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on marine litter and microplastics
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Possible options under the Basel Convention to further address marine plastic litter and microplastics

Note by the secretariat

The annex to the present note sets out a report on possible options available under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal to further address marine plastic litter and microplastics. The report, which was previously issued in the note by the Secretariat of the Basel Convention on the matter (UNEP/CHW/OEWG.11/INF/22, annex), is presented for the information of participants in the first meeting of the ad hoc open-ended expert group on marine litter and microplastics, which was established pursuant to United Nations Environment Assembly resolution 3/7 (UNEP/EA.3/Res.7). The report is presented as received by the secretariat, without formal editing.

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Annex

Annex

Report on possible options available under the Basel Convention to further address marine plastic litter and microplastics

I. Introduction

1. The Conference of the Parties to the Basel Convention (COP) at its thirteenth meeting (COP-13) included in the work programme of the Open-ended Working Group (OEWG) for the biennium 2018-2019 an item to consider relevant options available under the Convention to further address marine plastic litter and microplastics and develop a proposal for possible further action, within the scope of the Convention and avoiding duplication with activities relating to the matter in other forums, for consideration by the COP at its fourteenth meeting (COP-14).[1,2] This document provides background information and identifies possible options to assist the OEWG in considering this issue and in preparing its recommendations to the COP.[3]

II. Nature of the problem

2. Marine plastic debris has been a growing concern since the rise of the plastic industry in the mid-1950s. Global plastic production has increased steadily and has reached 320 million tonnes a year,[4] growing three times faster than global gross domestic product.[5] The majority of plastics are used to make items for packaging and for construction. Smaller proportions are used in a range of other applications, including the automotive industry, agriculture, and for electrical and electronic components. Of the estimated 6.3 billion tonnes of plastic waste produced since the 1950s, only 9% has been recycled and another 12% incinerated. 95% of disposable plastic packaging is wasted.[6]

3. Approximately eight million tonnes of plastic enters our oceans each year.[7] UNEP has estimated that, in the absence of action, by 2050 there will be more plastic in the sea than fish.[8] The plastic comes from a wide variety of land- and sea-based sources. These include primary production, or use in agriculture, fisheries and aquaculture, construction, transportation, shipping and offshore industries, tourism, textiles and clothing, sport, food and drink single-use packaging, or in cosmetics and personal care products. Plastics pollution can arise at all stages during the life-cycle, from leakages during production and manufacturing, abrasion while products are in use to dumping or poor practices in handling wastes. Plastics can reach the sea by many routes – some (e.g., microbeads in cosmetics) may enter watercourses via urban waste water; other plastics can come from inland or coastal waste disposal operations, being carried by the wind or via water courses; other plastics can come from ships or fishing vessels (e.g., lost fishing nets).

4. Based on the intrinsic properties of plastics, it seems likely that they can survive in the marine environment for up to 500 years. Larger pieces of plastic accumulate on beaches or sink to the ocean floor. A less significant share of 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 microplastic particles. These are now very widely distributed through the oceans. Plastics may contain hazardous substances (such as some plasticizers or flame retardants) which may be slowly released into the sea,

[1] Decision BC-13/17.

[2] The Government of Norway provided a voluntary contribution to the Basel Convention to support the activities on marine plastic litter and microplastics included in the work programme of the Open-ended Working Group for the biennium 2018–2019.

[3] This document is concerned with plastic marine debris, and UNEP has estimated that between 60% and 90% of marine litter comprises plastic polymers (http://cleanseas.org/download-assets). The Convention on Biological Diversity, for example, has used the definition: “Marine debris is usually defined as any persistent, manufactured or processed solid material discarded, disposed of, lost or abandoned in the marine and coastal environment. This includes materials transported into the marine environment from land by rivers, drainage or sewage systems or winds. Marine debris originates from a range of sea- and land-based sources”. See decision XIII/10 on addressing impacts of marine debris and anthropogenic underwater noise on marine and coastal biodiversity (CBD/COP/DEC/XIII/10).

[4] http://cleanseas.org/download-assets.

[5] The Economist, 2 March 2018.

[6] The Economist, 2 March 2018.

[7] http://cleanseas.org/download-assets.

[8] http://cleanseas.org/download-assets.

and the plastic particles can also become contaminated with hazardous substances or pathogens and carry them to the sea.

5. Larger pieces of plastic can cause harm directly to marine animals – for example, by entanglement in debris. Many species of birds ingest smaller pieces of plastic. Plastics have been documented in many habitats and in over 100 species and can impact an organism at many levels. Microplastics have been documented in finfish, shellfish and crustaceans, which are consumed by humans - the health impacts are unknown.

