

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 pursuant to United Nations General Assembly resolution 73/124 of 11 December 2018

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 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.
3. Below are the main developments which have occurred since the last reporting period in the framework of the conventions in relation to relevant paragraphs of General Assembly resolution 73/124, including references to the pertinent decisions of the fourteenth meeting of the Conference of the Parties to the Basel Convention, the ninth meeting of the Conference of the Parties to the Rotterdam Convention and the ninth meeting of the Conference of the Parties to the Stockholm Convention, which were held back-to-back from 29 May to 10 June 2019 in Geneva, Switzerland.

Paragraph 29: Capacity-building for developing States to address the multiple facets of international criminal activities at sea; Paragraph 149: Enhanced international cooperation to combat transnational organized criminal activities at sea

4. The Basel Convention requires Parties to prevent and combat illegal traffic in hazardous wastes and other wastes, including when such activities occur through transboundary movements at sea. The Convention continues to provide a framework for the development of guidance documents to assist Parties in preventing and combatting illegal traffic,¹ as well as for a partnership to promote compliance with the Convention's provisions on preventing and combating illegal traffic through a better implementation and enforcement of national law: the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE). ENFORCE brings together a network of Parties to the Basel Convention, Basel Convention regional centres, and relevant entities with a mandate to assist Parties to prevent and combat illegal traffic and thereby contributes to a more efficient delivery of support to Parties.

5. With a view to strengthening existing arrangements to prevent and combat illegal traffic, the work programme of the Basel Convention Committee Administering the Mechanism for Promoting Implementation and Compliance (Implementation and Compliance Committee) for the 2020-2021

¹ See the Guide for the implementation of the Basel Convention provisions dealing with illegal traffic (paragraphs 2, 3 and 4 of Article 9), the Guidance Elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Waste, the Instruction manual on the prosecution of illegal traffic of hazardous wastes or other wastes, and the Basel Convention Training Manual on Illegal Traffic for Customs and Enforcement Agencies, available at <http://basel.int/Implementation/LegalMatters/IllegalTraffic/Guidance/tabid/3423/Default.aspx>.

biennium provides for a review of existing cooperative arrangement with international organizations or entities with a mandate regarding preventing and combating illegal traffic, including the terms of reference of ENFORCE.

6. Other activities of the 2020-2021 work programme of the Implementation and Compliance Committee pertaining to the prevention and combating of illegal traffic under the Basel Convention include the following:

- Undertake a scoping exercise on illegal traffic of wastes covered by the Basel Convention with a view to estimating the scope of illegal traffic, identifying the waste categories subject to illegal traffic and affected regions, and analysing how cases of intercepted illegal shipments were resolved;
- Analyse the reasons for any shortcoming in establishing national coordination mechanism with a view to facilitating the exchange of information among relevant authorities and the limited amount of information on illegal traffic shared with the Secretariat, and identify measures to enhance coordination and increase the flow of information;
- Establish a dialogue with other multilateral environmental agreements with international control regimes to learn from their experience;
- Review the Basel Convention reporting format, with the aim to recommend measures to improve the implementation of the Convention's provision on preventing and combating illegal traffic;
- Explore modalities for further dissemination of existing guidance and technical assistance tools, in particular to enforcement entities; and
- Recommend measures to enhance the implementation and compliance with the Convention's provision on illegal traffic, based on an assessment of the activities undertaken under the Convention.

7. In 2017 the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions for the first time adopted substantively identical decisions to advance cooperation and coordination in the prevention and combating of illegal traffic and trade in hazardous chemicals and waste, which, amongst others, encouraged Parties to two or more of the conventions to establish national coordinating mechanisms, and requested the Secretariat to support Parties, upon request and within available resources, on matters pertaining to the implementation and enforcement of the provisions of the Basel, Rotterdam and Stockholm conventions aimed at controlling the export and import of chemicals and wastes covered under the conventions.

