan.....		1 Jun 2001 a	Djibouti.....		31 May 2002 a
Bahamas.....		12 Aug 1992 a	Dominica .....		5 May 1998 a
Bahrain.....	22 Mar 1989	15 Oct 1992	Dominican Republic .....		10 Jul 2000 a
Bangladesh.....		1 Apr 1993 a	Ecuador.....	22 Mar 1989	23 Feb 1993
Barbados .....		24 Aug 1995 a	Egypt <sup>8</sup> .....		8 Jan 1993 a
Belarus .....		10 Dec 1999 a	El Salvador .....	22 Mar 1990	13 Dec 1991
Belgium .....	22 Mar 1989	1 Nov 1993	Equatorial Guinea.....		7 Feb 2003 a
Belize.....		23 May 1997 a	Eritrea .....		10 Mar 2005 a
Benin.....		4 Dec 1997 a	Estonia .....		21 Jul 1992 a
Bhutan.....		26 Aug 2002 a	Eswatini .....		8 Aug 2005 a
Bolivia (Plurinational State of).....	22 Mar 1989	15 Nov 1996	Ethiopia.....		12 Apr 2000 a
Bosnia and Herzegovina .....		16 Mar 2001 a	European Union.....	22 Mar 1989	7 Feb 1994 AA
Botswana .....		20 May 1998 a	Finland.....	22 Mar 1989	19 Nov 1991 A
Brazil .....		1 Oct 1992 a	France .....	22 Mar 1989	7 Jan 1991 AA
Brunei Darussalam .....		16 Dec 2002 a	Gabon.....		6 Jun 2008 a
Bulgaria .....		16 Feb 1996 a	Gambia.....		15 Dec 1997 a
Burkina Faso.....		4 Nov 1999 a	Georgia .....		20 May 1999 a
Burundi .....		6 Jan 1997 a	Germany <sup>9</sup> .....	23 Oct 1989	21 Apr 1995
Cabo Verde.....		2 Jul 1999 a	Ghana.....		30 May 2003 a
Cambodia.....		2 Mar 2001 a	Greece.....	22 Mar 1989	4 Aug 1994
Cameroon.....		9 Feb 2001 a	Guatemala.....	22 Mar 1989	15 May 1995
Canada .....	22 Mar 1989	28 Aug 1992	Guinea.....		26 Apr 1995 a
Central African Republic .....		24 Feb 2006 a	Guinea-Bissau.....		9 Feb 2005 a
Chad.....		10 Mar 2004 a	Guyana.....		4 Apr 2001 a
Chile.....	31 Jan 1990	11 Aug 1992	Haiti .....	22 Mar 1989	
China <sup>5,6</sup> .....	22 Mar 1990	17 Dec 1991	Honduras.....		27 Dec 1995 a
Colombia .....	22 Mar 1989	31 Dec 1996	Hungary .....	22 Mar 1989	21 May 1990 AA
Comoros.....		31 Oct 1994 a	Iceland .....		28 Jun 1995 a
Congo.....		20 Apr 2007 a	India.....	15 Mar 1990	24 Jun 1992

