



Food and Agriculture
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United Nations
Environment Programme

BASEL, ROTTERDAM AND STOCKHOLM CONVENTIONS

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Subject: Secretary General's report on oceans and the law of the sea

Dear Mr. de Serpa Soares,

I am writing with reference to your letter dated 11 May 2018, inviting the Secretariat of the Basel, Rotterdam and Stockholm conventions to make a contribution concerning the preparation of the Secretary General's report on developments and issues relating to oceans affairs and the law of the sea.

Please find attached the contribution of the Secretariat. For ease of reference, we have tailored our comments to the structure of resolution 72/73 of the General Assembly.

We also give our consent to post this contribution on the website of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs.

I would like to take this opportunity to thank you for involving our organization in this process.

Yours sincerely,

Rolph Payet
Executive Secretary

Mr. Miguel de Serpa Soares
Under-Secretary-General for Legal Affairs
and United Nations Legal Counsel
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Contribution of the Secretariat of the Basel, Rotterdam and Stockholm Conventions to the report of the Secretary-General on oceans and the law of the sea

1. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants contribute to protect the marine environment against the adverse effects which may result from hazardous chemicals and wastes.
2. The Basel, Rotterdam and Stockholm Conventions are part of the international action being taken to promote the sound management of chemicals throughout their life cycle and waste in ways that lead to the prevention and minimization of significant adverse effects on human health and the environment, including oceans and marine biodiversity. The Conventions contribute to making consumption and production patterns and waste management more sustainable and hence reduce direct discharge or land runoff of hazardous pollutants or wastes into the marine and coastal environments. The Conventions contribute to support countries to achieve the Sustainable Development Goal 14 on Oceans in particular its target 14.1. on preventing and significantly reducing by 2025 marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution.
3. Below are the main developments which have occurred in the framework the Conventions in relation to relevant provisions of General Assembly resolution 72/73:

Paragraph 31: Capacity-building for improved waste management practices

Indonesian-Swiss Country-led Initiative under the Basel Convention

4. The Convention, through a number of general provisions, requires that each Party observe the fundamental principles of environmentally sound waste management of hazardous wastes and other wastes. These activities under the Convention described below reinforce the efforts to reduce marine pollution by improved waste management practices.
5. The Indonesian-Swiss country-led initiative (CLI) takes a cross-cutting approach to supporting and ensuring effective implementation and enforcement of the Basel Convention. The initiative supports Parties on multiple fronts, including through facilitating entry into force of the Basel Convention Ban Amendment¹, developing guidelines on the environmentally sound management of wastes and in providing further legal clarity on certain terms used in the Convention.
6. At its thirteenth meeting in May 2017, the Conference of the Parties to the Basel Convention welcomed the ratification or acceptance by further Parties of the Ban Amendment and called upon Parties to ratify it. On the matter of the environmentally sound management (ESM) of waste, the Conference of the Parties adopted and encouraged the use of several tools developed by an expert working group mandated to develop guidelines on ESM. These included: practical manuals for the promotion of ESM for use by governments and waste management practitioners; guidance to assist Parties in developing efficient strategies on the prevention and minimization of the generation of

¹ See the Basel Convention website for further information on the Ban Amendment:
<http://www.basel.int/Implementation/LegalMatters/BanAmendment/Overview/tabid/1484/Default.aspx>

hazardous wastes and other wastes; and fact sheets compiling ESM practices for certain waste streams. The expert working group was also requested to continue its work on the ESM Toolkit, to include additional tools such as: manuals on extended producer responsibility (EPR) and financing; guidance on developing efficient strategies for the recycling and recovery of hazardous and other wastes; guidance on how to address ESM in the informal sector; pilot projects to demonstrate ESM; and activities to promote and disseminate the ESM Toolkit.

7. With respect to the provision of further legal clarity, the Conference of the Parties adopted a glossary of terms which is intended to clarify the distinction between wastes and non-wastes in order to improve the implementation of the Convention and the application of technical guidelines and guidance documents developed under the Convention. The Conference of the Parties also mandated an expert working group to review Annexes I, III and IV and related aspects of Annex IX to the Basel Convention which pertain to the hazardous wastes and the disposal operations falling under the scope of the Convention.

Development and updating of technical guidelines under the Basel Convention

8. As noted above, the Basel Convention requires that each Party implement the environmentally sound waste management of hazardous wastes and other wastes. It also stipulates that technical guidelines for the ESM of the waste falling under its scope should be developed and adopted by the Conference of the Parties. Although not legally-binding, technical guidelines provide for the foundation upon which countries can operate at a standard that is not less environmentally sound than that required by the Basel Convention.

