



Secretariat of the Basel, Rotterdam and Stockholm Conventions

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

1. Executive summary

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal 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.

Below are the main trends within the purview of the Basel and Stockholm Conventions in relation to relevant areas of the Secretary General's 2014 comprehensive report on oceans and the law of the sea:

Paragraph 23: "Improved waste management practices"

- Under the Basel Convention's Indonesian-Swiss Country-led Initiative, Parties have adopted decisions to improve the effectiveness of the Convention and reaffirm the objectives of the Ban Amendment and to explore means by which its objectives might be achieved. These include the facilitation of entry into force of the Ban Amendment, developing guidelines for environmentally sound management (ESM) and providing legal clarity with respect to the interpretation of certain terminology used in the Convention.
- A number of technical guidelines for the ESM of the wastes falling under the scope of the Basel Convention are under development or being updated (e.g. POPs wastes, e-wastes, mercury wastes).
- A number of projects have been or are being implemented within the framework of the Basel and Stockholm Conventions to build the capacity of developing States to improve chemicals and waste management. Several African countries participated in projects aiming at strengthening monitoring and control of transboundary movements of hazardous wastes and enhancing wastes management at ports.

Paragraphs 189 and 190: Cooperation between the Basel Convention and the International Maritime Organization (IMO) on regulations on the prevention of pollution from ships

- At its eleventh meeting, the Conference of the Parties to the Basel Convention took note of the revised legal analysis of the application of the Basel Convention to hazardous and other wastes generated on board ships. In response to a request by the Conference of the Parties, an assessment of how far the current Basel Convention technical guidelines cover MARPOL wastes is being undertaken in consultation with the IMO.

Paragraph 191: International Cooperation with the International Maritime Organization on Ship Dismantling

- The Secretariat of the Basel Convention is collaborating with the IMO on a project, which is intended to assist the Government of Bangladesh to achieve the safe and environmentally sound recycling of ships. The Secretariat is also supporting the development of inventories of hazardous wastes in the Gadani ship recycling region in Pakistan.

Paragraph 152: Oceans and marine biodiversity negatively affected by marine pollution, including persistent organic pollutants

- The Stockholm Convention which requires its Parties to ban and/or limit the production and use of listed POPs also prevents marine pollution and contributes to protect marine environment and marine resources from harmful impacts of POPs.
- 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.

2. Contribution regarding the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Stockholm Convention on Persistent Organic Pollutants

Reference is made to the following paragraphs of resolution 68/70 of the General Assembly:

Paragraph 23: Improved waste management practices

Indonesian-Swiss Country-led Initiative (CLI) under the Basel Convention

The roots of the Indonesian-Swiss Country-Led Initiative to improve the effectiveness of the Basel Convention extend back to the ninth meeting of the Conference of the Parties (2008) when the President of COP9 called for a process to reaffirm the objectives of the Ban Amendment and to explore means by which its objectives might be achieved. Following the President's statement, Indonesia and Switzerland invited key players to discuss in an informal, dynamic and non-dogmatic manner those issues related to the transboundary movements of hazardous wastes, especially to developing countries, contrary to the overarching objective of the Ban Amendment.

The results of the CLI process formed the basis of an omnibus decision adopted at the tenth meeting of the Conference of the Parties (2011) which included actions for parties, Basel Convention Regional and Coordinating Centres, the Secretariat and other stakeholders to take in seven key areas to improve the effectiveness of the Basel Convention. These included the facilitation of entry into force of the Ban Amendment, developing guidelines for environmentally sound management (ESM) and providing legal clarity with respect to the interpretation of certain terminology used in the Convention. The eleventh meeting of the Conference of the Parties (2013) expressed its appreciation for the work undertaken by Parties and others to improve the effectiveness of the Basel Convention, and through its decision BC-11/1 on Follow-up to the Indonesian-Swiss country-led initiative, mandated further work in support of this objective.

