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“Accelerated action and transformative pathways: realizing the
decade of action and delivery for sustainable development”**

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**Input by the President of the Conference of the Parties to the Basel
Convention on the Control of Transboundary Movements of Hazardous
Wastes and their Disposal**

Instruction

The High-Level Political Forum (HLPF) under the auspices of the General Assembly (“SDG Summit”) resulted in the adoption of a Political Declaration that proclaimed a decade for action and delivery for sustainable development and outlined ten crosscutting areas for accelerated action for the achievement of the SDGs. The General Assembly decided in November 2019 that the theme for the 2020 session of the HLPF and the Economic and Social Council will be “Accelerated action and transformative pathways: realizing the decade of action and delivery for sustainable development”.

Input from the President of the Conference of the Parties (COP) to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal should highlight the views on how best to accelerate action and achieve transformative pathways so as to realize the decade of action and delivery for achieving the 2030 Agenda for Sustainable Development. The input should focus on the area of responsibility of the COP, as the governing body of the Basel Convention, but also reflect the interrelations with related SDGs and targets. It could also highlight how the COP is contributing to accelerating SDG progress. It would be very useful if this input could identify four or five action points that the HLPF could address in its ministerial declaration.

1. Introduction to the Basel Convention, its key policies and measures

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was adopted on 22 March 1989 by the Conference of Plenipotentiaries in Basel, Switzerland, and entered into force in 1992. As at February 2020, it has 187 Parties and thus its coverage is almost universal. The overarching objective of the Basel Convention is to protect human health and the environment against the adverse effects of hazardous wastes and other wastes. Its scope of application covers a wide range of wastes defined as “hazardous wastes” based on their origin and/or composition and their characteristics, as well as two types of wastes defined as

“other wastes” - household waste and incinerator ash as well as, from 1 January 2021, plastic wastes requiring special consideration.

The provisions of the Convention center around the following principal aims:

- the reduction of hazardous waste generation and the promotion of environmentally sound management of hazardous wastes, wherever the place of disposal;
- the restriction of transboundary movements of hazardous wastes except where it is perceived to be in accordance with the principles of environmentally sound management; and
- a regulatory system applying to cases where transboundary movements are permissible.

The first aim is addressed through a number of general provisions requiring States to observe the fundamental principles of environmentally sound waste management (Article 4). A number of prohibitions are designed to attain the second aim: hazardous wastes may not be exported to Antarctica, to a State not party to the Basel Convention, or to a party having banned the import of hazardous wastes (Article 4). Parties may, however, enter into bilateral or multilateral agreements on hazardous waste management with other parties or with non-parties, provided that such agreements are “no less environmentally sound” than the Basel Convention (Article 11). In all cases where transboundary movement is not, in principle, prohibited, it may take place only if it represents an environmentally sound solution, if the principles of environmentally sound management and non-discrimination are observed and if it is carried out in accordance with the Convention’s regulatory system.

The regulatory system is the cornerstone of the Basel Convention as originally adopted. Based on the concept of prior informed consent, it requires that, before an export may take place, the authorities of the State of export notify the authorities of the prospective States of import and transit, providing them with detailed information on the intended movement. The movement may only proceed if and when all States concerned have given their written consent (Articles 6 and 7). The Basel Convention also provides for cooperation between Parties, ranging from exchange of information on issues relevant to the implementation of the Convention to technical assistance, particularly to developing countries (Articles 10 and 13). The Secretariat is required to facilitate and support this cooperation, acting as a clearing-house (Article 16). In the event of a transboundary movement of hazardous wastes having been carried out illegally, i.e. in contravention of the provisions of Articles 6 and 7, or cannot be completed as foreseen, the Convention attributes responsibility to one or more of the States involved, and imposes the duty to ensure safe disposal, either by re-import into the State of generation or otherwise (Articles 8 and 9).

On 5 December 2019, an amendment to the Convention, originally adopted as a decision of the second meeting of the Conference of the Parties in March 1994 became effective. The so-called *Ban Amendment* provides for the prohibition of exports of all hazardous wastes covered by the Convention that are intended for final disposal, reuse, recycling and recovery from countries listed in annex VII to the Convention (Parties and other States which are members of the OECD, EC, Liechtenstein) to all other countries.