9. These guidelines are developed for a variety of waste streams and disposal operations and are intended to assist Parties, in particular developing countries, in improving their waste management practices and contribute to tackle marine pollution from land-based activities and marine debris and nutrient pollution.

10. All the technical guidelines developed and adopted under the Basel Convention are available at: <http://basel.int/Implementation/Publications/LatestTechnicalGuidelines/tabid/5875/Default.aspx>

11. Updating or developing new technical guidelines are always a priority under the Basel Convention. At its thirteenth meeting in May 2017, the Conference of the Parties to the Basel Convention adopted the following technical guidelines:

- Updated general technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants;
- Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexachlorobutadiene;
- Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with pentachlorophenol and its salts and esters;
- Updated technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with polychlorinated biphenyls, polychlorinated terphenyls, polychlorinated naphthalenes or polybrominated biphenyls, including hexabromobiphenyl;

- Updated technical guidelines on the environmentally sound management of wastes containing or contaminated with unintentionally produced polychlorinated dibenzo-*p*-dioxins, polychlorinated dibenzofurans, hexachlorobenzene, polychlorinated biphenyls, pentachlorobenzene or polychlorinated naphthalenes;
 - Updated technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with the pesticides aldrin, alpha hexachlorocyclohexane, beta hexachlorocyclohexane, chlordane, chlordecone, dieldrin, endrin, heptachlor, hexachlorobenzene, hexachlorobutadiene, lindane, mirex, pentachlorobenzene, pentachlorophenol and its salts, perfluorooctane sulfonic acid, technical endosulfan and its related isomers or toxaphene, or with hexachlorobenzene as an industrial chemical;
12. The Conference of the Parties also decided that technical guidelines should be developed or updated to address wastes consisting of, containing or contaminated with the persistent organic pollutants listed in the annexes of the Stockholm Convention by the Conference of the Parties at its eighth meeting in May 2017, i.e. decabromodiphenyl ether (commercial mixture, c-decaBDE), short-chain chlorinated paraffins and hexachlorobutadiene.
13. The Conference of the Parties also decided to update the technical guidelines on incineration on land and on specially engineered landfill.
14. Finally, the Conference of the Parties decided to further work on the technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention, which were adopted on an interim basis in 2015.

Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes under the Basel Convention

15. Another pillar of the Convention centres around the prevention and minimization of the generation of waste. Pollution by marine litter needs to be tackled at the source through preventive action such as waste minimization in line with the waste management hierarchy – prevent, minimize, reuse, recycle, recover and dispose only as the final option.
16. This obligation on waste generation minimization has been further elaborated by the Cartagena Declaration which was adopted by the tenth meeting of the Conference of the Parties to the Basel Convention, with a road map for action on its implementation subsequently adopted at the twelfth meeting. As mentioned above, guidance on developing efficient strategies for achieving the prevention and minimization of the generation of hazardous and other wastes and for their disposal was adopted at the most recent thirteenth meeting of the Conference of the Parties. Parties and others were invited to submit good practices and examples of waste prevention and minimization to the Secretariat for consideration by the expert working group on environmentally sound management. This group, which developed the guidance, is to continue to work on gathering good practices and examples with regard to waste prevention and minimization. Information has been and will continue to be made available on the Convention website² by the Secretariat.

² <http://www.basel.int/Implementation/CartagenaDeclaration/Overview/tabid/5854/Default.aspx>

Partnership on Household Wastes under the Basel Convention

17. The Basel Convention deals with two categories of waste: “hazardous wastes” and “other wastes”, which cover household waste and the residues from incineration of household wastes. Household wastes, which comprise of a large portion of plastic wastes, if not managed and disposed of properly, are a significant source of marine debris and nutrient pollution.

18. In 2017, the Conference of the Parties to the Basel Convention³ decided to establish a Household Waste Partnership to address this important issue and to provide technical assistance worldwide, supporting all countries to benefit from already available solutions for environmentally sound management, including issues such as separation at source, collection, transport, storage, recycling, energy recovery and final disposal.

19. In 2018-2019, the Partnership will develop guidance documents, implementation tools and manuals for governments in various socio-economic levels, on the best practices, business models, policies and innovative solutions for the environmentally sound management of household waste.

20. Another important aspect is improving policy, legislation, rules, regulation and enforcement, at both national and local levels, to ensure the progress in environmentally sound management of household waste and the improvement of social conditions in communities dependent on waste as a source of revenue (i.e. the informal sector). The Partnership also aims to enhance awareness-raising through formal education, training on the environmentally sound management of household waste, and enhance participation by the public in household waste management activities and decision-making at the national level.