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Indonesia.....		20 Sep 1993 a	Mozambique .....		13 Mar 1997 a
Iran (Islamic Republic of).....		5 Jan 1993 a	Myanmar.....		6 Jan 2015 a
Iraq.....		2 May 2011 a	Namibia .....		15 May 1995 a
Ireland.....	19 Jan 1990	7 Feb 1994	Nauru .....		12 Nov 2001 a
Israel .....	22 Mar 1989	14 Dec 1994	Nepal.....		15 Oct 1996 a
Italy .....	22 Mar 1989	7 Feb 1994	Netherlands <sup>11</sup> .....	22 Mar 1989	16 Apr 1993 A
Jamaica .....		23 Jan 2003 a	New Zealand <sup>12</sup> .....	18 Dec 1989	20 Dec 1994
Japan .....		17 Sep 1993 a	Nicaragua.....		3 Jun 1997 a
Jordan.....	22 Mar 1989	22 Jun 1989 AA	Niger .....		17 Jun 1998 a
Kazakhstan.....		3 Jun 2003 a	Nigeria .....	15 Mar 1990	13 Mar 1991
Kenya.....		1 Jun 2000 a	North Macedonia .....		16 Jul 1997 a
Kiribati.....		7 Sep 2000 a	Norway .....	22 Mar 1989	2 Jul 1990
Kuwait .....	22 Mar 1989	11 Oct 1993	Oman .....		8 Feb 1995 a
Kyrgyzstan.....		13 Aug 1996 a	Pakistan.....		26 Jul 1994 a
Lao People's Democratic Republic .....		21 Sep 2010 a	Palau .....		8 Sep 2011 a
Latvia.....		14 Apr 1992 a	Panama.....	22 Mar 1989	22 Feb 1991
Lebanon .....	22 Mar 1989	21 Dec 1994	Papua New Guinea .....		1 Sep 1995 a
Lesotho .....		31 May 2000 a	Paraguay .....		28 Sep 1995 a
Liberia.....		22 Sep 2004 a	Peru.....		23 Nov 1993 a
Libya.....		12 Jul 2001 a	Philippines .....	22 Mar 1989	21 Oct 1993
Liechtenstein.....	22 Mar 1989	27 Jan 1992	Poland .....	22 Mar 1990	20 Mar 1992
Lithuania.....		22 Apr 1999 a	Portugal <sup>5</sup> .....	26 Jun 1989	26 Jan 1994
Luxembourg.....	22 Mar 1989	7 Feb 1994	Qatar .....		9 Aug 1995 a
Madagascar.....		2 Jun 1999 a	Republic of Korea.....		28 Feb 1994 a
Malawi .....		21 Apr 1994 a	Republic of Moldova.....		2 Jul 1998 a
Malaysia.....		8 Oct 1993 a	Romania.....		27 Feb 1991 a
Maldives .....		28 Apr 1992 a	Russian Federation .....	22 Mar 1990	31 Jan 1995
Mali.....		5 Dec 2000 a	Rwanda .....		7 Jan 2004 a
Malta.....		19 Jun 2000 a	Samoa .....		22 Mar 2002 a
Marshall Islands.....		27 Jan 2003 a	Sao Tome and Principe..		12 Nov 2013 a
Mauritania.....		16 Aug 1996 a	Saudi Arabia .....	22 Mar 1989	7 Mar 1990
Mauritius.....		24 Nov 1992 a	Senegal.....		10 Nov 1992 a
Mexico .....	22 Mar 1989	22 Feb 1991	Serbia <sup>13</sup> .....		18 Apr 2000 a
Micronesia (Federated States of) .....		6 Sep 1995 a	Seychelles .....		11 May 1993 a
Monaco .....		31 Aug 1992 a	Sierra Leone.....		1 Nov 2016 a
Mongolia.....		15 Apr 1997 a	Singapore.....		2 Jan 1996 a
Montenegro <sup>10</sup> .....		23 Oct 2006 d	Slovakia <sup>7</sup> .....		28 May 1993 d
Morocco.....		28 Dec 1995 a	Slovenia .....		7 Oct 1993 a
			Somalia .....		26 Jul 2010 a
			South Africa.....		5 May 1994 a
			Spain <sup>14,15</sup> .....	22 Mar 1989	7 Feb 1994

<i>Participant</i>	<i>Signature</i>	<i>Approval(AA), Formal confirmation(c), Acceptance(A), Accession(a), Succession(d), Ratification</i>	<i>Participant</i>	<i>Signature</i>	<i>Approval(AA), Formal confirmation(c), Acceptance(A), Accession(a), Succession(d), Ratification</i>
Sri Lanka.....		28 Aug 1992 a	Uganda.....		11 Mar 1999 a
St. Kitts and Nevis .....		7 Sep 1994 a	Ukraine .....		8 Oct 1999 a
St. Lucia.....		9 Dec 1993 a	United Arab Emirates ....	22 Mar 1989	17 Nov 1992
St. Vincent and the Grenadines .....		2 Dec 1996 a	United Kingdom of Great Britain and Northern Ireland <sup>6,14</sup> ..	6 Oct 1989	7 Feb 1994
State of Palestine .....		2 Jan 2015 a	United Republic of Tanzania.....		7 Apr 1993 a
Sudan .....		9 Jan 2006 a	United States of America <sup>16</sup> .....	22 Mar 1990	
Suriname.....		20 Sep 2011 a	Uruguay .....	22 Mar 1989	20 Dec 1991
Sweden.....	22 Mar 1989	2 Aug 1991	Uzbekistan .....		7 Feb 1996 a
Switzerland .....	22 Mar 1989	31 Jan 1990	Vanuatu.....		16 Oct 2018 a
Syrian Arab Republic ....	11 Oct 1989	22 Jan 1992	Venezuela (Bolivarian Republic of) .....	22 Mar 1989	3 Mar 1998
Tajikistan .....		30 Jun 2016 a	Viet Nam.....		13 Mar 1995 a
Thailand.....	22 Mar 1990	24 Nov 1997	Yemen.....		21 Feb 1996 a
Togo.....		2 Jul 2004 a	Zambia .....		15 Nov 1994 a
Tonga.....		26 Mar 2010 a	Zimbabwe.....		1 Mar 2012 a
Trinidad and Tobago .....		18 Feb 1994 a			
Tunisia .....		11 Oct 1995 a			
Turkey.....	22 Mar 1989	22 Jun 1994			
Turkmenistan.....		25 Sep 1996 a			

### **Declarations**

**(Unless otherwise indicated, the declarations were made upon formal confirmation, ratification, acceptance, approval, accession or succession.)**

#### **ALGERIA**

The Government of the People's Democratic Republic of Algeria declares, with regard to article 20, paragraph 2 of the [Convention], that in every case, the agreement of the all parties concerned is necessary to submit a dispute to the International Court of Justice or to arbitration.

#### **CHILE**

The Government of Chile considers that the provisions of this Convention [ . . . ] help to consolidate and expand the legal regime that Chile has established through various international instruments on the control of transboundary movements of hazardous wastes and their disposal, whose scope of application covers both the continental territory of the Republic and its area of jurisdiction situated south of latitude 60oS, in accordance with the provisions of article 4, paragraph 6, of the present Convention.

