



---

Distr.: .....

---

**Conference of the Parties to the Bamako Convention on the ban on the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa**

**'The Bamako Convention: A Platform for a Pollution Free Africa'**

---

**Second meeting of the Conference of Parties to the Bamako Convention Abidjan (Cote d'Ivoire), 29–31 January 2018**

**DRAFT REPORT**

**Introduction**

1. The second meeting of the Conference of Parties to the Bamako Convention organized by the United Nations Environment Programme (UNEP) under the theme: 'the Bamako Convention: A platform for a pollution-free Africa' was held at the **Ivoire Golf Club Hotel**, Abidjan, **from 30th January to 1st February, 2018** in collaboration with the Ministry of Sanitation, Environment and Sustainable Development of Côte d'Ivoire.
2. Representatives of Parties to the Bamako Convention, various Ministers and Ambassadors as well as the UN Environment's Deputy Executive Director and UN Environment Africa Regional Office Director took part in the meeting. The official opening of the meeting was marked by several speeches, including the speech by **Mrs. AÏDA M'BO KEITA**, Minister of Environment, Sanitation and Sustainable Development of Mali, who stressed on the relevance of the theme and recalled the conditions that led to the signing of the Basle and Bamako Conventions; she stressed on the urgent actions that need to be undertaken by African countries to combat pollution in Africa. She ended by recalling the expectations of Libreville Declaration whose implementation is expected by UN Environment and WHO.
3. The UN Environment Representative indicated that African countries must have the necessary resources to implement the Bamako Convention, stressing that only 25 out of 54 African countries have ratified it and 17 others have signed it, leaving 11 countries behind. After regretting that if the most affected countries do not feel concerned by the dumping of hazardous waste, it is not the countries that benefit from it that will do it, he ended his remarks with a strong message: to see the year 2018 as the year, in which Africans themselves take responsibility for the Convention.
4. After that, **Mrs. Anne OULOTO**, Minister of Sanitation, Environment and Sustainable Development of Côte d'Ivoire, who indicated that the aim of the Convention is to protect the health of the populations and their environment. As a forum for solidarity, it is the historical responsibility of African States not to let it sink. She stressed the need for strong political action to implement the decisions of the various Conferences of the Parties. The end of the opening ceremony was marked by a group photo.

## **Item 2: Adoption of the agenda**

5. The Conference of the Parties adopted the agenda for its meeting, pursuant to the rules of procedure, on the basis of the provisional agenda set forth in document UNEP/BC/COP.2/1. of the United Nations

## **Item 3: Organizational issues**

### **(3.1) Election of officers**

6. The Conference of Parties with regard to the note received from the secretariat on the election of officers (UNEP/BC/COP.2/X) and the note received from the secretariat entitled 'Election of officers: overview table of elections' (UNEP/BC/COP.2/3) took note of the information provided in the notes and considered the action proposed in the document. election of the officers was made taking into account the representation of the regions.
7. In accordance with Rule 18 of the Rules of Procedure, it is a custom for the organizing country to act as chairperson and, on the proposal of the chairperson, in accordance with Rule 50, after consideration by the secretariat, it was decided by the assembly to proceed with the selection of members by consensus.
8. The election of officers was done taking into account regional representations; thus, the following countries were elected:
  - **Chairman:** Côte d'Ivoire (host country)
  - **Vice-Chairman:** Congo (Central Africa), Burkina Faso (West Africa) and Tunisia (North Africa) Benin withdrew as a candidate, leaving Burkina Faso in the process.
  - **Rapporteur:** Ethiopia
9. After the election of the officers, the new officers headed by its chairperson took over the conduct of the meeting and the Bureau members were introduced to the participants by Mrs. Anne Ouloto, Minister of Sanitation, Environment and Sustainable Development of Côte d' Ivoire.