21. The Partnership provides the necessary infrastructure to address the global household wastes challenge in an efficient and innovative way, through global information exchange, sharing of best practices by key stakeholders in the field, development and provision of technical guidance based on the latest science available, active engagement of the private sector for enhanced action to promote ESM of wastes, including issues such as extended producer responsibility, active engagement of the civil society and the general public through targeted awareness raising,

Paragraph 238: Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships

22. The Basel Convention has been involved in the issue of environmentally sound recycling and disposal as end-of-life ships comprise of an array of hazardous materials – such as asbestos, PCB and waste oils – which can have serious implications for the environment, in particular marine environment, and human health if not managed properly.

23. The Secretariat of the Basel Convention collaborated with the International Maritime Organization (IMO) on a project funded by the Norwegian Agency for Development Cooperation, which was intended to assist the Government of Bangladesh in achieving the safe and environmentally sound recycling of ships in Bangladesh. The first phase of the project included work on economic and environmental studies; planning for the management of hazardous materials and wastes; development of a one-stop government service; preparation of training modules on safety, health and environment;

³ Decision BC-13/14.

and planning for the second phase of the project. Thanks to generous financial support provided by the European Union, the Secretariat contributed both funding and expertise to the work on planning for the management of hazardous materials and wastes by facilitating the development of an inventory of hazardous wastes in Chittagong, the current locus of ship recycling in Bangladesh. The inventory was completed in June 2016 and covers wastes arising not only from ship recycling but also from other industries in Chittagong. In parallel, the Secretariat worked with the Ministry of Climate Change in Pakistan to develop a similar inventory of hazardous wastes for the Gadani ship recycling region and the neighbouring industrial area of Hub. On the basis of the results of the inventories, design options and costings were elaborated, including business models, for the development of hazardous waste management infrastructure in both Bangladesh and Pakistan, where currently no such capacity exists. The projects were finalized in 2016 with donor round-table meetings in both countries to identify opportunities for securing the necessary funding to develop waste management infrastructure and to train workers. At its meeting in May 2017, the Conference of the Parties welcomed the programmes developed to promote sustainable ship recycling.

Paragraphs 239: Cooperation between the Basel Convention and the International Maritime Organization (IMO) on regulations on the prevention of pollution from ships

24. The Secretariat of the Basel Convention is collaborating with the IMO on activities aiming at improving the sea-land interface to ensure that wastes generated on board ships falling within the scope of MARPOL, once offloaded from a ship, are managed in an environmentally sound manner. This work aims at assisting countries to provide adequate port reception facilities for the disposal of ship-generated wastes in an environmentally sound manner which will decrease the risk of illegal discharges from ships.

25. Pursuant to decision BC-13/15, the Conference of the Parties to the Basel Convention adopted the guidance manual on how to improve the sea-land interface⁴ aimed at ensuring that wastes falling within the scope of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended (MARPOL), once offloaded from a ship, are managed in an environmentally sound manner. The Conference of the Parties invited Parties and others to use the guidance manual, and requested the Secretariat to continue its cooperation with the IMO and the International Organization for Standardization.

26. At its twelfth meeting, in May 2015, the Conference of the Parties had taken note with appreciation of the assessment on how far the current Basel Convention technical guidelines address wastes covered by MARPOL,⁵ and encouraged Parties and others to use it.

27. The Secretariat continues its cooperation with IMO, informing them of any developments arising in the context of the Basel Convention that are relevant to them, and monitors consideration by the Marine Environment Protection Committee and the Maritime Safety Committee of IMO of issues of relevance to the Basel Convention.

Paragraph 240: Role of the Basel Convention in protecting the marine environment against the adverse effects which may result from such wastes

⁴ UNEP/CHW.13/INF/37/Rev.1.

⁵ UNEP/CHW.12/INF/29/Rev.1.

28. At its eleventh meeting to be held from 3 to 6 September 2018, the Open-ended Working Group of the Basel Convention is to consider relevant options available under the Basel Convention to further address marine plastic litter and micro-plastics, taking into account the assessment requested by UNEA-2 in its resolution 2/11, any relevant decision by UNEA-3, and existing guidance documents and activities under the Convention that address issues related to marine plastic litter and micro-plastics. In light of these options, the Working Group is to develop a proposal for possible further actions, within the scope of the Convention, while avoiding duplication with activities relating to this matter in other forums, for consideration by the Conference of the Parties at its fourteenth meeting in 2019.