#### **COLOMBIA**

It is the understanding of Colombia that the implementation of the present Convention shall in no case restrict, but rather shall strengthen, the application of the juridical and political principles which, as [was] made clear in the statement [made on 21 March to the Basel

Conference], govern the actions taken by the Colombian State in matters covered by the Convention -- in other words, *inter alia*, the latter may in no case be interpreted or applied in a manner inconsistent with the competence of the Colombian State to apply those principles and other norms of its internal rule to its land area (including the subsoil), air space, territorial sea, submarine continental shelf and exclusive economic maritime zone, in accordance with international law.

The Government of Colombia, pursuant to article 26, paragraph 2, of the [said Convention], declares, for the purposes of implementing this international instrument, that article 81 of the Political Constitution of Colombia prohibits the bringing of nuclear residues and toxic wastes into the national territory.

#### **CUBA**

The Government of the Republic of Cuba declares, with regard to article 20 of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, that any disputes between Parties as to the interpretation or application of, or compliance with, this Convention or any protocol thereto, shall be settled through negotiation through the diplomatic channel or submitted to arbitration under the conditions set out in Annex VI on arbitration.

#### DENMARK

"Denmark's signature of the Global Convention of the Control of Transboundary Movements of Hazardous Wastes and their Disposal does not apply to Greenland and the Faroe Islands."

"Denmark deposited its instrument of approval to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal on 6 February 1994. This instrument did not confirm the territorial exclusion concerning the application of the Convention with respect to Greenland and the Faroe Islands, which had been made upon the signature of the Convention on 22 March 1989. The approval of the Convention in 1994 therefore includes both Greenland and the Faroe Islands."

#### ECUADOR

The elements contained in the Convention which has been signed may in no way be interpreted in a manner inconsistent with the domestic legal norms of the Ecuadorian State, or with the exercise of its national sovereignty.

#### EUROPEAN UNION

"As provided for in the EEC Treaty and in the light of existing Community legislation in the field covered by the Basel Convention, more particularly Council Regulation (EEC) No. 259/93 and Council Directive 84/631/EEC on the supervision and control within the European Community of the transfrontier shipment of hazardous waste (as amended), the Community possesses competence at an international level in this field. The Member States of the European Economic Community also have competence at international level, including on certain matters which are covered by the Basel Convention."

#### GERMANY<sup>9</sup>

"It is the understanding of the Government of the Federal Republic of Germany that the provisions in article 4, paragraph 12 of this Convention shall in no way affect the exercise of navigation rights and freedoms as provided for in international law. Accordingly, it is the view of the Government of the Federal Republic of Germany that nothing in this Convention shall be deemed to require the giving of notice to or the consent of any State for the passage of hazardous wastes on a vessel under the flag of a party exercising its right of innocent passage through the territorial sea or the freedom of navigation in an exclusive economic zone under international law."

#### INDONESIA

Mindful of the need to adjust the existing national laws and regulations, the provisions of article 3 (1) of this Convention shall only be implemented by Indonesia after the new revised laws and regulations have been enacted and entered into force.

#### ITALY

The Government of Italy declares . . . that it is in favour of the establishment of a global control system for the environmentally sound management of transboundary movements of hazardous wastes.

#### JAPAN

The Government of Japan declares that nothing in the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal be interpreted as requiring notice to or consent of any State

for the mere passage of hazardous wastes or other wastes on a vessel exercising navigational rights and freedoms, as paragraph 12 of article 4 of the said Convention stipulates that nothing in the Convention shall affect in any way the exercise of navigational rights and freedoms as provided for in international law and as reflected in relevant international instruments.

#### LEBANON

"[Lebanon] declares that [it] can under no circumstances permit burial of toxic and other wastes in any of the areas subject to its legal authority which they have entered illegally. In 1988, Lebanon announced a total ban on the import of such wastes and adopted Act No. 64/88 of 12 August 1988 to that end. In all such situations, Lebanon will endeavour to co-operate with the States concerned, and with the other States parties, in accordance with the provisions of this treaty."

#### MEXICO

Mexico is signing *ad referendum* the Basel Convention on the Control of the Transboundary Movements of Hazardous Wastes and their disposal because it duly protects its rights as a coastal State in the areas subject to its national jurisdiction, including the territorial sea, the exclusive economic zone and the continental shelf and, in so far as it is relevant, its airspace, and the exercise in those areas of its legislative and administrative competence in relation to the protection and preservation of the environment, as recognized by international law and, in particular, the law of the sea.

Mexico considers that, by means of this Convention, important progress has been made in protection of the environment through the legal regulation of transboundary movements of hazardous wastes. A framework of general obligations for States parties has been established, fundamentally with a view to reducing to a minimum the generation and transboundary movement of dangerous wastes and ensuring their environmentally rational management, promoting international co-operation for those purposes, establishing co-ordination and follow-up machinery and regulating the implementation of procedures for the peaceful settlement of disputes.

Mexico further hopes that, as an essential supplement to the standard-setting character of the Convention, a protocol will be adopted as soon as possible, establishing, in accordance with the principles and provisions of international law, appropriate procedures in the matter of responsibility and compensation for damage resulting from the transboundary movement and management of dangerous wastes.