The Framework for the environmentally sound management (ESM) of hazardous wastes and other wastes was adopted by the eleventh meeting of the Conference of the Parties. The Framework establishes a common understanding of what ESM encompasses and identifies tools and strategies to promote the implementation of ESM. At the time of the adoption of the Framework, Parties to the Basel Convention saw the need for further action to be taken in order to promote and implement the Framework and ESM in general.

The Conference of the Parties thus mandated an expert working group to further elaborate and implement actions on initial short-term work items as listed in annex II to that decision, within available resources, and to develop a work programme for additional priorities and key work items and actions for the implementation of environmentally sound management. A report of the group's activities, as well as its draft work programme, is to be submitted to the twelfth meeting of the Conference of the Parties (2015) for consideration and possible adoption.

Development and updating of technical guidelines under the Basel Convention

The Convention stipulates that technical guidelines for the environmentally sound management 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, which have been developed for a variety of waste streams and disposal operations, are aimed at assisting parties, in particular developing countries, in ensuring the environmentally sound management of hazardous and other wastes.

All the technical guidelines developed and adopted under the Basel Convention are available at: <http://www.basel.int/Implementation/TechnicalMatters/DevelopmentofTechnicalGuidelines/AdoptedTechnicalGuidelines/tabid/2376/Default.aspx>

Updating or development of new technical guidelines are always a priority under the Basel Convention. For instance, at the eleventh meeting of the Conference of the Parties to the Basel Convention (May 2013), Parties decided that the following technical guidelines should be developed or updated in order to provide the most updated information to parties in their implementation of the Convention:

- Technical guidelines on persistent organic pollutant wastes;
- Technical guidelines on transboundary movements of electronic and electrical waste (e-waste), in particular regarding the distinction between waste and non-waste;
- Technical guidelines on the environmentally sound management of mercury wastes.

Under the Basel Convention Partnership Programme which was launched in 2002, various activities are underway to solve the issue of improper management of electrical and electronic waste (e-waste) which is an emerging waste stream confronting countries. Under the Mobile Phone Partnership Initiative (MPPI) and the Partnership for Action on Computing Equipment (PACE) technical guidelines were also developed or under development for environmentally sound management of mobile phones and computing equipment and their accessories.

Project activities with a link to oceans affairs to improve waste management in developing countries (also link to paragraph 173 on the inadequacy of port reception facilities)

In relation to MARPOL 73/78, the United Nations Environment Programme (UNEP) Post-Conflict and Disaster Management Branch, the Secretariat of the Basel Convention and IMO completed the implementation of a capacity-building programme to enhance the capacity of Côte d'Ivoire to manage hazardous wastes in the district of Abidjan and a pilot project to monitor and control transboundary movements of hazardous chemicals and wastes in that country. The pilot project on monitoring and controlling movements of hazardous chemicals and wastes was replicated in Morocco, Madagascar and Gabon. This first set of projects composed the first phase of the Probo Koala capacity-building programme in Africa.

Cooperation with IMO continued during the implementation of a second phase of the Probo Koala capacity-building programme in Africa. During the second phase, the pilot project on monitoring and controlling movements of hazardous chemicals and wastes that was further replicated in additional African countries with port facilities: the United Republic of Tanzania and Kenya. The implementation of the two projects was completed during the course of 2013.

A final workshop was organized by the Basel Convention Regional Centres based in Senegal and South Africa, in Libreville, Gabon, from 24 to 26 March 2014. During this workshop, representatives of the African countries that participated in the Probo Koala programme met to share the outcomes of their projects: e.g. management plans prepared for hazardous wastes at ports, institutional arrangements put in place for the sound management of hazardous wastes generated on board ships, and draft legislation developed to manage hazardous wastes in an environmentally sound manner at ports.