Furthermore, Parties also have an obligation to minimize the quantities that are transported, to treat and dispose of wastes as close as possible to their place of generation and to prevent or minimize the generation of wastes at source. The Cartagena Declaration on the prevention, minimization and recovery of hazardous wastes and other wastes emphasized that prevention and minimization of hazardous wastes and other wastes at source is a critical stage of the waste management hierarchy and declared a commitment to enhancing the active promotion and implementation of more efficient strategies to achieve prevention and minimization of the generation of hazardous wastes and other wastes and their disposal.

The Convention also provides for the establishment of regional or sub-regional centers for training and technology transfers regarding the management of hazardous wastes and other wastes and the minimization of their generation to cater to the specific needs of different regions and subregions (Article 14).

While the Basel Convention requires States to take actions on the country level to reach its objectives, it also plays an important role for striving toward empowering people and ensuring inclusiveness and equality. It protects countries and their people from unwanted hazardous and other waste which they lack capacities to manage in the environmentally sound manner thus protecting human health and the environment.

2. Critical issues and challenges

There are a number of critical issues and challenges in the area of the Basel Convention. This include, but are not limited to the following:

- **E-waste**

The Basel Convention has been addressing challenges related to electrical and electronic waste or e-waste since 2002 which includes, among others, environmentally sound management; prevention of illegal traffic to developing countries and; building capacity around the globe to better manage e-waste. Rapid product innovation and replacement, and shorter product lifespans are increasing the amount of e-waste and posing a significant challenge to waste management around the world. E-waste contain precious metals such as gold, base metals like copper and nickel as well as rare materials of strategic value such as indium and palladium. E-waste flows, while not the largest waste streams, are the fastest growing globally. The global e-waste generation has been estimated to be 42 million metric tonnes (Mt) in 2014 and forecasted to increase to 50 Mt by 2018 (Baldé et al., 2015).

The export of hazardous electronic wastes, including consumer devices, computer monitors and printed circuit boards, to developing countries raised high concern as, in many instances, these exports created situations of environmental and health risks in developing countries. Some of the exports did not comply with the control procedures of the Basel Convention and deemed to be illegal traffic, which is a crime under the Convention. At the same time, the unsound management of e-waste, whether it is imported as used, near end-of-life equipment or e-waste or generated domestically has been a challenge for human health and the environment for a number of years.

One particular challenge related to e-waste is linked to illegal shipments of e-waste to countries which lack adequate capacities to manage such waste in an environmentally sound manner. Some shipments of e-waste are disguised as shipments of used equipment to avoid the application of the prior informed procedure which would allow countries of import to refuse unwanted wastes. Another challenge is linked to the management of these wastes, including sub-optimal and informal recycling practices of e-waste and lack of appropriate capacities which lead to adverse effects on human health and the environment.

- **Plastic waste**

Plastic wastes and microplastics is an emerging issue that requires urgent global action and one of the highest priority considerations under the Basel Convention. Plastic waste and its impact on human health, the environment and economic systems presents a big challenge. The problem is multidimensional, including the widespread disposal of single-use plastics and other items as litter and the uncontrolled transboundary movement of plastic wastes.

Plastics are extremely durable, making the ubiquitous transboundary movement of plastic waste a major concern. The majority of polymers manufactured today is likely to persist for decades and probably for centuries, if not millennia.

Larger pieces of plastics accumulate, for example, on beaches or sink to the ocean floor. These can cause harm directly to marine animals, for example by entanglement in debris. Many species of birds ingest smaller pieces of plastics. Other plastic waste is carried on ocean currents and can accumulate in ocean gyres. Under the influence of sunshine and saltwater, larger pieces can break into microplastics. Microplastics are now widely distributed through the oceans and they can be vectors for pollutants and pathogens. For more information, see the report by the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP)¹.

In addition to polymers, additives such as flame retardants, and plasticizers are mixed into synthetic materials to increase their flexibility, transparency, durability, and longevity. Some of these substances are persistent organic pollutants (POPs), toxic chemicals listed under the Stockholm Convention on Persistent Organic Pollutants.