#### NETHERLANDS

"The Kingdom of the Netherlands declares, in accordance with paragraph 3 of Article 20 of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, that it accepts both means of dispute settlement referred to in that paragraph as compulsory in relation to any Party accepting one or both means of dispute settlement."

#### NORWAY

"Norway accepts the binding means of settling disputes set out in Article 20, paragraphs 3 (a) and (b), of the Convention, by (a) submission of the dispute to the International Court of Justice and/or (b) arbitration in accordance with the procedures set out in Annex VI."

#### POLAND

With respect to article 20, paragraph 2, of the Convention, the Polish Republic declares that it recognizes submission to arbitration in accordance with the procedures and under the conditions set out in Annex VI to the Convention, as compulsory *ipso facto*.

#### ROMANIA

In conformity with article 26, paragraph 2, of the Convention, Romania declares that the import and the disposal on its national territory of hazardous wastes and other wastes can take place only with the prior approval of the competent Romanian authorities.

#### RUSSIAN FEDERATION

The definition of "Territory" in the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes (UNEP Governing Council decision 14/30 of 17 June 1987) to which reference is made in the preamble to the Convention is a special formulation and cannot be used for purposes of interpreting the present Convention or any of its provisions in the light of article 31, paragraph 2, or article 32 of the 1969 Vienna Convention on the Law of Treaties or on any other basis.

#### SINGAPORE

"The Government of Singapore declares that, in accordance with article 4 (12), the provisions of the Convention do not in any way affect the exercise of navigational rights and freedoms as provided in international law. Accordingly, nothing in this Convention requires notice to or consent of any State for the passage of a vessel under the flag of a party, exercising rights of passage through the territorial sea or freedom of navigation in an exclusive economic zone under international law."

#### SPAIN

The Spanish Government declares, in accordance with article 26.2 of the Convention, that the criminal characterization of illegal traffic in hazardous wastes or other wastes, established as an obligation of States Parties under article 4.3, will in future take place within the general framework of reform of the substantive criminal legal order.

#### ITALY

The Government of Italy, in expressing its objections *vis-à-vis* the declarations made, upon signature, by the Governments of Colombia, Ecuador, Mexico, Uruguay and Venezuela, as well as other declarations of similar tenor that might be made in the future, considers that no provision of this Convention should be interpreted as

#### ST. KITTS AND NEVIS

"With respect to article 20, paragraph 2 of the Convention, the Government of Saint Kitts and Nevis declares that it recognizes submission to arbitration in accordance with the procedures and the conditions set out in Annex VI to the Convention, as compulsory *ipso facto*."

#### UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

"The Government of the United Kingdom of Great Britain and Northern Ireland declare that, in accordance with article 4 (12), the provisions of the Convention do not affect in any way the exercise of navigational rights and freedoms as provided for in international law. Accordingly, nothing in this Convention requires notice to or consent of any state for the passage of hazardous wastes on a vessel under the flag of a party, exercising rights of passage through the territorial sea or freedom of navigation in an exclusive economic zone under international law."

#### URUGUAY

Uruguay is signing *ad referendum* the Convention on the Control of the Transboundary Movements of Hazardous Wastes and their Disposal because it is duly protecting its rights as a riparian State in the areas subject to its national jurisdiction, including the territorial sea, the exclusive economic zone and the continental shelf and, as appropriate, the superjacent air space as well as the exercise in such areas of its standard-setting and administrative competence in connection with the protection and preservation of the environment as recognized by international law and, in particular, by the law of the sea.

#### VENEZUELA (BOLIVARIAN REPUBLIC OF)

Venezuela considers that the Convention [as] adopted properly protects its sovereign rights as a riparian State over the areas under its national jurisdiction, including its territorial sea, exclusive economic zone and continental shelf, and, as appropriate, its air space. The Convention also safeguards the exercise in such areas of its standard-setting and administrative jurisdiction for the purpose of protecting and preserving the environment and its natural resources in accordance with international law, and in particular the law of the sea.

### Objections

*(Unless otherwise indicated, the objections were received upon formal confirmation, ratification, acceptance, approval, accession or succession.)*

restricting navigational rights recognized by international law. Consequently, a State party is not obliged to notify any other State or obtain authorization from it for simple passage through the territorial sea or the exercise of freedom of navigation in the exclusive economic zone by a vessel showing its flag and carrying a cargo of hazardous wastes.

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#### Notes:

<sup>1</sup> For the purpose of entry into force of the [Convention/Protocol], any instrument of ratification,

acceptance, approval or accession deposited by a regional economic integration organization shall not be counted as

additional to those deposited by member States of that Organization.