6. It has been estimated that marine litter costs USD 8 billion to USD 13 billion a year, mainly through its adverse effect on fisheries, tourism and biodiversity.[9]

7. The Joint Group of Experts on Scientific Aspects of Marine Environmental Protection (GESAMP) has prepared at the request of the United Nations Environment Assembly (UNEA) two extensive scientific reports setting out the current evidence about the sources of marine plastic litter and microplastics, the routes by which they might reach the sea and the impact on the marine environment.[10]

8. There is considerable international trade both in plastics and plastic waste. The greatest burden of plastic waste entering the sea is likely to arise where waste collection systems are ineffective or even non-existent. Developing countries in particular may face challenges in managing the rapidly growing volume of plastic waste. Developed countries may face challenges if they have not developed sufficient capacity to dispose of plastic waste and rely on the continued availability of recycling capacity in other States.

III. International response

9. The United Nations General Assembly has expressed concern about the negative effects of marine debris and microplastics and has urged States to take urgent action,[11] and UNEA has adopted resolutions on marine plastic litter and microplastics at each of its first three meetings.[12] UNEA, at its second meeting (UNEA-2), recognised that they are a rapidly increasing serious issue of global concern that needs an urgent global response. Many other international organizations and partnerships have expressed similar concerns and have called for action.

10. A variety of international and regional instruments and approaches exist to protect biodiversity, manage hazardous chemicals and waste and prevent pollution of the marine environment from ocean-based sources and, to a lesser degree, land-based sources of pollution. Each of these can potentially help address the problem of marine pollution by plastics. Some are legally binding, others are voluntary initiatives or partnerships. Many of these instruments have objectives, measures or work programmes which address specific aspects of the challenge posed by marine plastics and microplastics, but none has this issue as its primary objective and none alone, as they currently stand, can provide the full solution.

11. These instruments and approaches include the United Nations Convention on the Law of the Sea, the International Convention for the Prevention of Pollution from Ships (MARPOL), the various Regional Seas Conventions, the UNEP Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and the Global Partnership on Marine Litter, as well as the Basel Convention, the Stockholm Convention and the Strategic Approach to International Chemicals Management (SAICM). Bodies such as GESAMP provide scientific support.

12. The Global Partnership on Marine Litter has as one of its objectives "to enhance international cooperation and coordination through the promotion and implementation of the Honolulu Strategy, a global framework for the prevention and management of marine debris, as well as the Honolulu Commitment – a multi-stakeholder pledge".[13] The Honolulu Strategy includes as a goal "reduced amount and impact of land-based sources of marine debris introduced into the sea", with a specific

[9] http://cleanseas.org/download-assets; UNEP Year Book Emerging Issues Update: Plastic Debris in the Ocean, 2014.

[10] The latest is *Sources, Fate and Effects of Microplastics in the Marine Environment: Part Two of a Global Assessment*, GESAMP Reports and Studies No 93 (2016), International Maritime Organization.

[11] Resolution 70/235 on oceans and the law of the sea adopted by the General Assembly on 23 December 2015 (A/RES/70/235).

[12] UNEA Resolutions 1/6, 2/11 and 3/7 on marine plastic litter and microplastics (UNEA/EA.1/Res.6, UNEA/EA.2/Res.11, and UNEA/EA.3/Res.7).

[13] https://www.unenvironment.org/explore-topics/oceans-seas/what-we-do/addressing-land-based-pollution/global-partnership-marine.

aim to "develop, strengthen, and enact legislation and policies to support solid waste prevention, minimization and management".[14]

13. The 2030 Agenda for Sustainable Development contains several Sustainable Development Goals which are relevant: target 11.6 on municipal and other waste (among other issues); 12.4 on the environmentally sound management of chemicals and wastes; 12.5 on substantially reducing waste generation through prevention, reduction, recycling, and reuse; and 14.1 on reducing marine pollution including marine debris.[15]

14. Following resolution 2/11 of UNEA-2, UNEP commissioned an assessment of the effectiveness of relevant instruments which included a mapping study of the current state of the governance strategies and approaches at the international, regional and sub-regional levels and identified gaps. It examined policy options based on strengthening and better coordinating existing frameworks, and on the possibility of a new global architecture with a multi-layered governance approach.[16]

15. UNEA considered the issues at its third meeting in December 2017 and, among other things, established an intersessional ad hoc open-ended expert group.[17] This group will explore the barriers to combating marine litter and microplastics and the challenges related to resources in developing countries. It will identify the range of national, regional and international response options (including voluntary and legally binding options), identify their costs and benefits, examine their feasibility and make recommendations to UNEA on options for continued work.