Plastic pollution can arise at all stages of the life-cycle, from production, to use and final disposal. The greatest burden of plastic waste entering the sea is likely to arise where waste collection and management systems are ineffective. Developing countries in particular may face challenges in managing the rapidly growing volume of plastic wastes for instance if they have insufficient capacity to dispose of them in an environmentally sound manner. This may lead to the dumping of plastic wastes on land or in waters, and to the need to rely on the continued availability of recycling or other disposal capacity in other states. Resource efficiency and sustainability of plastics needs to be improved in the context of

¹ The report is available here: <http://www.gesamp.org/publications/microplastics-in-the-marine-environment-part-2>.

circular economy. Marine litter presents a particular challenge for small island developing States, including in such areas as fisheries, tourism and human consumption.

- **Prevention and minimization**

While the prevention and minimization of the generation of hazardous and other wastes constitute one of the pillars of the Basel Convention, Parties face difficulties in putting in measures place to prevent and minimize hazardous and other wastes. Such measures would be related to decoupling economic growth and environmental impacts, and encouraging systematic and comprehensive global and regional efforts for improved access to cleaner production methods, including through capacity building and technology transfer.

- **Enforcement challenges**

Parties are still faced with challenges related to the enforcement of the Basel Convention. Countries of export and of import face challenges when it comes to detecting illegal traffic of hazardous and other wastes. One of the challenges is to distinguish second-hand goods from waste, which hampers the work of enforcement officers, especially at the stage of screening documents that accompany the shipments and during visual inspections. The difficulty is exploited to export wastes disguised as second-hand goods, thus avoiding the control system required by the Basel Convention for transboundary movements of hazardous and other waste. Related to that is the challenge of identifying and targeting suspicious shipments by the front-line customs officers. Selecting the shipments to be inspected should be the result of a systematic process resulting from the analysis of collected information and intelligence, and the development of profiles. This approach requires knowledge and resources, which may be lacking in developing countries.

Another challenge is whether a particular waste is hazardous or non-hazardous. While the Convention provides a number of tools to determine if a waste is hazardous or not, in practice it may remain difficult to identify hazardous characteristics, because of the costs and complexity of applying appropriate sampling, screening and analytical techniques. In certain cases, internationally recognized sampling and testing standards are still lacking.

Ensuring that the waste is actually imported by the intended country and disposed of in an environmentally sound manner can also pose an issue. Under the Basel Convention, competent authorities are responsible for receiving and responding to notifications, including on the completion of disposal as specified in the notification. However, there can be a gap between the paperwork and reality, thus the need for enforcement officers to step in. A good operational network of competent authorities and enforcement officers, both at the national and international levels, is a necessity.

Finally, lack of coordination at the national level poses problems not only in the area of enforcement of waste-related legislation, but also for the sound management of chemicals and waste in general. Preventing and detecting illegal traffic of hazardous waste requires the expertise of different ministries and agencies. Customs officers cannot combat illegal

traffic alone. They have to rely on the relevant national environment agencies to provide them with the appropriate legal and technical information, equipment and facilities. Conversely, national environment agencies need the support of customs agencies. In the case of illegal e-waste traffic, cooperation between environment agencies, customs, port authorities, and port police is crucial and mechanisms for cooperation and information exchange must be strengthened. Agencies responsible for health and occupational safety issues and national security should also play a role in effective enforcement of laws and regulations preventing the illegal traffic of e-waste.

- **Challenges related to reporting and other obligations for transmitting information**

According to the data collected for the period 2015-2019 and reported under indicator 12.4.1 of the global indicator framework for SDGs, over 60 % of the Parties to the Basel Convention appear to have at least minimum required institutional capacity to implement this Multilateral Environment Agreement (MEA). Among the key challenges linked to the transmission of information under the Basel Convention are the lack of availability of data and information, inadequate legal and institutional frameworks, lack of understanding of the usefulness of the information reported, lack of consequences in case of the non-transmission of information, and low political priority of the issues at hand.