<sup>2</sup> On 16 September 1992, i.e., after the expiry of the 90-day period from the date of its circulation (i.e., 10 June 1992), the Government of the United Kingdom of Great Britain and Northern Ireland communicated the following with respect to the corrections proposed by the Government of Japan to article 7 of the Convention:

"The United Kingdom Government has no objection to the first of the . . . suggested amendments since this represents the correction of a typographical error rather than a substantive change. With regard to the second proposed change, however, the UK Government would wish to lodge an objection on the following grounds:

i) Since the Convention was negotiated predominantly through the English language version of the draft Convention, to amend the text of this version to accord with the text of the other language versions would be to align the original version with translations, rather than vice-versa, which would appear to be more appropriate;

ii) There is a general presumption that a legislative provision should be construed, if at all possible, so as to give it meaning and substance. If the amendment proposed by the Japanese Government was to be accepted, article 7 would confirm what is already explicit in article 6.1 of the Convention (as read in conjunction with article 2.13 which defines the term 'the states concerned'). If, however, article 7 remains un-amended, it will continue to add to the scope of article 6.2 and therefore retain a specific meaning;

iii) The United Kingdom is of the view that the Basel Convention should require of Parties the maximum level of prior notification possible. In the case of a proposed movement of a consignment of hazardous waste from the Basel Party to a second Basel Party via a non-Party, we would wish the second Basel Party to send a copy of its final response regarding movement to the non-Party. Article 7, as presently worded, ensures that this takes place. The amendment proposed by the Government of Japan would, however, have the effect of limiting, albeit to a small extent, the amount of prior notification by Parties to the agreement in question.

In view of these objections the government of the United Kingdom agrees to the first of the proposed adjustments of the English text, but not to the second."

On 11 January 1993, the Government of the United Kingdom notified the Secretary-General of its decision to withdraw the objection to the second modification proposed by the Government of Japan to article 7 of the Convention.

<sup>3</sup> At the Fourth Meeting of the Conference of the Parties to the Convention, held in Kuching, Malaysia, from 23 to 27 February 1998, the Parties proposed an amendment to Annex I and adopted two new Annexes (VIII and IX).

In accordance with paragraphs 2 (c) and 3 of article 18, on the expiry of six months from the date of their circulation (on 6 May 1998), the amendment to Annex I and the adoption of Annexes VIII and IX became effective for all Parties to the Convention which had not submitted a notification in accordance with the

provisions of article 18, paragraph 2 (b), that is to say on 6 November 1998.

In this connection, the Secretary-General had received from the Governments of the following States, notifications on the dates indicated hereinafter:

*Austria (30 October 1998):*

"Austria is not in a position to accept the amendment and the annexes to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention) which were adopted by decision IV/9 of the fourth meeting of the Conference of the Parties to the Basel Convention.

This objection under Article 18 para. 2 (b) of the said Convention has to be raised on purely technical grounds, due to the necessary parliamentary procedure in Austria, and will be lifted immediately once Parliament has accepted the amendment to Annex I as well as the new annexes VIII and IX.

In this context, due note should be taken of the fact that Austria is legally bound by the "Council Regulation on the supervision and control of shipments of waste within, into and out of the European Community". An amendment to Annex V of this Council Regulation has been decided with the support of Austria on 30 September 1998 in order to take into full consideration those wastes featuring on any lists of wastes characterized as hazardous for the purposes of the Basel Convention."

The amendment to Annex I and the adoption of Annexes VIII and IX took effect for Austria on 26 October 1999, the date of deposit of its instrument of acceptance with the Secretary-General.

*Germany (4 November 1998):*

At the Fourth Conference of the Parties to the Basel Convention held in Kuching, Malaysia from 23 to 27 February 1998, Germany agreed to the amendments and the new Annexes. However, under the Basic Law for the Federal Republic of Germany formal approval by the legislative bodies is required before the amendments to the Convention enter into force. Unfortunately, it will not be possible to conclude this process within the six-month deadline.

For this reason and in conformity with Article 18 (2) (b) of the Basel Convention, the Federal Republic of Germany declares that it cannot at present accept the amendments to Annex I and the new Annexes VIII and IX to the Basel Convention.

The amendment to Annex I and the adoption of Annexes VIII and IX took effect for Germany on 24 May 2002, the date of deposit of its instrument of acceptance with the Secretary-General.

<sup>4</sup> Such an organization is defined under article 2, paragraph 20, of the said Convention as "an organization constituted by sovereign States to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve, formally confirm or accede to it".

<sup>5</sup> On 28 June 1999, the Government of Portugal informed the Secretary-General that the Convention would also apply to Macau.

Subsequently, on 9 and 15 December 1999, the Secretary-General received communications concerning the status of Macau from the Governments of the Portugal and China (see also note 3 under "China" and note 1 under "Portugal" regarding Macao in the "Historical Information" section in the front matter of this volume). Upon resuming the exercise of sovereignty over Macao, China notified the Secretary-General that the Convention with the will also apply to the Macao Special Administrative Region.

<sup>6</sup> On 6 and 10 June 1997, the Secretary-General received communications concerning the status of Hong Kong from the Governments of the United Kingdom and China (see also note 2 under "China" and note 2 under "United Kingdom of Great Britain and Northern Ireland" regarding Hong Kong in the "Historical Information" section in the front matter of this volume). Upon resuming the exercise of sovereignty over Hong Kong, China notified the Secretary-General that the Convention will also apply to the Hong Kong Special Administrative Region.

<sup>7</sup> Czechoslovakia had acceded to the Convention on 24 July 1991. See note 1 under "Czech Republic" and note 1 under "Slovakia" in the "Historical Information" section in the front matter of this volume.

