

The Basel Convention: origins

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The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal is today the most widely ratified environmental treaty bearing the city's name. Its origins lie in a series of scandals of the 1980s. As environmental regulation in the industrialised countries became stricter and the cost of disposing of hazardous waste rose, brokers began to ship waste to countries in Africa, the Caribbean and Eastern Europe, where disposal was cheap and controls were weak. Two cases attracted particular attention. The ship *Khian Sea* left Philadelphia in 1986 with incinerator ash, sailed for about two years in search of a place to unload it and dumped part of its cargo on a beach in Haiti and the rest, according to later evidence, at sea. In 1988 several thousand drums of toxic waste from Italy were found stored in the Nigerian port town of Koko, which led to a diplomatic crisis between Nigeria and Italy.¹

The United Nations Environment Programme responded by convening negotiations on a global treaty. Under the leadership of its Executive Director, Mostafa Tolba, a working group drafted a convention between 1987 and 1989. Following an offer by the Swiss government to host the diplomatic conference, the Conference of Plenipotentiaries met in Basel in March 1989. On 22 March 1989 it adopted the Convention, which entered into force on 5 May 1992 after the required number of ratifications had been deposited. The choice of Basel reflected Swiss diplomatic engagement in environmental affairs and the city's experience with international conferences. It also carried a certain irony, because Basel is the seat of a large chemical and pharmaceutical industry, and the fire at the Sandoz warehouse in Schweizerhalle on 1 November 1986, which polluted the Rhine as far as the Netherlands, was still a recent memory.²

Many readers assume that the Convention is administered in Basel. It is not. The Secretariat of the Basel Convention is located in Geneva, where it forms part of the International Environment House in Châtelaine and is

administered by UNEP. The name refers solely to the place of adoption, following a diplomatic convention that also gave names to the Vienna Convention on the Law of Treaties, the Montreal Protocol and the Kyoto Protocol. The point is worth stressing because it illustrates the nature of the Basel brand. The city lent its name to a regime and then had no further institutional role in it. The value of the name to Basel lies in recognition and association, while the work is done elsewhere.³

1 Notes

1. On the waste trade scandals of the 1980s, in particular the voyage of the *Khian Sea* (1986–1988) and the Koko case in Nigeria (1988), see Kummer, *International Management of Hazardous Wastes: The Basel Convention and Related Legal Rules*, 1995, chapter 1, and the historical summaries published by the Secretariat of the Basel Convention. Details to be verified. ↩
2. On the negotiation of the Basel Convention under UNEP (Executive Director Mostafa Tolba), the Swiss offer to host the Conference of Plenipotentiaries, the adoption on 22 March 1989 and the entry into force on 5 May 1992, see Kummer, *International Management of Hazardous Wastes*, 1995, and the text of the Convention, 1673 UNTS 57. On the Schweizerhalle fire of 1 November 1986, see Part G. To be verified. ↩
3. On the seat of the Secretariat of the Basel Convention in Geneva (International Environment House, Châtelaine), administered by UNEP, see the website and reports of the Secretariat of the Basel, Rotterdam and Stockholm Conventions. To be verified. ↩

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