In the context of the implementation of the Basel and Stockholm Conventions, the Basel and Stockholm Convention Regional Centres are implementing projects for the environmentally sound management of hazardous wastes and POPs in several regions and, as such, contribute to reducing marine pollution in developing countries, as follows:

- The project “Development and Implementation of a Sustainable Management Mechanism for POPs in the Caribbean”, funded by the Global Environment Facility (GEF) and carried out by the United Nations Industrial Development Organization, in consultation with the Basel Convention Regional Centre located in Trinidad and Tobago,

- The SWITCH-MED programme, which aims to support green economy initiatives in the Mediterranean region promoting cleaner production processes and alternatives to POPs, implemented by the Stockholm Convention Regional Centre located in Spain;
- Projects for the environmentally sound management of solid and hazardous wastes, e.g. on POPs wastes, used lead acid batteries and asbestos, in the Pacific region, coordinated by the Basel Convention Regional Centre located within the Secretariat of the Pacific Regional Environment Programme (SPREP).

Paragraphs 189 and 190: Cooperation between the Basel Convention and the International Maritime Organization on regulations on the prevention of pollution from ships

Cooperation between the Basel Convention and the International Maritime Organization

The issue of cooperation between the Basel Convention and the International Maritime Organization was further considered by the Conference of the Parties to the Basel Convention at its eleventh meeting (May 2013), which adopted decision BC-11/17.

Pursuant to decision BC-11/17, the Conference of the Parties to the Basel Convention:

- (a) considered the revised legal analysis of the application of the Basel Convention to hazardous and other wastes generated on board ships set out in the annex to document UNEP/CHW.11/INF/22. Although most Parties supported the conclusions of the legal analysis, as reflected in the meeting report (UNEP/CHW.11/24, paragraph 176), no consensus could be reached to formally welcome or endorse these. The Conference of the Parties took note of the revised legal analysis and its conclusions, and no further work was requested on this particular matter.
- (b) reiterated its invitation to any party willing to do so to undertake the assessment of how far the current Basel Convention technical guidelines cover MARPOL wastes or to provide funds to enable the Secretariat to undertake such an assessment, in close consultation with the IMO.
- (c) reiterated its request to the Secretariat to develop a guidance manual, in cooperation with the IMO, 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.
- (d) requested the Secretariat of the Basel Convention to: keep the IMO informed, as appropriate, of any developments arising in the context of the Basel Convention; to monitor any consideration by the Marine Environment Protection Committee and Maritime Safety Committee of issues of relevance to the Basel Convention; and to continue cooperation with the International Organization for Standardization (ISO).

In October 2013, the Secretariat was informed by a Party to the Convention of its intention to undertake the assessment of how far the current Basel Convention technical guidelines cover MARPOL wastes, as set out in decision BC-11/17. The assessment is expected to be considered by the Conference of the Parties at its twelfth meeting in May 2015.

Following the eleventh meeting of the Conference of the Parties, the Secretariat sent a copy of decision BC-11/17 to the IMO Secretariat. It also participated in the sixty-sixth session of the IMO Marine Environment Protection Committee (31 March-3 April 2014). During the sixty-sixth session, the Secretariat had submitted, under the agenda item "Any other business", a report informing the Committee of decision BC-11/17. The Committee noted the decision.

Paragraph 191: International Cooperation with the International Maritime Organization on Ship Dismantling

Under its Global Programme for Sustainable Ship Recycling, the Secretariat of the Basel Convention is collaborating with the Marine Environment Division of the IMO on a Norwegian Agency for Development Cooperation (NORAD) funded project, which is intended to assist the Government of

Bangladesh to achieve the safe and environmentally sound recycling of ships in Bangladesh. The first phase of the project incorporates work on five packages covering economic and environmental studies; planning for the management of hazardous materials and wastes; development of a government one-stop service; preparation of training modules on safety, health and environment; and planning for the second phase of the project. The Secretariat is contributing both funding and expertise to the work package on planning for the management of hazardous materials and wastes through facilitating the development of inventories of hazardous wastes in Chittagong, where ship recycling currently takes place in Bangladesh.