<sup>8</sup> On 31 January 1995, the Government of Egypt informed the Secretary-General that its instrument of accession should have been accompanied by the following declarations:

*First declaration: passage of ships carrying hazardous wastes through the Egyptian territorial sea:*

The Arab Republic of Egypt, upon acceding to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which was done on 22 March 1989 and is referred to hereafter as "the Convention", and, in accordance with article 26 of the Convention, declares that:

In accordance with the provisions of the Convention and the rules of international law regarding the sovereign right of the State over its territorial sea and its obligation to protect and preserve the marine environment, since the passage of foreign ships carrying hazardous or other wastes entails many risks which constitute a fundamental threat to human health and the environment; and

In conformity with Egypt's position on the passage of ships carrying inherently dangerous or noxious substances through its territorial sea (United Nations Convention on the Law of the Sea, 1983), the Government of the Arab Republic of Egypt declares that

1. Foreign ships carrying hazardous or other wastes will be required to obtain prior permission from the Egyptian authorities for passage through its territorial sea.

2. Prior notification must be given of the movement of any hazardous wastes through areas under its national jurisdiction, in accordance with article 2, paragraph 9, of the Convention.

*Second declaration: imposition of a complete ban on the import of hazardous wastes:*

The Arab Republic of Egypt, upon acceding to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which was signed on 22 March 1989 and is referred to below as "the Convention", and

In accordance with article 26 of the Convention, declares that:

In accordance with its sovereign rights and with article 4, paragraph 1 (a), of the Convention, a complete ban is imposed on the import of all hazardous or other wastes and on their disposal on the territory of the Arab Republic of Egypt. This confirms Egypt's position that the transportation of such wastes constitutes a fundamental threat to the health of people, animals and plants and to the environment.

*Third declaration:*

The Governments of Bahrain, Belgium, Benin, Côte d'Ivoire, Denmark, Egypt, the Federal Republic of Germany, Finland, France, the German Democratic Republic, Ghana, Greece, Hungary, Italy, Jordan, Kenya, Kuwait, Lebanon, Luxembourg, Malaysia, Malta, Namibia, Netherlands, Niger, Norway, the Philippines, Portugal, Saudi Arabia, Senegal, Sweden, Switzerland, Turkey, the United Arab Emirates and the United Kingdom of Great Britain and Northern Ireland. Sweden, Switzerland, Turkey, the United Arab Emirates and the United Kingdom of Great Britain and Northern Ireland, as well as the Commission of the European Union, which will sign the Convention and/or the final document referring to the Control of Transboundary Movements of Hazardous Wastes and their Disposal (referred to hereinafter as "the Convention"),

*Concerned* that the transboundary movement of hazardous wastes constitutes a great danger to the health of both humans and the environment,

*Considering* that the developing countries have a limited ability to manage wastes, especially hazardous wastes, in an environmentally sound manner,

*Believing* that a reduction in the production of hazardous wastes and their disposal in environmentally sound conditions in the country which exports them must be the goal of waste management policy,

*Convinced* that the gradual cessation of transboundary movements of hazardous wastes will undoubtedly be a major incentive to the development of appropriate national facilities for the disposal of wastes,

*Recognizing* the right of every State to ban import to or export from its territory of hazardous wastes,

*Welcoming* the signature of the Convention,

*Believing* it necessary, before applying the provisions of the Convention, to impose immediate and effective control on transboundary movement operations, especially to developing countries, and to reduce them,

*Declare* the following:



1. The signatories to this Convention affirm their strong determination that wastes should be disposed of in the country of production.

2. The signatories to this Convention request States which accede to the Convention to do so, by making every possible effort to effect a gradual cessation of the import and export of wastes for reasons other than their disposal in facilities which will be set up within the framework of regional cooperation.

3. The signatories to this Convention will not permit wastes to be imported to or exported from countries deficient in the technical, administrative and legal expertise in administering wastes and disposing of them in an environmentally sound manner.

4. The signatories to this Convention affirm the importance of assistance to develop appropriate facilities intended for the final disposal of wastes produced by countries referred to in paragraph 3 above.

5. The signatories to this Convention stress the need to take effective measures within the framework of the Convention to enable wastes to be reduced to the lowest possible level and to be recycled.

*Note:*

Belgium considers that its declaration does not prejudice the import to its territory of wastes classified as primary or secondary materials.

These declarations were not transmitted to the Secretary-General at the time the instrument of accession. In keeping with the depositary practice followed in similar cases, the Secretary-General proposed to receive the declarations in question for deposit in the absence of any objection on the part of any of the Contracting States, either to the deposit itself or to the procedure envisaged, within a period of 90 days from the date of their circulation (i.e., 17 July 1995).

In this connexion, the Secretary-General received the following objections on the dates indicated hereinafter:

*United Kingdom of Great Britain and Northern Ireland (9 October 1995):*

"The Government of the United Kingdom of Great Britain and Northern Ireland cannot accept the first declaration of Egypt (passage of ships carrying hazardous wastes through the Egyptian territorial sea) [...]. Not only was this declaration out of time, but like all other declarations to similar effect, it is unacceptable in substance. In this connection the United Kingdom Government recalls its own statement upon signature confirmed upon ratification:

*[For the text of the statement, see under "Reservations and Declarations".]*

*Finland (13 October 1995):*

... "In the view of the Government of Finland the declarations of Egypt raise certain legal questions. Article 26.1 of the Basel Convention prohibits any reservation or exception to the Convention. However, according to article 26.2 a State can, when acceding to the Convention, make declarations or

statements 'with a view, *inter alia*, to the harmonization of its laws and regulations with the provisions of this Convention ...'.

