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SENATE
P. S. R. No. 1341

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

EXPRESSING THE SENSE OF THE SENATE THAT THE PHILIPPINE GOVERNMENT SHOULD CONSIDER THE BASEL CONVENTION IN NEGOTIATING WITH THE GOVERNMENT OF CANADA OVER THE ISSUE OF WASTE ILLEGALLY DUMPED ON PHILIPPINE SOIL

WHEREAS, the Constitution, Article 2, Section 7 provides:

The State shall pursue an independent foreign policy. In its relations with other states, the paramount consideration shall be national sovereignty, territorial integrity, national interest, and the right to self-determination;

WHEREAS, the Constitution also provides, in Article 2, Section 15: "The State shall protect and promote the right to health of the people and instill health consciousness among them";

WHEREAS, the Constitution further provides, in Article 2, Section 16: "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature";

WHEREAS, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, ratified by the Philippines in 1993 and by Canada in 1992, states in Article 9(2):

In case of a transboundary movement of **hazardous wastes or other wastes** deemed to be illegal traffic as the result of conduct on the part of the exporter or generator, the State of export shall ensure that the wastes in question are:

(a) taken back by the exporter or the generator or, if necessary, by itself into the State of export, or, if impracticable,

(b) are otherwise disposed of in accordance with the provisions of this Convention,

within 30 days from the time the State of export has been informed about the illegal traffic or such other period of time as States concerned may agree. To this end the Parties concerned shall not oppose, hinder or prevent the return of those wastes to the State of export (Emphasis supplied);

WHEREAS, the Basel Convention, Annex 2, states that "other wastes" contemplated in the convention include wastes collected from households;

1 WHEREAS, the *Philippine Daily Inquirer* on 8 May 2015 reported that the Philippines
2 will no longer pursue the return of some 50 container vans containing garbage from Canada;

3 WHEREAS, the shipment, which Ontario-based Chronic, Inc. allegedly exported starting
4 2011 to its Philippine counterpart Chronic Plastics, is a mix of recyclable plastics, waste paper,
5 household waste, and used adult diapers;

6 WHEREAS, the news quoted Department of Foreign Affairs spokesperson Charles Jose
7 as saying that Canada has no obligation to take back the trash as the shipment is purely a
8 commercial transaction;

9 WHEREAS, a separate report published in news website *Rappler* earlier said that the
10 move to approach the issue as a commercial transaction, instead of a violation of the Basel
11 convention, is the decision of the Philippine government;

12 WHEREAS, the *Inquirer* said that the Bureau of Customs has sued Chronic Plastics for
13 violation of R.A. No. 6969, also known as the Toxic Substances and Hazardous and Nuclear
14 Wastes Control Act, and R.A. No. 1937, also known as the Tariff and Customs Code;

15 WHEREAS, Canada has allegedly proposed that the waste be processed in the
16 Philippines, with all costs for the waste processing paid for by Canada;


17 WHEREAS, as the Philippines negotiates with Canada, the mountain of hazardous waste
18 that continues to sit in ports poses health risks for Filipinos;

19 WHEREAS, the arduousness of complaint or arbitration mechanisms before an
20 international tribunal should not hinder the government from asserting that the export of wastes
21 from Canada violates the Basel Convention;

22 WHEREAS, the decision to process the waste in the Philippines upon the request of the
23 Canadian government sets a dangerous precedent for other countries to dump their waste in
24 Philippine soil with impunity;

25 WHEREFORE, BE IT HEREBY RESOLVED BY THE PHILIPPINE SENATE to
26 express the sense of the Senate that the Philippine government should consider the Basel
27 Convention in negotiating with the government of Canada over the issue of waste illegally
28 dumped on Philippine soil.

Adopted,


MIRIAM DEFENSOR SANTIAGO
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