8. At their meetings in April-May 2019, the conferences of the Parties, inter alia, requested the Secretariat to develop a draft form and explanatory document to enable Parties to the Rotterdam and Stockholm conventions to voluntarily provide information about cases of trade occurring in contravention to the conventions, and prepare recommendations on opportunities for strengthened cooperation. The Secretariat was also requested to continue to provide advice and, subject to the availability of resources, undertake technical assistance activities to strengthen Parties' capacity to prevent and combat illegal traffic and trade.

Paragraph 30: Capacity-building to improve waste management practices

9. Actions taken under the Basel Convention to build capacities for improved waste management practices include the following:

(a) Indonesia-Swiss country-led initiative

10. The Indonesian-Swiss Country-led initiative, initiated at the tenth meeting of the Conference of the Parties to the Basel Convention, adopted a cross-cutting approach to supporting and ensuring effective implementation and enforcement of the Basel Convention. The initiative supported Parties on multiple fronts, including through facilitating the entry into force of the Basel Convention Ban Amendment², developing guidelines on the environmentally sound management (ESM) of wastes and providing further legal clarity on certain terms used in the Convention.

11. On the matter ESM of waste, the Conference of the Parties adopted and encouraged the use of several tools developed by the expert working group on ESM and decided that the group had successfully completed its mandate.

(b) Technical guidelines for the environmentally sound management of waste

12. The Convention 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 at the international level, 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. Some Parties have also transposed certain technical guidelines into their national legislation and regulations. These guidelines are developed for a variety of waste streams and disposal operations and are intended to assist Parties, in particular developing countries, in ensuring the ESM of hazardous and other wastes.

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

14. Updating or developing new technical guidelines are always a priority under the Basel Convention. At its fourteenth meeting, the Conference of the Parties 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;
- Updated technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexabromodiphenyl ether and heptabromodiphenyl ether, or tetrabromodiphenyl ether and pentabromodiphenyl ether or decabromodiphenyl ether;
- 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, polychlorinated naphthalenes or hexachlorobutadiene;
- Updated technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexachlorobutadiene;

² See the Basel Convention website for further information on the Ban Amendment:
<http://www.basel.int/Implementation/LegalMatters/BanAmendment/Overview/tqid/1484/Default.aspx>

- Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with short-chain chlorinated paraffins;
15. The Conference of the Parties to the Basel Convention also adopted, on an interim basis, revised 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.
16. Several other technical guidelines will be updated under the lead of small intersessional working groups for consideration at the next meeting of the Conference of the Parties.

(c) Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes

17. The Cartagena Declaration 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. At its thirteenth meeting in 2017, the Conference of the Parties to the Basel Convention adopted guidance to assist Parties in developing efficient strategies for achieving the prevention and minimization of the generation of hazardous and other wastes and their disposal and invited Parties and others to submit examples of good practice. This information has been made available on the Convention website³.

(d) Partnership on household wastes

18. At its thirteenth meeting in 2017, the Conference of the Parties to the Basel Convention established a household waste partnership to promote the ESM of household waste, including its prevention and minimization, through the development of guidance, tools and manuals for governments, regional and local authorities and other stakeholders on, among other things, best practices, business models, policies and innovative solutions for the ESM of household waste.

19. 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.

20. The fourteenth meeting of the Conference of the Parties to the Basel Convention, amongst others, requested the working group to prepare a complete draft of an overall guidance document on the ESM of household waste by 31 October 2019, for comments by Parties and others, and subsequent consideration of a revised draft by the twelfth meeting of the Open-ended Working Group in June 2020.

(e) Follow up partnership to PACE

³ <http://www.basel.int/Implementation/CartagenaDeclaration/Overview/tabid/5854/Default.aspx>

21. At its fourteenth meeting, the Conference of the Parties to the Basel Convention established a follow up partnership to the Partnership for Action on Computing Equipment. The partnership is a multi-stakeholder platform involving the public and private entities led by Basel Regional Centres under the Convention. The partnership's aim is to raise awareness of e-waste, promote pilot projects and other training and capacity building activities on e-waste and to find new solutions to enhance the environmentally sound management of e-waste.