Without taking any stand to the content of the declarations, which appear to be reservations in nature, the Government of Finland refers to article 26.2 of the Basel Convention and notes that the declarations of Egypt have been made too late. For this reason the Government of Finland objects to the declarations and considers them devoid of legal effect."

*Italy (13 October 1995) :*

... The Italian Government objects to the deposit of the aforementioned declarations since, in its opinion, they should be considered as reservations to the Basel Convention and the possibility of making reservations is excluded under article 26, paragraph 1, of the Convention.

In any event, article 26, paragraph 2, stipulates that a State may, within certain limits, formulate declarations only "when signing, ratifying, accepting, approving, ... confirming or acceding to this Convention".

For these reasons, the deposit of the aforementioned declarations cannot be allowed, regardless of their content.

*Netherlands (13 October 1995):*

"While the second and the third declarations do not call for observations by the Kingdom, the first declaration establishing the requirement of prior permission for passage through the Egyptian territorial sea is not acceptable.

The Kingdom of the Netherlands considers the first declaration to be a reservation to the (Basel) Convention. The Convention explicitly prohibits the making of reservations in article 26 par. 1. Moreover, this reservation has been made two years after the accession of Egypt to the (Basel) Convention, and therefore too late.

Consequently the Kingdom of the Netherlands considers the declaration on the requirement of prior permission for passage through the territorial sea made by Egypt a reservation which is null and void."

*Sweden (16 October 1995):*

"The Government of Sweden cannot accept the declarations made by the Government of Egypt [...].

First, these declarations were made almost two years after the accession by Egypt contrary to the rule laid down in article 26, paragraph 2 of the Basel Convention.

Second, the content of the first of these declarations must be understood to constitute a reservation to the Convention, whereas the Basel Convention explicitly prohibits reservations (article 26, paragraph 1).

Thus, the Government of Sweden considers these declarations null and void."

In view of the above and in keeping with the depositary practice followed in such cases, the Secretary-general has taken the view that he is not in a position to accept these declarations for deposit.

<sup>9</sup> The German Democratic Republic had signed the Convention on 19 March 1990. See also note 2 under "Germany" in the "Historical Information" section in the front matter of this volume.

<sup>10</sup> See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.

<sup>11</sup> For the Kingdom in Europe.

<sup>12</sup> With a declaration of non-application to Tokelau "until the date of notification by the Government of New Zealand that the Convention shall so extend to Tokelau".

<sup>13</sup> See note 1 under "former Yugoslavia" and note 1 under "Yugoslavia" in the "Historical Information" section in the front matter of this volume.

<sup>14</sup> In respect of the United Kingdom of Great Britain and Northern Ireland and the British Antarctic Territory.

Subsequently, on 30 October 1995, the Government of the United Kingdom of Great Britain and Northern Ireland notified the Secretary-General that the Convention shall apply to Hong Kong, being a territory for whose international relations the Government of the United Kingdom is responsible.

On 6 July 2001, the Secretary-general received from the Government of Argentina, the following communication:

Following the notification by the Environment Agency of the United Kingdom of Great Britain and Northern Ireland of the possible transit of a cargo of hazardous wastes, the Government of Argentina rejected the British attempt to apply the above-mentioned Convention to the Malvinas Islands, South Georgia and South Sandwich Islands, as well as to the surrounding maritime spaces and to the Argentine Antarctic Sector.

The Argentine Republic reaffirms its sovereignty over the Malvinas Islands, South Georgia and South Sandwich Islands and the surrounding maritime spaces and rejects any British attempt to apply the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 22 March 1989 to the said Territories and maritime spaces.

It also wishes to recall that the General Assembly of the United Nations adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, which recognize the existence of a dispute over sovereignty and request the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to resolve peacefully and definitively the pending problems between both countries, including all aspects on the future of the Malvinas Islands, in accordance with the Charter of the United Nations.

Further, on 12 December 2001, the Government of the United Kingdom of Great Britain and North Ireland informed

the Secretary-General that "the Convention shall extend to the Isle of Man for whose international relations the Government of the United Kingdom is responsible" (on 27 November 2002: designation of authority: Department of Local Government and the Environment, Murray House, Mount Havelock, Douglas, Isle of Man, IM1 2SF).

On 27 November 2002: on behalf of the Bailiwick of Guernsey. (designation of authority: "Board of Health, David Hughes, Chief Executive, States of Guernsey Board of Health, John Henry House, Le Vauquiedor, St Martin's, Guernsey, GY4 6UU).

On 6 September 2006: in respect of Akrotiri and Dhekelia.

"In accordance with Article 5 paragraph 2 of the Convention, the competent authorities designated by the United Kingdom for the Sovereign Base Areas of Dhekelia and Akrotiri are:

Sovereign Base Areas:

Competent Authority for the Western Sovereign Base Area: Area Officer (Mr Kyprianos Matheou), Area Office, Akrotiri, BFPO 57 (telephone 00357 2527 7290).