The Basel Convention has a range of mechanisms and activities available to support Parties in taking the necessary measures to enable the transmission of required information, among which are primarily technical assistance and capacity development facilitated by the Secretariat and the regional centers, and support provided through the subsidiary bodies. The Committee administering the Mechanism for Promoting Implementation and Compliance with the Basel Convention is specifically mandated to support Parties in implementing their obligations to transmit information. The Mechanism is of a facilitative nature and has, since its establishment in 2002, assisted 13 Parties² in restoring their compliance with obligations to transmit information under the convention, including the national reporting obligation set out in paragraph 3 of Article 13 of the Convention and the obligation to designate country contacts pursuant to Article 5 of the Convention.

3. COP contribution to accelerated action and transformative pathways for the decade of action and delivery for achieving the 2030 Agenda within its area of responsibility

The Conference of the Parties (COP) to the Basel Convention is the decision-making body of the Convention which meets every two years to review and evaluate the implementation of the Convention. It considers and adopts, as required, amendments to the Convention and its annexes, and promotes the harmonization of appropriate policies, strategies and measures for minimizing harm to human health and the environment by hazardous wastes and other wastes. It also adopts the programme of work and budget of the Convention for each biennium.

² Afghanistan, Cabo Verde, Central African Republic, Eritrea, Eswatini, Guinea Bissau, Libya, Nicaragua, Oman, Palau, Somalia, Togo and Turkmenistan. For more information, see <http://www.basel.int/Implementation/LegalMatters/Compliance/SpecificSubmissionsActivities/tabid/2310/Default.aspx>

At its fourteenth meeting, held in May 2019, the COP to the Basel Convention (COP-14) took numerous decisions strengthening the Basel Convention including landmark amendments to the Convention on plastic waste. With the adoption of the plastic waste amendments, Parties to the Basel Convention by consensus amended the annexes to the Convention to clarify and strengthen entries for plastic wastes, bringing many types of plastics into the prior informed consent procedure and therefore ensuring a more transparent, traceable, and enforceable set of measures concerning imports/exports of plastic waste between countries. Each Party will also be required to implement the provisions of the Basel Convention with respect to minimizing waste generation and ensuring their environmentally sound management.

To assist Parties in implementing the provisions related to the new entries, COP-14 adopted several other decisions initiating further action to address plastic waste under the Convention. Among those, a Plastic Waste Partnership has been established under the Convention, providing a platform for exchanges and best practices, technical assistance and information-sharing, public awareness and more, to assist Parties in implementing the new measures for controlling plastic waste.

Among the numerous significant decisions adopted by COP-14 to advance the environmentally sound management of wastes, Parties adopted an improved version of the technical guidelines on the import/export of e-waste and used equipment. Thanks to this measure, Parties have more means to control import and export, with criteria and suggested documentation, which should help prevent illegal movements of e-waste.

Actions under the Basel Conventions are closely coordinated with actions under the Rotterdam and Stockholm Conventions. To enhance cooperation and coordination among the Basel, Rotterdam and Stockholm (BRS) conventions, their respective conferences of the Parties have taken a series of decisions. This so-called ten years long "synergies process" which started in 2007 aimed to strengthen the implementation of the three conventions at the national, regional and global levels by providing coherent policy guidance, enhancing efficiency in the provision of support to Parties to the conventions, reducing their administrative burden and maximizing the effective and efficient use of resources at all levels, while maintaining the legal autonomy of these three multilateral environmental agreements. This unique approach is a successful example to other parts of the global environmental agenda and demonstrates how to enhance international environmental governance through coordination and cooperation.

In addition to reforms to the secretariats of the three conventions on an administrative as well as operational level, this process has changed the way in which the implementation of the conventions was undertaken at the national and regional levels. Parties to the conventions and entities supporting countries in the implementation of the conventions, such as regional centres, intergovernmental organizations and non-governmental organizations, also undertook efforts to increase coherence in the implementation of the conventions.