(e) Regional centres of the Basel and Stockholm conventions

22. The Basel Convention benefits from a network of 14 regional and coordinating centres for capacity building and technology transfer. The centres' focus is on training and technology transfer regarding the management of hazardous and other wastes and the minimization of their generation⁴.

23. The Stockholm Convention has established a network of 16 regional and subregional centres to provide technical assistance and to promote the transfer of technology to developing country Parties and Parties with economies in transition regarding the implementation of their obligations under the Convention, including the provisions pertaining to the safe and environmentally sound management to stockpiles and wastes consisting of, containing and contaminated with persistent organic pollutants (POPs)⁵.

24. Basel Convention regional centres implemented capacity building activities on marine plastic wastes and microplastics. These activities are described in document: UNEP/CHW.14/INF/29/Add.1 and in document UNEP/CHW.14/INF/29.

Paragraphs 207 to 215: Actions to address marine debris, including plastics and persistent organic pollutants

25. The fourteenth Conference of the Parties to the Basel Convention adopted amendments to Annexes II, VIII and IX to the Convention clarifying the scope of the Convention as it applies to such waste and with the objectives of enhancing the control of transboundary movements of plastic waste, minimizing its generation and ensuring its environmentally sound management. The amendment to Annex VIII, with the insertion of a new entry A3210, clarifies the scope of plastic wastes presumed to be hazardous and therefore subject to the prior informed consent (PIC) procedure. A group of cured resins, non-halogenated and fluorinated polymers, as well as mixtures of plastic wastes consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET) are listed in a new entry B3011 in Annex IX and remain excluded from the PIC procedure, provided that they are destined for recycling in an environmentally sound manner and are almost free from contaminants and other types of wastes. The third amendment is the insertion of a new entry Y48 in Annex II which covers plastic wastes, including mixtures of such wastes unless these are hazardous (as they would fall under A3210) or presumed to not be hazardous (as they would fall under B3011). Parties and others were invited to submit information on some of the excluded groups of plastics, for consideration by the fifteenth Conference of the Parties. The amendments become effective as of 1 January 2021. Plastic waste with specific Annex I constituents exhibiting Annex III hazardous characteristics or plastic wastes falling under the scope of "household wastes" listed in Annex II, already fall within the scope of the Basel Convention under the current regime.

⁴ <http://www.basel.int/Partners/RegionalCentres/Overview/tabcid/2334/Default.aspx>

⁵ <http://chm.pops.int/Partners/RegionalCentres/Overview/tabcid/425/Default.aspx>

26. At its fourteenth meeting, the Conference of the Parties to the Basel Convention also requested the expert working group on the review of annexes I, III and IV and related aspects of annex IX to the Basel Convention to consider, as part of its mandate, whether any additional constituents or characteristics in relation to plastic wastes should be added to Annex I or III, respectively, to the Convention.

27. At the same meeting, the Conference of the Parties to the Basel Convention established a partnership on plastic waste, which provides for a multistakeholder framework to improve the environmentally sound management of plastic waste and prevent and minimize its generation, so as to, among other things, reduce significantly and in the long-term eliminate the discharge of plastic waste and microplastics into the environment, in particular the marine environment. The partnership will serve to analyse the environmental, health, economic and social impacts of policy frameworks addressing plastic wastes, identify gaps and barriers to the implementation of such policies, and promote their development, including through pilot projects, information-sharing, capacity-building, technology transfer, and awareness-raising activities. It will operate on the basis of project groups, to be established and supervised by the partnership's working group, whose membership is open to Parties and relevant stakeholders.

28. Also at its fourteenth meeting, the Conference of the Parties to the Basel Convention, established a small intersessional working group to undertake the updating of Technical Guidelines for the Identification and Environmentally Sound Management of Plastic Waste and Their Disposal, and requested the Secretariat to develop, subject to the availability of resources, draft practical guidance on the development of inventories for plastic wastes, for consideration by the twelfth meeting of the Open-ended Working Group in June 2020.