### **Organization of work**

10. The Conference adopted the schedule of work for the meeting (UNEP/BC/COP.2/1), as well as a proposed structure of the second meeting of the conference of Parties to the Bamako Convention (UNEP/BC/COP.2/6) and a provisional agenda of the high-level segment of the meeting (UNEP/BC/COP.2/5), all prepared by the secretariat in consultation with the president and the bureaux of the conferences of the Parties.
11. The Conference decided to meet from 9:00 am to 1:00 pm and from 2:30 pm to 6:30 pm.
12. The Conference of the Parties established contact and other groups and clarified their mandate. In accordance with Rule 53 of the Rules of Procedure, the Assembly was invited to establish contact groups to examine documents prepared by the secretariat, including document UNEP/BC/COP2 dealing with the 'Proposal for the organization of work.'
13. Thus, a Committee of four (4) working groups was created and led by the Vice Chairpersons, namely:
  1. **Contact Group 1:** Chaired by Niger, this group was responsible for discussing the work programme, decisions to be taken and budget and finance issues.
  2. **Contact Group 2:** Chaired by Gabon, the task of this group was to discuss synergies with other conventions and strengthen the implementation of the Convention.
  3. **Contact Group 3:** Chaired by Egypt, the task of this group was to discuss technical assistance regarding the issues of the Convention and their implementation.
  4. **Contact Group 4:** Chaired by Cameroon, this group was responsible for discussing the terms of reference and strategic frameworks of the resolutions.
14. Though, chairpersons of the contact groups are proposed, but the rapporteurs are chosen by members of the groups themselves.

## **Update report on the credentials of representatives to the second meeting of the conference of Parties to the Bamako Convention**

15. The Conference of the Parties received a note from the secretariat on the status of ratification of the Bamako Convention (UNEP/BC/COP. 2/X). The Conference of the Parties took note of the information contained therein and indicated that the accreditation process was ongoing. The accreditation report will be submitted before the end of the meeting.
16. The Accreditation Committee proposed to the Meeting to accept accreditation and assured all representatives that, in accordance with the Rules of Procedure, each Party would be represented by an accredited representative, who could be accompanied by alternate representatives and advisers, as appropriate.
17. The Bureau, with the assistance of the secretariat, reviewed the accreditation of the representatives of the Parties at the meeting and reported to the Conference of the Parties for consideration as follows: so far 17 accreditations have been received from Burundi, Egypt, Sudan, Mozambique, Ethiopia, Gambia, Benin, Mali, DR Congo, Zimbabwe, Togo, Angola, Senegal, Mauritius, Mauritius, Niger and Côte d' Ivoire. The Democratic Republic of the Congo submitted a photocopy, which is provisionally valid subject to receipt of the original.
18. Nine Parties have not yet submitted their accreditations, namely: Burkina Faso, Chad, Cameroon, Comoros, Libya, Gabon, Uganda, Tanzania, Namibia and Uganda.
19. An updated report to be submitted to the Secretariat is expected after the establishment of the new bureau and the submission of accreditations by States Parties and non-Parties. In the meantime, the report submitted on accreditations was adopted as such.

### **Item 4: Statements made by State Representatives**

20. Following their election, in accordance with Rule 61 of the Rules of Procedure, the Secretariat prepared a list of country Parties wishing to deliver national addresses; a series of addresses (5 minutes per country) were delivered by the country Parties, followed by addresses of non-Parties. The Ministers and Heads of delegations who delivered the various statements reflected on the declarations of principle and reported on the activities carried out in their countries with a view to implementing the decisions of COP1, in accordance with the provisions of the Convention relating to the preparation of national reports.
21. The delegate of Congo gave an overview of the hazardous waste problem and proposed to organize COP 3 in his country;
22. The delegate of Tunisia stressed on the issue of hazardous waste and the desire to organize the next COP 3 in Tunisia;
23. The delegate of Niger called for real commitments to be made in favour of African populations.
24. In addition, the delegate of Burkina Faso called for the banning and control of the movement of hazardous waste to be translated into action throughout the continent. He proposed the establishment of institutional and regulatory frameworks for better waste management.
25. Burundi expressed its interest in complying with the relevant international environmental protection treaties;
26. In her address, the representative of Benin reaffirmed her country's commitment to making Africa a pollution-free continent by signing various agreements and honouring its commitments to make the Bamako Convention a tool for development.
27. In turn, the representative of Cameroon expressed his country's commitment to promoting sustainable development through the promulgation of decrees and laws aimed at protecting the environment.

