

## **Contribution of the Secretariat of the Basel, Rotterdam and Stockholm Conventions to the second part of the Secretary General's report on oceans and the law of the sea**

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.

The Basel, Rotterdam and Stockholm Conventions are part of the international action being taken to promote the sound management of chemicals and wastes 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 costal environments.

Below are the main developments which have occurred in the framework of the Conventions in relation to relevant provisions of General Assembly resolution 71/257:

**Paragraph 29: "Support the implementation of improved waste management practices"; paragraph 235: "Role of the Basel Convention in protecting the marine environment against the adverse effects which may result from such wastes":**

### **Indonesian-Swiss Country-led Initiative under the Basel Convention**

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 Amendment<sup>1</sup>, developing guidelines on the environmentally sound management of wastes and in providing further legal clarity on certain terms used in the Convention.

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 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.

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

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**

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, 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.

All the technical guidelines developed and adopted under the Basel Convention are available at:

<http://basel.int/Implementation/Publications/LatestTechnicalGuidelines/tabid/5875/Default.aspx>

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;

Additionally, 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.

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

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. 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 website<sup>2</sup> by the Secretariat.

### **Partnership on household wastes under the Basel Convention**

Based on a concept note and terms of reference developed by an informal group on household waste, the Conference of the Parties to the Basel Convention, in decision BC-13/14, decided to establish a household waste partnership. The partnership will 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.

In 2018-2019, the partnership will develop an overall guidance document on the ESM of household waste; collect case studies from various regions related to the topics addressed in the guidance document; enhance awareness-raising and training on the ESM of household waste and coordinate outreach activities and cooperation with other organizations working on household waste management.

### **Paragraph 182: Oceans and marine biodiversity negatively affected by marine pollution, including persistent organic pollutants:**

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 (HCB) 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.

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

**Paragraph 233: Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships:**

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; 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.

**Paragraph 234: Cooperation between the Basel Convention and the International Maritime Organization on regulations on the prevention of pollution from ships:**

Through various decisions, the Conference of the Parties to the Basel Convention cooperates and collaborates with the IMO on issues of relevance to the Convention. At its twelfth meeting, in decision BC-12/16, it took note of an assessment on how far the current Basel Convention technical guidelines address wastes covered by the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and as further amended by the Protocol of 1997 (MARPOL);<sup>3</sup> encouraged Parties and others to use it. At its thirteenth meeting in 2017, in decision BC-13/15, it adopted a 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,<sup>4</sup> and encouraged Parties as well as other stakeholders to use it. The Secretariat continues its cooperation with IMO, informing it of developments arising in the context of the Basel Convention, 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 235: Role of the Basel Convention in protecting the marine environment against adverse effect of wastes:**

During the biennium 2018-2019, 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

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<sup>3</sup> UNEP/CHW.12/INF/29/Rev.1.

<sup>4</sup> UNEP/CHW.13/INF/37.

micro-plastics, taking into account the assessment requested by UNEA-2 in its resolution 2/11, any relevant decisions 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.

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

A working group composed of Stockholm and Basel Conventions regional centers was established in 2017 to work on the impact of plastic wastes and related toxic chemicals, in particular persistent organic pollutants and endocrine disrupting chemicals, ending up as marine litter. The working group presented a set of recommendations to the Conferences of the Parties to the Basel and Stockholm Conventions in May 2017 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.<sup>5</sup> In their decisions BC-13/11 and SC-8/15, the Conferences of the Parties encouraged interested regional centres to work on the impact of plastic waste, marine plastic litter, microplastic, and measures for prevention and environmentally sound management, and to reflect their work in their activity reports to the next Conferences of the Parties.

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 Convention: carbofuran (pesticide); trichlorfon (pesticide); short-chain chlorinated paraffins (industrial chemical); tributyltin compounds (industrial chemical). The amendments to Annex III shall enter into force for all Parties on 15 September 2017. Listing of substances, including POPs under the Rotterdam Convention triggers a prior informed consent procedure to avoid unwanted trade, improves information exchange on these hazardous chemicals and enables their sound lifecycle management. All of this contributes to reduction of exposure to human health and the environment including the oceans.

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<sup>5</sup> UNEP/CHW.13/INF/29/Rev.1.