

# **Thematic review of the United Nations High Level Political Forum to be held on 9 -18 July 2019**

## **Input by the President of the Conference of the Parties to the Basel Convention**

### **Introduction**

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 of February 2019, it has 187 parties and thus its coverage is global. The overarching objective of the Basel Convention is to protect human health and the environment against the adverse effects of hazardous 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.

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).

The Convention also provides for the establishment of regional or sub-regional centres 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).

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.

While the Basel Convention requires Member 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.

**(a) The identification of progress, gaps, areas requiring urgent attention, risks and challenges in achieving the SDGs; and, or in relation to the theme within the area under the purview of your intergovernmental body;**

There are a number of gaps and challenges faced by Parties related with the implementation of the Basel Convention.

Many developing countries and countries with economies in transition lack national infrastructures and the capacity to assess and manage the risks posed by widely produced and traded hazardous chemicals and to effectively implement the Prior Informed Consent procedure.

In accordance with the 2017 technical assistance needs assessment of developing country parties and parties with economies in transition for the implementation of the Basel Convention, the environmentally sound management of hazardous wastes and the disposal of hazardous wastes are

considered as areas requiring the most attention at the national level. National coordination and setting up of legal and administrative frameworks to implement the provisions of the Basel Convention are also viewed as a priority area. The importance of strengthening national coordination is also highlighted.

As the disposal of hazardous wastes, including POPs waste stockpiles is listed by developing country parties and parties with economies in transition among the priority issues which require urgent attention, one should mention that the generation of hazardous waste is estimated to have increased from 256 – 259 metric ton in 2007 to 390 – 394 metric ton in 2015 with the most significant increases seen in lower middle income and higher middle-income countries. The amount of household waste that is generated worldwide has increased around 12% in the period 2007 – 2015. In particular, in upper-middle income countries, the increase was large and these countries generated in 2015 nearly the same amount of household waste as the high-income countries. In this regard the environmentally sound management of hazardous wastes and the disposal of hazardous wastes require urgent action.

Last but not least, identifying sustainable funding for the implementation of the Convention is challenging, as the Convention has no dedicated financial mechanism.

#### **(b) Valuable successful experiences and lessons learned on empowering people and ensuring inclusiveness and equality;**

There are a number of examples of activities and initiatives aiming to enhance the implementation of the Basel Convention and to ensure that all people in developed and developing countries, representing various stakeholder groups are empowered and ensuring inclusiveness and equality.

One such example is the gender mainstreaming into the Basel, but also Rotterdam<sup>1</sup> and Stockholm<sup>2</sup> Conventions. The impacts of poor management of hazardous chemicals and wastes on vulnerable groups such as women and young children are significant for human health and the environment. However, empowerment and effective participation of women and vulnerable groups in decision-making with respect to the management of chemicals and wastes has led to positive outcomes.

At the meetings of the Conferences of the Parties to the BRS Conventions in 2017, Parties adopted decisions BC-12/20, RC-8/13, SC 8/23 on gender mainstreaming, recognizing that efforts are still needed to ensure that women and men, boys and girls, from all Parties, are equally involved in the implementation of the three conventions and are represented in their bodies and processes, and thus participate in decision-making on gender-responsive hazardous chemicals and waste policies.

#### **(c) Emerging issues likely to affect inclusiveness and equality at various levels;**

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<sup>1</sup> Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

<sup>2</sup> Stockholm Convention on Persistent Organic Pollutants.

The Basel, Rotterdam and Stockholm conventions share the common objective of protecting human health and the environment from hazardous chemicals and wastes at all stages of their life cycle, from production to disposal. All three conventions provide for a range of measures to achieve their goals, including the setting of conditions and procedures to be followed for the import and export of the covered chemicals and wastes. These conditions and procedures are expected to ensure that importing States are not confronted with hazardous chemicals and wastes that they do not wish to receive, for instance because they have prohibited their use or because they are unable to manage them in an environmentally sound manner. The control of the international trade of chemicals is covered by the Rotterdam and Stockholm conventions, while wastes trade is primarily regulated under the Basel Convention. While prevention and combat of illegal traffic of hazardous waste has been addressed under the Basel Convention, efforts are now made to consider this matter in relation to the Rotterdam and Stockholm Conventions which deal with chemicals.

Marine plastic litter 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 burgeoning 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. Inadequate and inefficient waste management policies and practices are commonplace, and their impact is compounded by a lack of viable and effective recycling techniques and strategies. Resource efficiency and sustainability of plastics needs to be improved in the context of circular economy. Marine litter presents a particular challenge for small island developing States, including in such areas as fisheries, tourism and human consumption. There are ongoing discussions under the Basel Convention to establish a multi-stakeholder partnership on plastic wastes that also addresses marine plastic litter and microplastics.

Transfer of technology to developing countries and countries with economies in transition to support them in dealing with the waste management in a safe manner is another area where progress is lacking.

**(d) An assessment of the situation regarding the principle of “ensuring that no one is left behind” at the global, regional and national levels**

On the global level, the Basel Convention serves to protect its Parties from unwanted wastes. The Convention also obliges its Parties to ensure that hazardous and other wastes are managed and disposed of in an environmentally sound manner. To this end, Parties are expected to minimize the quantities that are moved across borders, 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. Strong controls have to be applied from the moment of generation of a hazardous waste to its storage, transport, treatment, reuse, recycling, recovery and final disposal.

**(e) Areas where political guidance by the high-level political forum is required**

The area in which the political guidance from the High-level Political Forum on Sustainable Development would be important is to encourage the lead ministries and agencies that are tasked with the coordination of the 2030 Agenda for Sustainable Development at national level to integrate chemicals and wastes management issues into plans and strategies on sustainable development, health, agriculture and other sectors.

**(f) Policy recommendations on ways to accelerate progress in empowering people, ensuring inclusiveness and equality, and achieving SDGs.**

There are a number of actions within the mandate of the Basel Convention which will support Parties to the Rotterdam Convention in accelerating progress for those affected by toxic chemicals. 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 develop and enhance institutional, legal, and regulatory frameworks for the implementation of the Rotterdam but also Basel and Stockholm conventions, including enforcement.
- 2) To increase efforts of governments and stakeholders towards the coordinated implementation of the Basel, Rotterdam and Stockholm Conventions and SAICM, including through multi-sectoral and multi-stakeholder coordination mechanisms.
- 3) To promote an integrated approach to chemicals 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 sound chemicals management corporate policies and practices 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.
- 6) To maximize efforts for the management of hazardous chemicals and wastes through the regional delivery mechanisms, including regional centres under Basel and Stockholm Conventions.
- 7) To provide safe and decent jobs involving chemicals and waste in manufacturing, design, processes and productions, including resources recovery and recycling.
- 8) To invest into research related to alternatives for the use of highly hazardous pesticides and toxic industrial chemicals and take measures for replacing them with safer alternatives.
- 9) To develop and adopt integrated pest management and integrated vector management in national agricultural and public health strategies.

10) To take measures towards reducing frequency and severity of chemicals poisoning from household and other products, such as by labeling and sharing information on chemicals in products.