28. Additionally, the representative of Mali expressed his country's commitment to environmental protection by organizing various training courses for entities working in that field. He noted the lack of adequate legal frameworks in our States and called on States to implement the decisions of the Bamako Convention.
29. The Senegalese declaration focused on the implementation of the decisions of the Bamako Convention and the necessary payment of country contributions.
30. The representative of the DRC mentioned a great lack of framework and other instruments related to the fight against hazardous waste.
31. The representative of Gambia indicated that the country had taken steps to manage waste and had acceded to various conventions and called for everyone's commitment to this struggle.
32. Then, the representative of Ethiopia thanked Côte d'Ivoire for accepting to organize this conference, adding that the protection of Africa against this waste is only aimed at promoting the best interests of our populations and our ecosystem. His country's ratification of the Convention shows its commitment to the issue.
33. The representative (Minister) then made his statement. He noted that Africa is suffering from the adverse effects of hazardous waste. The country has taken a number of actions, including: the enactment of laws to combat hazardous waste and the adoption of an anti-pollution police force; the establishment of legal instruments to combat hazardous waste; the creation of recycling facilities for batteries, cells, hazardous waste and others; the development of national regulations and the strengthening of hazardous waste management entities and instruments.
34. In the same vein, the representative of Angola pointed out that his country had adopted resolutions aimed at combating hazardous waste, namely: the implementation of various regulations on the management of waste from cities, hospitals and other spaces; the deployment of efforts to promote environmental protection instruments; he called for cooperation in that regard; and the organization of training courses for the entities involved.
35. Statement by ECOWAS as observer: after the customary acknowledgements, its representative insisted on the opening of vast projects in the field of hazardous waste, the regional strategy to combat hazardous waste; he welcomed this meeting and called for concrete recommendations to be formulated. He underscored the strengthening of the Secretariat; establishment of implementation mechanisms; and partnerships to achieve the objectives. He invited all countries to implement the Bamako Convention and lay the foundations for future implementation of the decisions.
36. Statement by IPEN, BAN and CREP: The Bamako Convention suffers from a problem of implementation at the country level; these entities called on governments to translate into action the declarations and expectations of this meeting by working in collaboration with the Convention Secretariat.
37. A total of 15 statements were made, 13 by country Parties and 2 by non-Party countries.

## **Item 5: Matters relating to the implementation of the Convention**

### **Report by the Secretariat on the implementation of the Convention since COP1.**

38. The conclusion is that to date 25 countries have ratified the Convention and 29 have signed it. Similarly, 23 decisions were adopted, among which COP1 formally established the secretariat and decided to host it in the United Nations system; UNEP authorized the hosting of the Secretariat of the Convention under Resolution 1/16 of UNEP, with the Executive Director acting as Secretariat.
39. It was also decided to designate national focal points and national entities: 19 out of 25 Parties submitted information to the secretariat on actions taken in this regard; countries that have not yet done so are urged to submit information on the designation of national focal points and entities.

40. The secretariat promoted the Convention at the various international meetings by organizing side events, among other things at the last meeting of the CMAE.
41. Capacity-building activities were organized, notably in conjunction with SADEC and ECOWAS; these types of actions will be intensified.
42. The costed work plan for the two-year period was adopted at COP1 but could not be fully implemented; the budget could not be assembled to implement the work plan, which hampered the implementation of the work plan. The Revolving Fund and Trust Fund are still awaiting pledged contributions.