29. The Secretariat of the Basel, Rotterdam and Stockholm conventions is moreover involved in a range of international cooperation and technical assistance activities to address plastic wastes pollution, including marine litter.

30. Under the Stockholm Convention, the ninth meeting of the Conference of the Parties listed two new chemicals in Annex A to the Convention, namely dicofol, without specific exemptions, and perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds, with specific exemptions for its production and use. 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.

31. Some of the chemicals listed in the Stockholm Convention have, *inter alia*, been or had been used as flame retardants or coating additives in plastics. These include: hexabromobiphenyl, hexabromocyclododecane, peta bromodiphenyl ether, octabromodiphenyl ether, decabromodiphenyl ether, short-chain chlorinated paraffins, polychlorinated biphenyls, polychlorinated naphthalenes. Per and poly-fluoroalkyl substances are also used in packaging, textiles and other synthetic products, of which perfluooctane sulfonic acid and perfluorooctanoic acid are listed under the Convention and perfluooctane sulfonic acid is currently under review for listing.

Paragraph 225: Environmentally sound recycling of ships; Paragraph 226: Continued cooperation between the Parties to the Basel Convention and the International Maritime Organization on regulations on the prevention of pollution from ships; Paragraph 227: The role of the Basel Convention in protecting the marine environment against the adverse effects of such wastes.

32. The Secretariat continues to cooperate with the International Maritime Organization (IMO) to implement decisions BC-12/15 on ship dismantling and BC-13/15 related to wastes generated on board ships, and works with organizations such as the International Labour Organization and International Maritime Organization, as appropriate, on policy and capacity-building issues related to sustainable ship recycling.

33. Relevant guidance developed by the Secretariat includes the guidance manual on how to improve the sea-land interface to ensure that wastes falling within the scope of MARPOL, once offloaded from a ship, are managed in an environmentally sound manner. The guidance manual takes into account the revised version of the IMO Comprehensive Manual on Port Reception Facilities and was adopted by the thirteenth meeting of the Conference of the Parties to the Basel Convention.

Paragraph 281: Cooperation and coordination in research efforts to reduce harmful impacts on marine life; Paragraph 299: Regular scientific assessments of the state of the marine environment to enhance the scientific basis for policymaking.

34. The Basel, Rotterdam and Stockholm conventions, through the work of the scientific subsidiary bodies, the prior informed consent procedure, and the national reporting obligations, play an important role in generating global data on chemicals and waste management, and making it available to Parties and stakeholders.

35. Under the Convention's Global Monitoring plan, for instance, 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.

36. At their 2015 and 2017 meetings, the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions specifically recognized the importance of the science-policy interface for the effectiveness of the conventions and the need for greater access to scientific understanding in developing countries to enhance informed decision-making on the implementation of the conventions. Subsequently, the Secretariat was requested to develop a road map for further engaging Parties and other stakeholders in an informed dialogue for enhanced science-based action in the implementation of the conventions. At their meetings in April-May 2019, the conferences of the Parties took note of the road map and encouraged Parties and others to initiate action that promotes its implementation.

Other activities:

37. The fourteenth meeting of the Conference of the Parties to the Basel Convention requested the Implementation and Compliance Committee to prepare a revised version of the guidance to improve the implementation of paragraph 11 of Article 6 of the Convention, taking into account comments received, for possible adoption at its next meeting. Paragraph 11 of Article 6 provides for an obligation to cover any transboundary movement of hazardous wastes or other wastes by insurance, bond or other guarantee as may be required by the State of import or any State of transit which is a Party to the Convention.

38. The work programme of the Implementation and Compliance Committee for the biennium 2020-2021 further includes the finalization of guidance on the implementation of paragraph 4 of Article 6 of

the Convention on the role of transit States in the prior informed consent procedure, by inviting and taking into account any additional comments from Parties and observers including the World Customs Organization, through consultation with the Open-ended Working Group and through targeted exchanges with the United Nations Division for Ocean Affairs and the Law of the Sea, for consideration and possible adoption by the Conference of the Parties at its fifteenth meeting.
