

BAMAKO CONVENTION Conference of the States Parties

First Session

Expert Group Meeting

DRAFT 0 DECISION I/13 – Decision on the Prevention of Hazardous e-Waste and Near End-of-Life Importation and Dumping in Africa

The Conference:

*Recalling* Article 4.1 of the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, which bans the importation of all forms of hazardous waste into the Continent of Africa;

*Recognizing*, Article 2 establishing a definition of hazardous waste in the Bamako Convention that is more comprehensive than that of the Basel Convention and includes any wastes containing any of the constituents of Annex I, or exhibiting the hazardous characteristics found Annex II;

*Noting* that due to the presence of heavy metals, rare earth metals, and persistent organic pollutants used electronic equipment which is untested or non-functional at end-of-life is likely to be defined as hazardous waste;

*Understanding*, that even when used electronic equipment is not defined as waste due to its functionality, it may become waste rapidly after importation due to its poor condition or age, and therefore importation of such near-end-of-life electronics may also need to be strictly controlled by the Parties;

*Aware*, that there is a lack of capacity to handle electronic waste in an environmentally sound manner in most African States, which will lead to the release of hazardous substances causing harm to human health and the environment<sup>1</sup>,

*Cognizant* that the amount of electronic waste arising from the domestic consumption of electronic products is increasing rapidly in Africa and will likewise have a negative impact on health and the environment unless steps are taken as a matter of urgency to build up, collection and recycling infrastructure in African regions and states;

*Recalling* the Nairobi Ministerial Declaration on the Environmentally Sound Management of Electronic and Electrical Waste on the occasion of the eighth meeting of the Conference of the Parties to the Basel Convention;

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<sup>1</sup> Resolution II/4 on emerging policy issues adopted by the International Conference on Chemicals Management at its second session, held in Geneva, Switzerland, 11 to 15 May 2009

*Remembering*, in particular, the views as expressed in the Abuja Platform on E-waste created during the International Conference on E-waste Control held in Abuja, Nigeria, in July 2009, regarding the special needs of African countries, including the domestication of the Basel Convention and the Bamako Convention into national laws, and to address this issue as one of the strongest emerging environmental issues in Africa;

*Recalling also* the Pan-African Forum on e-Waste, held in Nairobi in March 2012, and its Call for Action which inter alia called for the promotion of clean technology, the phase-out of hazardous substances used in production of electronics, the promotion of product stewardship and extended producers responsibilities in the life-cycle management of electronic and electrical products, and the control of illegal and unwanted traffic in e-waste including near-end-of-life equipment;

*Noting with appreciation* the Basel Convention E-waste Africa Project that was funded by the European Union, the United Kingdom, Norway and the Dutch Association for the Disposal of Metal and Electrical Products (the “NVMP Foundation”), as well as the assistance provided by the business members of the Africa e-Waste Alliance, all with the goal of building local capacity to address the domestic e-waste arising sustainably;

1. *Urges*, Parties and other African states that have not already done so, to enhance or supplement existing legislation to prevent illegal and unwanted traffic in hazardous and other e-waste from entering their territory and the African Continent;
2. *Calls upon*, Parties and other African states to consider all non-functional or untested used electronic equipment as hazardous waste and prevent their importation into the African Continent.
3. *Calls also on*, Parties, and other African states to adopt legislation to control the importation of near-end-of-life or unwanted equipment, inter alia by designating such equipment as hazardous waste;
4. *Encourages*, Parties, and other African states to likewise create and adopt legislation for individual producer responsibility in the collection and environmentally sound recycling of domestic arisings of e-Waste in the Continent of Africa.
5. *Invites*, responsible electronics recyclers holding internationally accredited electronics recycling certifications to establish environmentally sound recycling operations in the African Continent, on a regional or national basis.
6. *Further invites*, the United Nations Environment Programme and relevant intergovernmental, industry, and non-governmental organizations to fund and develop programs for capacity building and institutional strengthening to assist African states in the enhancement of export and import controls to prevent illegal traffic in e-waste and to establish environmentally sound management of domestic arisings of e-waste.