Competent Authority for Eastern Sovereign Base Area: Area Officer (Mr Christakis Athanasiou), Area Office, Dhekelia, BFPO 58 (telephone 00357 2474 4558).

British Forces Cyprus:

Competent Authority: Defence Estates Support Manager (Mr P Pashas), Block D, Headquarters, British Forces Cyprus, Episkopi, BFPO 53 (telephone 00357 2596 2329).

The Secretary of State for Environment, Food and Rural Affairs, United Kingdom, is the focal point for the purposes of Article 5 of the Convention."

On 14 September 2007, the Government of the United Kingdom of Great Britain and Northern Ireland informed the Secretary-General that it "wishes the United Kingdom's ratification of the Convention ... to be extended to Jersey for whose international relations the United Kingdom is responsible.

The Government of the United Kingdom of Great Britain and Northern Ireland considers the extension of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal ... to Jersey to take effect from the date of deposit of this notification, ... ."

"In accordance with Article 5, paragraph 2 of the Convention, the competent authorities designated by the United Kingdom for Jersey are:

Minister for Planning and Environment: Assistant Director, Environmental Protection, Howard Davis Farm, La Rue de la Trinite, Trinity, Jersey JE3 5JP."

On 11 April 2013: "... the Government of the United Kingdom of Great Britain and Northern Ireland wishes the United Kingdom's ratification of the Convention as amended be extended to the territory of Gibraltar for whose international relations the United Kingdom is responsible.

The Government of the United Kingdom of Great Britain and Northern Ireland considers the extension of the aforesaid Convention as amended to Gibraltar to take effect on the ninetieth day after the date of deposit of this notification ..."

On 6 May 2015: In accordance with Article 5 paragraph 2 of the Convention, the Government of the United Kingdom declares that for the Isle of Man the competent authority shall be:

Department of Environment, Food and Agriculture

The Slieau Whallian

Foxdale Road

St Johns

Isle of Man

IM4 3AS

<sup>15</sup> On 1 November 2013, the Secretary-General received from the Government of Spain the following communication with regard to the Territorial Application by the United Kingdom of Great Britain and Northern Ireland to Gibraltar:

1. Gibraltar is a Non-Self-Governing Territory for whose international relations the Government of the United Kingdom is responsible and which is subject to a process of decolonization in accordance with the relevant decisions and resolutions of the General Assembly.

2. The Gibraltarian authorities are local in character, and exercise competences exclusively over internal affairs that originate in and are based on the powers allocated to and conferred on them by the United Kingdom, in accordance with its domestic legislation and in its capacity as the sovereign State upon which depends the said Non-Self-Governing Territory.

3. Consequently, any involvement by the Gibraltarian authorities in the implementation of this Convention shall be understood to take place exclusively within the framework of the internal affairs of Gibraltar and shall not be considered to affect in any way the content of the two preceding paragraphs.

4. The procedure envisaged in the Arrangements relating to Gibraltar authorities in the context of Mixed Agreements, which was agreed by Spain and the United Kingdom on 19 December 2007 (together with "Agreed Arrangements relating to Gibraltar authorities in the context of European Union and European Community Instruments and Related Treaties" of 19 April 2000) applies to the present Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel, 22 March 1989) and to the Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Geneva, 22 September 1995).

5. The implementation of the present Convention and the Amendment thereto in Gibraltar cannot be interpreted as recognition of any rights or situations involving matters not included in Article 10 of the Treaty of Utrecht of 13 July 1713, signed by the crowns of Spain and Great Britain.

<sup>16</sup> On 13 March 1996, the Secretary-General received from the Government of the United States of America, the following communication:

"(1) It is the understanding of the United States of America that, as the Convention does not apply to vessels and aircraft that are entitled to sovereign immunity under international law, in particular to any warship, naval auxiliary, and other vessels or aircraft owned or operated by a State and in use on government, non-commercial service, each State shall ensure that such vessels or aircraft act in a manner consistent with this Convention, so far as is practicable and reasonable, by adopting appropriate measures that do not impair the operations or operational capabilities of sovereign immune vessels.

(2) It is the understanding of the United States of America that a State is a 'Transit State' within the meaning of the Convention only if wastes are moved, or are planned to be moved, through its inland waterways, inland waters, or land territory.

(3) It is the understanding of the United States of America that an exporting State may decide that it lacks the capacity to dispose of wastes in an 'environmentally sound and efficient manner' if disposal in the importing country would be both environmentally sound and economically efficient.

(4) It is the understanding of the United States of America that article 9 (2) does not create obligations for the exporting State with regard to cleanup, beyond taking such wastes back or otherwise disposing of them in accordance with the Convention. Further obligations may be determined by the parties pursuant to article 12.

Further, at the time the United States of America deposits its instrument of ratification of the Basel Convention, the United States will formally object to the declaration of any State which asserts the right to require its prior permission or authorization for the passage of vessels transporting hazardous wastes while exercising, under international law, its right of innocent passage through the territorial sea or freedom of navigation in an exclusive economic zone."