In parallel, the Secretariat is also supporting the development of inventories of hazardous wastes in the Gadani ship recycling region in Pakistan, with support for both projects being made financially possible by a grant from the European Union. The development of such inventories will enable both public authorities and private sector bodies to plan for the development of hazardous waste management infrastructure in the regions. Both projects are expected to commence in April 2014.

The Secretariat also continues to participate in the meetings of the Marine Environment Protection Committee of the IMO to further develop guidelines to support the implementation of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships (adopted under the auspices of the IMO in 2009).

Paragraph 152: Oceans and marine biodiversity negatively affected by marine pollution, including persistent organic pollutants

The Stockholm Convention on Persistent Organic Pollutants is a global treaty that was adopted in 2001 and entered into force in 2004. The Convention's objective is to protect human health and the environment from persistent organic pollutants (POPs).

POPs are chemicals that remain intact in the environment for long periods, become widely distributed geographically, accumulate in living organisms including humans and wildlife, and have harmful impacts on human health and the environment.

POPs concentrate in living organisms through a process called bioaccumulation. POPs are readily absorbed by living organisms, where concentrations can become magnified in the first trophic level by up to 70,000 times the background concentration. Fish, predatory birds, mammals, and humans are high up in the food chain and due to biomagnification accumulate the greatest concentrations. The POPs travel long distances through the air, by a process of repeated evaporation, condensation and deposition, as well as through water and migratory species. They are transported from warmer to colder regions of the Earth, particularly the Poles and mountain tops. As a result of these two processes, POPs can be found in people and animals living in remote regions such as the Arctic, thousands of kilometers from any major POPs sources.

Exposure to POPs can lead to serious health effects including certain cancers, birth defects, dysfunctional immune and reproductive systems, greater susceptibility to disease and damages to the central and peripheral nervous systems.

The Stockholm Convention which requires its Parties to ban and/or limit the production and use of listed POPs also prevents marine pollution and contributes to protect marine environment and marine resources from harmful impacts of POPs. In particular, the Stockholm Convention requires its Parties to:

- ban the production and use of listed POPs pesticides¹ and industrial chemicals²;

¹ aldrin, chlordane, chlordecone, DDT, dieldrin, endosulfan, endrin, heptachlor, hexachlorobenzene (HCB), gamma-hexachlorocyclohexane (γ -HCH, lindane) and by-products of lindane [alpha-hexachlorocyclohexane (α -HCH) and beta-hexachlorocyclohexane (β -HCH)], mirex, toxaphene.

- take measures to reduce releases of dioxins and other unintentionally produced POPs³ with the goal of their continuing minimization, and where feasible, ultimate elimination;
- take measures that will reduce or eliminate POPs releases from existing stockpiles or from wastes.

The Convention has set up arrangements under the Global Monitoring Plan (GMP) to generate long-term and comparable monitoring data on POPs concentrations in humans, ambient air and surface water for water-soluble POPs.

Trends of POPs concentrations in humans indirectly indicate possible trends of POPs concentration in the environment, including the marine environment, since humans are on the top of the food chain and at the same time exposed to the overall environment.

Monitoring data on POPs from the first phase global monitoring plan are available through the online GMP data warehouse at: www.pops-gmp.org. Data from the second phase global monitoring plan will become accessible further to their approval by the Conference of the Parties in 2015.

² tetra- and pentabromodiphenyl ethers (PBDEs), hexa- and heptabromodiphenyl ethers (PBDEs), hexabromocyclododecane (HBCD), hexabromobiphenyl, perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOS-F), pentachlorobenzene (PeCB), polychlorinated biphenyls (PCBs).

³ hexachlorobenzene (HCB), pentachlorobenzene (PeCB), polychlorinated biphenyls (PCBs) and polychlorinated dibenzo-*p*-dioxins (PCDDs) and dibenzofurans (PCDFs).