29. The Secretariat developed a report on possible options available under the Basel Convention to further address marine plastic litter and microplastics to be considered at the eleventh meeting of the Basel Convention Open-ended Working Group to be held in September 2018 in Geneva.⁶ The document was also presented at the first meeting of the ad hoc open-ended experts on marine litter and microplastics established under the auspices of UN Environment Programme held from 29 to 31 May 2018 in Nairobi.

Paragraph 186: The health of oceans and marine biodiversity are negatively affected by marine pollution, including marine debris and persistent organic pollutants

30. The Stockholm Convention protects human health and the environment, including oceans and marine biodiversity, from persistent organic pollutants, by prohibiting their production and use and ensuring that stockpiles are managed in an environmentally sound manner.

31. As mentioned above, at its eighth meeting, the Conference of the Parties to the Stockholm Convention decided to list two new persistent organic pollutants that are industrial chemicals, namely decabromodiphenyl ether (commercial mixture, c-decaBDE) and short-chain chlorinated paraffins (SCCPs), in Annex A to the Convention, targeting those chemicals for elimination with specific exemptions. At the same meeting, Parties also decided to list hexachlorobutadiene (HCBd) in Annex C aiming at controlling the unintentional releases of the chemical. This chemical had been listed in Annex A in 2015 to eliminate the intentional production and use of the chemical. With the listing of those chemicals in the Convention, international action is taken to reduce and eliminate these substances, preventing their releases in the aquatic ecosystems.

32. At its ninth meeting in May 2019, the Conference of the Parties to the Stockholm Convention will consider listing dicofol and PFOA, its salts and PFOA-related compounds under the Convention based on the recommendations from the Persistent Organic Pollutants Review Committee on those chemicals.

33. Under the Convention's Global Monitoring plan, a number of activities are carried out to generate long-term and comparable monitoring data on POPs concentrations in humans, ambient air and surface water for water-soluble POPs. The trends generated under this programme might give an indication of POPs concentrations in the marine environment.

II. Other developments within the Basel, Rotterdam and Stockholm Conventions relevant to oceans and the law of the sea

⁶ UNEP/CHW/OEWG.11/INF/21.

34. During the joint annual meeting of the regional centres of the Stockholm and Basel Conventions in November 2016, several centres expressed their interest in working on the impact of plastic waste and its toxic chemicals, in particular persistent organic pollutants and endocrine disrupting chemicals, ending up as marine litter. After consulting with the BRS Secretariat, the Stockholm Convention Regional Centre in Spain (SCP/RAC) coordinated a working group of Stockholm and Basel Conventions regional centers on “Marine litter plastics and microplastics and their POP and EDC components: challenges and measures to tackle the issue”. The working group has developed a set of recommendations to the Parties of the Stockholm and Basel Conventions to address the issue, including acknowledging plastic marine litter, especially micro and nanoplastics, as an issue of global environmental and health concern, due to its persistence, wide distribution and long range transport capacity of toxic chemicals.⁷ In decisions BC-13/11 and SC-8/15, the conferences of the Parties to the Basel and Stockholm Conventions encouraged regional and coordinating centres interested to work, under the Conventions, on the impact of plastic waste, marine plastic litter, microplastic, and measures for prevention and environmentally sound management, which should be reflected in the report on the activities of the regional centres for consideration by the conferences of the Parties at their next meetings.

35. The Conference of the Parties to the Rotterdam Convention adopted decisions RC-8/2, RC-8/3, RC-8/4 and RC-8/5 by which it listed the following chemicals in Annex III to the Rotterdam Convention: carbofuran (pesticide); trichlorfon (pesticide); short-chain chlorinated paraffins (industrial chemical); tributyltin compounds (industrial chemical). The amendments to Annex III entered into force for all Parties on 15 September 2017. The Conference of the Parties was not able to reach consensus on the inclusion of carbosulfan in the category of pesticide, chrysotile in the category of industrial chemicals and fenthion (ultra low volume (ULV) formulations at or above 640 g active ingredient/L) liquid formulations (emulsifiable concentrate and soluble concentrate) containing paraquat dichloride at or above 276 g/L, corresponding to paraquat ion at or above 200 g/L in the category of severely hazardous pesticide formulation. At its ninth meeting, the Conference of the Parties will further consider listing carbosulfan, chrysotile asbestos, fenthion formulations and paraquat formulations in Annex III to the Convention. In addition, the Conference of the Parties will consider listing three new chemicals: acetochlor (pesticide), hexabromocyclododecane (industrial chemical) and phorate (pesticide).

