

**1st Substantive Session of the Ad hoc open-ended Working Group
Established by General Assembly 72/277
(Nairobi,**

Statements by the Secretariat of the Basel, Rotterdam and Stockholm conventions

III. Gaps relating to existing regulatory regimes

Section F. Regulation of hazardous substances, wastes and activities

Co-chairs, distinguished delegates and colleagues, the Secretariat of the Basel, Rotterdam and Stockholm conventions is grateful for the opportunity to contribute to this process.

The Basel, Rotterdam and Stockholm conventions are three global MEAs part of the chemicals and waste cluster which have the common objective of protecting human health and the environment from the hazards associated with the substances and wastes falling under their respective scope. The Stockholm Convention focuses on persistent organic pollutants, the Rotterdam Convention on hazardous industrial chemicals and pesticides, and the Basel Convention on hazardous wastes and so called “other wastes” which are essentially household wastes. Working together, the three conventions offer a cradle-to-grave framework for the management of hazardous chemicals, from production and use to disposal.

I appreciate the opportunity to provide information on Section F of the report on the regulation of hazardous substances, wastes and activities. Para 67 states “legal intervention in the area of land-based disposal as well as recycling and reuse is either minimal or non-existent”. I would like to echo the intervention by Switzerland yesterday about the extensive work under the Basel Convention in these areas.

I would refer to the obligations set out in Paragraphs 2(b) and 8 of Article 4 of the Convention which pertain to the environmentally sound management of wastes. Since its first meeting, the Conference of the Parties has developed and adopted numerous technical guidelines on disposal operations aimed at providing Parties with the necessary guidance to implement their obligations under both provisions. These technical guidelines have been complemented by the adoption of:

- The Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Waste and Other Wastes, and
- additional guidance on the environmentally sound management of wastes, including the Framework for the environmentally sound management (ESM) of hazardous wastes and other wastes which establishes a common understanding of what ESM encompasses and identifies tools and strategies to promote the implementation of ESM.

I also wish to bring to your attention the ongoing work under the Basel Convention to provide further legal clarity through the review of several annexes to the Convention, including Annex IV that list the disposal operations.

With your permission, I will reserve at this time the Secretariat’s comments on the synergies process, mentioned in Para 70 of the report and further addressed in part V of the report.

Thank you co-chairs.

V. Gaps relating to the governance structure of international environmental law

Co-chairs, distinguished delegates and colleagues, allow me to share the Secretariat's comments on paragraph 80 and 83 of the report. Starting with paragraph 80: ten years ago, the Conferences of the Parties to the Basel, Rotterdam and Stockholm conventions (BRS conventions) launched the so-called synergies process aimed at enhancing coordination and cooperation between the three conventions. Objectives of the process include: reducing the administrative burden on Parties, increasing policy coherence, maximizing the effective and efficient use of resources at all levels, and improving implementation of the conventions. The synergies arrangements have been the subject of two reviews by the COPs in 2013 and 2017. Concretely, the synergies process has led to increased cooperation at the programmatic level on a variety of legal, technical and policy matters. At the administrative level: the three secretariats administered by UNEP are under a joint head. Simultaneous meetings of the COPs also take place, every two years, with joint sessions on joint issues such as reporting, compliance, illegal traffic and trade, budgetary matters, technical assistance, international cooperation, scientific and technical issues of relevance to at least two conventions. The legal autonomy of the BRS conventions and of their governing bodies is maintained with each COP adopting its decisions, but the approach provides each COP with the opportunity to learn from the others and to consider how its work can be mutually supportive of and build on that of the other conventions.

Looking beyond the BRS conventions, I would like to also bring to your attention that the BRS COPs have adopted, during their 2017 meetings, decisions whereby they

Invites the Executive Secretary to continue cooperating on programmatic matters with the (interim) secretariat to the Minamata Convention and to provide any secretariat support that may be requested and is fully funded by the Conference of the Parties to the Minamata Convention;

At their next meetings in 2019, the COPs are expected to consider the invitation by the MC COP2 to *"consider adopting corresponding decisions on the matter of Cooperation between the secretariat of the Minamata Convention and the secretariat of the Basel, Rotterdam and Stockholm Conventions. In its decision, the MC COP'2 requests the UNEP ED to maximize the effective and efficient use of resources of the Minamata Convention, including through the sharing of relevant secretariat services with the Basel, Rotterdam and Stockholm Conventions which are performed by the Executive Director of the United Nations Environment Programme, as appropriate, and a request the ED of UNEP submit an operative proposal, prepared together with the Executive Secretary of the Minamata Convention and with the support of the Executive Secretary of the Basel and Stockholm Conventions and the United Nations Environment Programme part of the Rotterdam Convention, on a stable framework for sharing of relevant services in areas such as conference services, knowledge and information management, administrative and information technology services, technical assistance, legal advice and budget preparation, including possible options, for consideration by the Conference of the Parties at its third meeting;*

Turning to paragraph 83 of the report, and in response to the invitation by Canada and others for the MEAs to provide their views on the proposed actions listed therein, here are some preliminary comments for your consideration:

(c) reporting: reporting has been a focus area of the synergies process since its inception. Considerable attention has been given to streamlining the processes for reporting by looking both at the content and format of the reports to be transmitted under the Basel and Stockholm conventions while bearing in mind the differing reporting deadlines under both conventions (annual under BC and every four years under SC). When looking closely at the matter the COPs have noted the limitations in adjusting the content of the reporting formats, precisely because the information to be reported is tailored to the specific obligations under the Conventions. Efforts however have been more successful regarding the format for reporting: with the development of e-platforms with the same look and feel. As mentioned previously, reporting remains an issue that is considered by the COPs in joint sessions which enables consideration of future synergistic approaches as appropriate. Looking beyond the BRS conventions and at the SDGs, the Secretariat cooperates with UNEP in providing information on indicator 12.4.1 (Number of Parties to international multilateral environmental agreements on hazardous waste, and other chemicals that meet their commitments and obligations in transmitting information as required by each relevant agreement).

(d) sharing of lessons learned and practices: this has become a modus operandi under the BRS conventions, both in the COPs and the BRS Secretariat; and the BRS secretariat cooperates with a number of other MEAs on issues of common concern, as mandated by the COPs.

(e) developing implementation guidelines for MEAs: BRS COPs have and continue to develop and adopt guidance to support the implementation of the conventions. Most are convention-specific and are tailored to specific provisions of each Convention, others are of interest to more than one Convention, for example the development of technical guidelines on POPs wastes. In such instances, it is standard practice for the COPs to invite the participation of experts from both conventions in the process.

(f) sharing information among the different scientific bodies: examples of steps taken under the conventions include holding back to back meetings of the scientific bodies mandated to review proposals to list chemicals under the RC and the SC, organizing joint trainings, and holding simultaneous COPs.

I thank you for your attention.