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environment & tourism

Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

**Ratification of the
international agreement establishing the Africa Institute for
the Environmentally Sound Management of Hazardous and
other Wastes
Presentation to the Portfolio Committee
27 May 2008**



- The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal is a global agreement for addressing the problems and challenges posed by the transboundary movement of hazardous wastes
- It aims to minimize the generation of hazardous wastes in terms of both quantity and degree of hazardousness
- It promotes disposal of hazardous wastes as close to the source of generation as possible
- It reduces the movement of hazardous wastes across international boundaries



- Article 14 of the Basel Convention provides for the establishment of Regional Centres
- The role of Regional Centres is to assist developing countries within their own region to fulfill the objectives of the Convention through:
 - capacity building
 - technology transfer
 - research, and
 - information exchange



South African hosted BCRC

- SA hosts the Regional Centre for English speaking African countries
- Agreement to set up the Africa Institute for Environmentally Sound Management of Hazardous Wastes signed by 11 African countries (Namibia, Ghana, Swaziland, Kenya, Tanzania, Uganda, Zambia, Mozambique, Mauritius, Botswana, Nigeria)
- The legal establishment of the Centre requires ratification by 5 countries
- Pending the ratification of the Centre, an interim centre was set up as a section 21 company
- The interim centre encountered problems with regard to long-term financial sustainability – due to
 - The fact that countries had not ratified the agreement & therefore did not contribute their membership fees towards the operation of the Centre
 - Dependence on donor funding



Liquidation of Interim Centre

- Following a series of meetings with the Basel Convention Secretariat and the Taskforce of the Centre, on the future of the Centre, a decision was taken to liquidate the section 21 Interim Centre.
- This process was initiated by the Chief Directorate Legal Services of the South African Department of Environmental Affairs and Tourism (DEAT), working with office of the State Attorney.
- An order for the final winding-up of the Interim Centre was granted on 30 January 2007.
- Now in the process of formalising establishment of permanent Centre



Objectives of the agreement

- The objective of the agreement is to establish Africa Institute for Environmentally Sound Management of Hazardous Wastes.
- The agreement sets out the following with regard to the Africa Institute:
 - Objective and functions
 - Status and structure
 - Membership and obligations of members
 - Composition and functions of the Council
 - Council meetings and procedure
 - Functions of the Executive Director and the Secretariat
 - Financial resources
 - Relations with UN Bodies and agencies
 - Governance procedures
 - The anticipated annual contribution of SA towards the Centre will be ±R250,000-R300,000 per annum, paid as an annual country contribution



- Once established, the Africa Institute will play a key role in facilitating implementation of the Basel Convention by African countries
- In future it will also play part in implementation of other chemicals agreement (Stockholm, Rotterdam, SAICM)
- Politically the hosting of the Centre will enable SA to play a role in strengthening Africa's role to engage with international environmental management agreements



- DFA and Dept. of Justice were approached for legal opinion on the implications of ratification
- They concluded that no provision of the Agreement is in conflict with the domestic law of the Republic of SA
- The Agreement is not in conflict with international law and SA's other international obligations
- The Agreement falls within the ambit of section 231(2) of the Constitution, which is only binding after it has been approved by resolution in both the National Assembly and the National Council of Provinces
- Once the Agreement has been approved by Parliament, the instrument of ratification may be deposited with the Depository



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THANK YOU