### Strategic Repositioning of the Convention

43. Following the discussions, it was agreed that the focus should be on concrete proposals for moving forward and meeting the challenges. There can be no repositioning of the Convention without genuine ownership of the Convention. On this point, there was unanimous agreement on the identification of a country as headquarters.
44. Gambia insisted on the proposal that the Headquarters of the Convention should be returned to Mali so that the Secretariat would be functional and endowed with resources; the repositioning of the Convention was based on the Cop1 and the decisions of the Cop2. In order to do so, it is necessary to reappropriate the Convention, keeping in mind the principle that an African country should host its headquarters, and the Minister of the Environment of Mali hoped that before the next COP, this proposal would be examined in conjunction with UN Environment.
45. The second day's meeting was adjourned after the adoption of the Abidjan Ministerial Declaration: Abidjan Declaration on 'The Bamako Convention: A Platform for a Pollution-Free Africa'.

### Second day

46. The proceedings of the second day, on Wednesday, 31 January, began at 9:35 a.m. by Mrs. KABA NASSÉRE, Chief of Staff, representing the Minister of Sanitation, Environment and Sustainable Development of Côte d'Ivoire, Mrs. Anne OULOTO.
47. Four (4) contact groups were established and each group was given a specific mandate. They are as follows, as announced by the secretariat:
  - **Contact Group 1:** Chaired by Niger, this group was responsible for discussing the work programme, decisions to be taken and budget and finance issues.
  - **Contact Group 2:** Chaired by Gabon, the task of this group is to discuss issues related to strengthening the implementation of the Convention, synergies with other multilateral treaties and other initiatives and will decide on issues related to the visibility of the Convention.
  - **Contact Group 3:** Chaired by Egypt, the task of this group is to discuss technical assistance issues concerning the implementation of the Convention and, more specifically, challenges and opportunities.
  - **Contact Group 4:** Chaired by Cameroon, this group is responsible for discussing issues relating to the terms of reference of the extraordinary meeting, the modalities for establishing the secretariat and the strategic framework for the implementation of relevant resolutions on the Convention secretariat.
48. After a period of work just before the lunch break, all groups gathered in the large conference room to listen to the presentation of the Environmental Audit Report on **Probo Koala**. It should be noted that this report was presented by **Mrs. Silja HALLE**, Project Officer on the Independent Audit of sites affected by toxic waste dump in Côte d'Ivoire. The excellent news from this report was that to date no site exceeds the limits for decontamination and that at this stage these sites do not pose a danger to the population. Waste dumping by the ship **Probo Koala** affected 12 sites, 100,000 people. This dumping resulted in some immediate government action to save the lives of the populations. These measures are as follows:

- ✓ Schools closure;
  - ✓ Prohibition of fishing activities in the lagoon;
  - ✓ Launching of clean-up processes; and
  - ✓ Monitoring of affected sites.
49. The audit project was carried out in three (3) phases, namely:
- ✓ Outlining;
  - ✓ Field work;
  - ✓ Laboratory analysis and report writing.
50. A total of 21 sites were involved, including 18 sites examined and 3 control sites. During this audit 130 samples were taken. According to the Director, this work shed light on other sites that do not bear the Probo Koala signature. These include the corn composting site in Agboville where chromium was discovered, the Akouédo site, which is a municipal landfill showing signs of pollution, to which attention must be paid when it is closed, and the site in the Koumassi industrial zone where air and water pollution are noted. Some of the recommendations stemming from this audit include the following:
- Close monitoring of the populations affected by the dumping of toxic waste in 2006 in order to determine whether public health measures still need to be taken;
  - Further evaluation and close monitoring of the Agboville site, maintaining restrictions on public access to the site, and the installation of signs warning the public not to collect grass or vegetables growing on these lands;
  - Due diligence for the dismantling of Akouédo Municipal Dump, which has long been under consideration for closure. In the meantime, UN Environment recommends that consideration be given to restrictions on use, particularly for on-site agriculture;
  - A comprehensive environmental assessment of the area as a basis for an action plan to mitigate public health impacts. UN Environment also urges the government to ensure that workers have personal protective equipment and are trained in occupational health;
  - Examination of a representative selection of cases of origin
  - Implementation of a health monitoring program to understand and address the possible long-term health effects of exposure to toxic waste in 2006.
51. With regard to these recommendations, the director and her team are available to the Government of Côte d'Ivoire for support in collaboration with WHO.
52. Following the presentation, the director responded to the concerns of three delegates, namely Cameroon, who asked how the audit team was able to distinguish between Probo Koala and household waste substances. The representative of Benin asked whether the consequences of the substances released by Probo Koala still remained and the representative of Senegal asked for an idea on the nature of the substances released. For the first question, the director indicated that these results were obtained through analyses carried out in accredited laboratories in Europe. As for the second question, she indicated that to date none of the sites present any danger to the population and that her mission does not have a mandate to determine the consequences and that it is the responsibility of Côte d'Ivoire authorities to turn to health experts regarding this issue. With regard to the third question, Mrs. Anne OULOTO, Minister of Sanitation, Environment and Sustainable Development of Côte d'Ivoire, responded by outlining the scandal of the dumping and the initiatives taken by the Government of Côte d'Ivoire to improve the living conditions of the population. These initiatives include the following:
- Closure of the Akouédo site;
  - Clean-up mechanism for the Agboville and Koumassi sites;
  - Creation of a watchdog committee (chaired by His Excellency the Prime Minister);

- Creation of an inter-ministerial Committee, all within the framework of the Abidjan city sanitation programme.

### **Agenda of the 3rd day**

- 1- Summary of the Extraordinary Ministers Meeting;
- 2- Additional discussion on how to establish the Secretariat;
- 3- Strategic framework for the implementation of resolutions concerning the establishment of the Convention Secretariat.

### **Restitution of the proceedings by chairpersons of the contact groups.**

#### **Contact group 1**

Four (4) scenarios emerged from their work:

- Scenario 1: It was noted that not all activities had been fully implemented; at this level, it was proposed that a working group be established to manage and disseminate information effectively and coordinate the ratification of the Convention, manage assessments and country contributions. Assessments and contributions have been shared at 60 per cent for States and 40 per cent for voluntary contributions. The group proposed a minimum programme of work, which will break down the contributions to 50% each to allow countries to pay the contributions.
53. The group made the recommendations as follows:
- Appoint 2 officers to handle the work and provide a budget for COP 3 session
  - Raising the COP 3 budget
  - Conduct a study to find out why there has been such a delay since the creation of the Convention

#### **Contact group 2**

54. Members of this group made the following recommendation:

- Collaborate with Sub-regional Integration Organizations for stakeholders capacity building (decision-makers, informal sector, port authorities, consumers, NGOs, civil society, private sector) in hazardous waste management;
- Encourage sub-regional organizations to set up networks for exchanging information on hazardous waste and alerting on illegal traffic;
- Encourage the exchange of information between the Bamako Convention, the International Energy Agency and other relevant organizations on radioactive materials and hazardous chemicals;
- Collaborate with the secretariats of relevant multilateral agreements for the integration of poison emergency centres into national health and development plans;
- Work with the Regional Economic Communities to harmonise the methodological approach for the development of extended producer responsibility;
- Collaborate with regional organizations in the development of regional hazardous waste management projects;
- Collaborate to harmonize policies, strategies, plans and regulations for hazardous waste management;
- Capitalize on existing implementation strategies in the Basel, Rotterdam and Stockholm Conventions (BRS);