Over the years, through a series of decisions on international cooperation and coordination, the COPs to the BRS conventions have called on enhancing cooperation with international bodies on issues of common interest. As a result, increased linkages have been made, for instance, between actions mandated by the COPs of each of the conventions and the UN Environment Assembly thereby strengthening the implementation of coherent international environmental law and

international environmental governance at all levels. For issues of common interest, such as chemicals/wastes management, management of used lead-acid batteries, SDGs, marine pollution, environmental governance addressed in UNEA ministerial declaration and resolutions and COPs decisions, the Secretariat of the BRS conventions cooperates with UN Environment Programme.

The BRS conventions provide an important contribution to the achievement of a broad range of goals, including goal 2 “Zero hunger”, goal 3 “Good health and well-being”, goal 5 “Gender equality”, goal 6 “Clean water and sanitation”, goal 11 “Sustainable cities and communities”, goal 14 “Life below water” goal 12 “Responsible production and consumption” and goal 17 “Partnerships”. The BRS Conventions also actively contribute to the reporting on indicator 12.4.1 by providing data on the transmission by Parties information to meet their obligations under the conventions.

It is my expectation that the BRS Conventions and their respective COPs will bring concrete measures and actions on chemicals and hazardous wastes in the upcoming decade. Considering that all chemicals as well as products at some point become wastes, sound management of chemicals and waste addressed by the BRS conventions is a must. In the upcoming decade, it will be critical to support Parties in the implementation of the obligations under the conventions and to raise profile and visibility of chemicals and waste on the national level so that required outcomes can be achieved.

4. Action points that the HLPF could address in its ministerial declaration

There are a number of actions within the mandate of the Basel Convention, which will support Parties to the Basel Convention in accelerating progress for those affected by hazardous waste. In light of enhancing coordination and cooperation of the implementation between the Basel, Rotterdam and Stockholm Conventions, some of the recommendations address all three conventions:

- 1) To call for States to increase their efforts on the implementation of global treaties on chemicals and hazardous wastes, including the Basel, Rotterdam and Stockholm conventions, with the purpose of protecting human health and the environment and in support of circular economy and resource efficiency.
- 2) To increase efforts of governments and stakeholders towards the coordinated implementation of the Basel, Rotterdam and Stockholm conventions including through multi-sectoral and multi-stakeholder coordination mechanisms.
- 3) Given the cross-cutting nature of chemicals and waste in our lives, to promote an integrated approach to chemicals and waste management by mainstreaming chemicals and wastes issues into plans and strategies on sustainable development, health, agriculture and other sectors.
- 4) To promote the adoption of best practices on the sound management of chemicals and wastes throughout the value chain, including extended producer responsibility, publicly

available information about chemical hazards and risks, green design and best available techniques and best environmental practices, and monitoring of contamination of air, water and land by hazardous chemicals and wastes.

- 5) To provide safe and decent jobs involving chemicals and waste in manufacturing, design, processes and productions, including resources recovery and recycling.
- 6) Emphasizing the important role that the Basel Convention can play in addressing the high and rapidly increasing levels of marine plastic litter and microplastics by preventing plastic waste from entering the environment, to urge States to commit themselves to working to support efforts to achieve the prevention, the minimization and the environmentally sound management of plastic waste, as well as the effective control of its transboundary movement.
- 7) Noting the rapid increase in the amount of electrical and electronic equipment used and purchased globally, which has led to an increasing volume of e-waste, and also the potential life-cycle benefits of reusing and recycling used and end-of-life electronics in an environmentally sound manner, to urge States, civil society, private sector, and academia to accelerate efforts for the sound management of e-waste striving towards a circular vision for the production and consumption of electronic and electrical equipment.
- 8) To commit to enhancing the active promotion and implementation of strategies and measures to achieve prevention and minimization of the generation of hazardous waste and other wastes and their disposal, to enable the decoupling of economic growth and the environmental impacts associated with waste generation.
- 9) To promote integrated approaches to waste management through sustainable consumption and production, including but not limited to a circular economy and other sustainable economic models, as well as other innovative means, including the removal of hazardous substances from waste before recycling, special attention to preparing waste for reuse and recycling, a reduction in landfill use, and the application of the “waste hierarchy” set of priorities for all waste.