4) Prevention and monitoring of illegal traffic
5) Improvement of institutional and technical capacity-building, as well as the development and transfer of environmentally sound technologies, especially for developing countries and countries with economies in transition
6) Further development of regional and subregional centres for training and technology transfer
7) Enhanced information exchange, education and public awareness in all sectors of society
8) Greater cooperation at all levels between countries, public authorities, international organisations, industry, NGOs and academia
9) The development of mechanisms for assuring implementation of the Convention (and amendments) and monitoring compliance.

The US Position

Although the United States has signed the Basel Convention, the Treaty has yet to be ratified by Congress. However, US officials have been participating in the Protocol negotiations as observers.

Mostafa Tolba, former Executive Director of the United Nations Environment Programme, speaking at ceremonies marking the 10th anniversary of the Basel Convention, lambasted the United States and other signatory States for their failure to ratify the Convention.

"Nearly one-third of the state members of the international community are still not party to the Basel Convention, including the biggest power in the world which produces and exports large amounts of hazardous waste," Tolba said.

"I fail to find an explanation for this when the United States delegation over 19 months of negotiations regularly pressed for assurances that the Convention provisions are not inconsistent with US national laws and regulations," he said.

A US government official called these comments "unfair" and "wrong." Daniel Fantozzi, Director of the US State Department’s Office of Environmental Policy, said that the US had indeed participated in Basel Convention negotiations insisting that the agreement be consistent with domestic law, but that this objective had not been achieved. Ratification of the Convention thus would require the US to adopt implementing legislation, a long and difficult process, he stated. In addition, he added, there are problems related to the Convention’s definition of hazardous waste that have an impact on treatment of recyclable waste.... "Ratification is still a priority of the US government, but there are complex technical and legal issues."

Another concern voiced by US officials was that the current minimum limits are a problem for the United States because of the potential impact on trade in non-dangerous recyclable wastes which "can be in bulk shipments with very low hazardous components, but because of those components they would be caught by the agreement."

Hazardous Waste: Liability Coverage


The report, which is based on information provided by governments, academics and associations representing insurance and reinsurance firms as well as insurance brokers, states that international insurers are ready to meet the demand for increased coverage of waste shipments, while noting that such coverage is expected to be very expensive.

The report notes that “there clearly is substantial capacity available in the international market” for pollution damage insurance. “One should, however, be careful not to draw the conclusion that imposing routinely very high financial guarantees does not pose any problems... The insurance is not always available.” Premium coverage “will depend on an individual assessment of an installation or operation,” while operations that are not managed properly will “not get coverage.”

The report notes that the premium will depend on the type of operation, the ceiling and wording of the cover, and many other factors. “There also will be a substantial difference according to whether or not the premium is taken out for an isolated operation or whether it is a blanket policy covering a continuous operation. In the latter case, the premium will probably become lower not only in view of the effect of economy of scale but also in view of the higher degree of specialisation of the operator.”

With regard to the financial limits for any one spill or accident incident, the report recommends that negotiators fix a minimum liability of US$5 million for shipments of 2,000 tons or less, a figure that would rise by US$1,000 for each additional ton.

"This limit would probably be consistent with the status of the insurance market, the report notes. “It would in the majority of the cases provide a very substantial protection of the victims.” The report notes that despite the capacity for increased coverage, special environmental liability policies are being offered by only a limited number of insurers."