- Develop a partnership with the International Atomic Energy Agency (IAEA) on radioactive waste management.
- Make use of existing databases, guides and technical guidelines, platforms and expertise in the field of hazardous and radioactive waste management at national and regional level;
- Develop public/private partnerships in the management of hazardous waste.
- Strengthen partnerships and mechanisms for technical cooperation between States and United Nations organizations in the field of awareness-raising campaigns aimed at politicians and decision-makers in countries and sub-regional organizations to encourage the implementation of the Bamako Convention and the allocation of resources to hazardous waste management activities;
- Establish databases and knowledge management platforms on hazardous waste at the national and sub-regional levels;
- Encourage the establishment of regional infrastructures for the treatment and disposal of hazardous waste;
- Develop regulations to make Extended Producer Responsibility (EPR) mandatory;
- Raise awareness of the environmental and health benefits of complying with the provisions of the Bamako Convention and the practical opportunities that could be created in all African countries and disseminate relevant information to national stakeholders through the organization of restitution workshops, exchange visits, platforms.

**At the Secretariat:**

- Develop cooperation with sub-regional organisations, regional research institutes and NRBC-EU centres of excellence in the field of hazardous waste management;
- Strengthen, promote and cooperate with international law enforcement networks, including existing illegal trafficking control networks, to prevent transboundary movements of waste across the borders of States Parties;
- Set up a monitoring and warning system for hazardous waste;
- Disseminate information on illicit traffic in hazardous waste to States Parties;
- Strengthen existing networks (such as the EU, UN Environment, Africa Network) on the control of transboundary movements of hazardous and radioactive waste;
- Develop a partnership with regional centres (BRS) and NRBC-EU centres of excellence in training.

**Contact group 3**

55. Members of this group discussed the seven items in the ‘work plan’ table. From the work, the following synthesis was made on each point:
56. Countries at the Convention differ in terms of capacity building. It is proposed to support countries on a case-by-case basis, taking into account the actual level of capacity building in each country;
57. With regard to the management, dissemination and exchange of information, it is suggested that an implementation mechanism be created to better equip countries that are still lagging behind;
58. Item 4: With regard to collaboration with the Basel Convention and related institutions, an analysis of the possible contribution of regional centres to the implementation of the Bamako Convention shows that there may still be a crucial problem arising from the fact that some countries that have ratified the Basel, Rotterdam and other Conventions have not yet ratified the Bamako Convention. It is therefore recommended that the Convention Bureau raise awareness and encourage these countries to ratify the Bamako Convention;
59. In addition to the other issues dealt with in the Basel Convention, radioactive waste should be included; at the end of the discussions, it was retained:



- The need for the Secretariat to enter into negotiations with the IAEA;
  - The formulation of an output to clearly highlight this specificity of the Bamako Convention;
60. It is necessary to set up an alert mechanism between countries in the event of spill attempts to involve all parties effectively concerned by the implementation of the Convention (Marpol, IAEA, the private sector, Interpol, etc.), in order to enable them to provide immediate information on potential illegal activities; ‘red alert.’
61. It is suggested that a new item be created to deal with the elaboration of guides on the implementation of the Bamako Convention, taking into account the partnerships to be established with the Basel, Rotterdam, Stockholm, Minamata Conventions and the International Atomic Energy Agency.
62. At the conclusion of its work, Contact Group 3 made the following recommendations:
- To group activities according to their similarity, in order to reduce the costs of their implementation;
  - To designate the Focal Points and forward their names to the Secretariat of the Convention

#### **Contact group 4**

63. After their activities, this particular group proposed that the COP 3 should last three days and be financed by the States Parties and the Secretariat, which will seek other funds. It also proposed the creation of national platforms, taking into account the decisions of the Convention and making arrangements for the secretariat’s accommodation in Mali. This group proposed to grant discharge to the secretariat to carry out activities for the implementation of the Convention. This group is calling for the appointment of key individuals with the same status as UN Environment staff.
64. With regard to the Convention’s brand identity, this group considered all options and proposed to keep option 2C of the brand identity but requested that changes be made to the triangle on the logo and also requested to review the guidelines and establish a team to take stock of the Convention within 20 years and prepare a draft on declarations.