⁷ UNEP/CHW.13/INF/29/Rev.1.

III. Information on capacity-building initiatives under the Conventions⁸

Type: Clearing-house mechanism of the Basel, Rotterdam and Stockholm Conventions

Duration: Continuous

Scope: Global

Objectives: The Clearing-House Mechanism (CHM) of the Basel, Rotterdam and Stockholm Conventions has been established pursuant to several articles of the Basel and Rotterdam Conventions, including Article 16 of the Basel Convention and Article 19 on the Rotterdam Convention on the functions of the secretariat, and Article 9, paragraph 4 of the Stockholm Convention. The CHM is to contribute to the implementation of the Conventions, through effective information services and other appropriate means in order to promote and facilitate scientific and technical cooperation, knowledge sharing and information exchange, and to establish a fully operational network of Parties and partners. A strategy has been defined to guide the further development and operation of the CHM is available in document UNEP/CHW.13/INF/47-UNEP/FAO/RC/COP.8/INF/33-UNEP/POPS/COP.8/INF/50.

Lead organization and/or partners: Secretariat of the Basel, Rotterdam and Stockholm Conventions

Link: <http://www.brsmeas.org/?tabid=5382>

Type: Technical Assistance Programme for the implementation of the Basel, Rotterdam and Stockholm Conventions

Duration: Continuous, approved for a four-year period (2018-2021)

Scope: Global; Developing country Parties and Parties with economies in transition

Objectives: The four-year technical assistance plan for the period 2018–2021 has been developed pursuant to mandates set out in Article 16, paragraph 1 (g) of the Basel Convention, Article 19, paragraph 2 (b) of the Rotterdam Convention and Article 20, paragraph 2 (b) of the Stockholm Convention respectively and based on past activities carried out by the Secretariat and needs expressed by Parties through regular need assessments⁹. The goal of the plans is to address these needs and provide strengthened support to Parties, particularly developing country Parties and Parties with economies in transition, in their implementation of the Conventions. The plan sets out convention specific activities and activities on cross-cutting issues of the Conventions.

Lead organization and/or partners: Secretariat of the Basel, Rotterdam and Stockholm Conventions, Basel and Stockholm Conventions regional centres, UNEP and FAO, including their regional offices, other implementing agencies, such as the IOMC organizations, and other relevant organizations.

Link:

<http://www.brsmeas.org/Implementation/TechnicalAssistance/Overview/tabid/4893/language/en-US/Default.aspx>

Type: Regional centres established under the Basel and the Stockholm Conventions to provide capacity-building and facilitate technology transfer at national and regional levels.

Duration: Continuous, upon evaluation and reendorsement by the conferences of the Parties for a four-year period.

Scope: Regional; Developing country Parties and Parties with economies in transition

Objectives: The 23 regional centres established under the Basel and Stockholm Conventions aim at providing technical assistance and promoting the transfer of technology to assist developing country Parties and Parties with economies in transition to implement the Conventions. The regional centres

⁸ As set out in the contribution of the Secretariat transmitted on 23 April 2018.

⁹ UNEP/CHW.13/INF/35, UNEP/FAO/RC/COP.8/INF/25 and UNEP/POPS/COP.8/INF/23.

implement projects, deliver training and transfer technologies in the regions they serve. In decisions BC-13/11 and SC-8/15, the regional centres were encouraged to work on the impact of plastic waste, marine plastic litter, microplastics, and measures for their prevention and environmentally sound management. A report on the activities of the regional centres related to plastic waste, marine plastic litter, microplastics is available in UNEP/CHW/OEWG.11/INF/21/Add.1.

Lead organization and/or partners: Basel and Stockholm Conventions regional centres

Link:

<http://www.basel.int/Implementation/MarinePlasticLitterandMicroplastics/Activities/tabid/6070/Default.aspx>

Type: The Global Environment Facility as the financial mechanism of the Stockholm Convention

Scope: Global, Developing country Parties and Parties with economies in transition

Objectives: Provide adequate and sustainable financial resources to eligible Parties to assist in their implementation of the Stockholm Convention. The Global Environment Facility (GEF) functions under the authority and guidance of the Conference of the Parties to the Stockholm Convention. The GEF does support some projects which also promote the implementation of the Basel and Rotterdam Conventions and the achievement of the targets of the Strategic Approach to International Chemical Management (SAICM).

Lead organization and/or partners: The Global Environment Facility (GEF), GEF implementing and executing agencies

Link: <http://www.pops.int/Implementation/FinancialMechanism/Overview/tabid/677/Default.aspx>