16. The group will meet in May 2018 and, if necessary, for a second time in November 2018 before reporting to UNEA at its fourth meeting (UNEA-14) in March 2019. The recommendations from this group and the decisions which UNEA, at its fourth meeting, will make, will clearly be an important consideration when the Basel Convention COP-14 considers what action it should take. Equally, it is important that conclusions reached by OEWG at its eleventh meeting (OEWG-11), are communicated to the expert group so that these may be factored into its own considerations.

17. At a regional level, UNEP has undertaken the development and revision of marine litter action plans in Southeast Asia, South Asia, South Pacific, Northeast Pacific, Panama and Sierra Leone. Implementation of existing action plans is also being supported in the greater Caribbean and the Northwest Pacific regions, where regional nodes of the Global Partnership on Marine Litter have been established. The Regional Plan on Marine Litter Management in the Mediterranean has been adopted within the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean as a legally binding agreement.[18]

IV. Relevance of the Basel Convention

18. The Basel Convention addresses the environmentally sound management of wastes and therefore covers many of the issues which are at the heart of reducing marine pollution from plastics – much of the plastic litter found in the sea will have been 'waste' as defined by the Convention, though not all will necessarily fall within the definition.

19. Pollution by marine plastic litter and microplastics needs to be tackled at source – it is not sustainable to clean up plastic pollution once it has entered the sea. UNEA has underlined that preventive action through waste minimization and environmentally sound waste management should be given the highest priority.[19] The waste management hierarchy – prevent, minimize, reuse, recycle, recover and dispose only as the final option – applies to plastics as to any other substance or object, is central to the Basel Convention and is reflected in the strategic framework and other guidance prepared under the Convention. In addition, if plastics can be produced without potentially hazardous constituents, the risk associated with plastic wastes can be reduced.

20. As GESAMP concluded, the overarching need is for plastic and its value to be kept within the economy and out of the seas, via a range of circular economy measures. This will help avoid the costs of their impacts on health, environment, society and the economy. Increasing the extent and

[14] http://wedocs.unep.org/bitstream/handle/20.500.11822/12000/Honolulu%20strategy.pdf?sequence=1&isAllowed=y.

[15] Other relevant targets relate to urban waste water treatment (6.3), to protection of coastal ecosystems (14.2), and to the conservation of the oceans (14.c)

[16] UNEP/EA.3/INF/5.

[17] UNEP/EA.3/Res.7.

[18] https://www.cbd.int/doc/meetings/mar/mcbem-2014-03/other/mcbem-2014-03-120-en.pdf.

[19] UNEP/EA.3/Res.7.

improving the quality of waste management is one of the most important immediate steps toward reducing inputs of debris to the ocean, particularly in developing countries.[20]

21. UNEA has encouraged all member States to "develop and implement action plans for preventing marine litter and microplastics, encouraging resource efficiency, including prevention and increasing collection and recycling rates of plastic waste and re-design and re-use of products, materials and avoiding the unnecessary use of plastic and plastic containing chemicals of particular concern where appropriate".[21]

22. The Basel Convention is a legally binding instrument, has almost universal membership and is comprehensive in its approach for those waste streams which fall within its scope. It already has in place governance structures, a Secretariat, a network of regional centres, a budget and well-established processes and work programmes. It is therefore well-placed to play a central role.

23. However, while its strengths centre around its control system for the transboundary movement of hazardous and other wastes, its provisions pertaining to minimizing waste generation and to ensuring their environmentally sound management are less stringent. For example, the Convention provides no indicators, targets, timelines or, since 2016, mandatory reporting, for reductions in waste generation, which makes progress towards waste minimization difficult to measure at the national, regional or global level. Similarly, while much of the technical guidance produced under the Convention is relevant to managing plastic wastes, guidance could be strengthened: it could deal more specifically with plastics and its implementation could be monitored.

V. Scope of the Basel Convention

24. The Convention deals with two categories of waste. "Hazardous wastes" are those that: belong to any of the categories listed in Annex I, as further elaborated in Annexes VIII and IX, unless the use of the hazardous characteristics in Annex III demonstrate that a waste is not hazardous, or are considered to be hazardous wastes according to a Party's domestic legislation. "Other wastes" are those listed in Annex II that are subject to transboundary movement. Currently household waste and the residues from incineration of household wastes are listed – household wastes are likely to be a significant source of marine plastics litter.[22]

25. Some plastic wastes may be "hazardous" – if they contain a constituent listed in Annex I or Annex VIII which may result in the plastic being toxic or ecotoxic according to Annex III. Waste substances and articles containing or contaminated with polybrominated biphenyls (once commonly used as flame retardants) for example are included in category Y10 of Annex I. But in general, the broad range of plastic wastes are unlikely to be considered "hazardous" according to the current definition in the Convention.

26. Annexes I and III are currently being reviewed - the terms of reference are set out in Annex II of decision BC-13/2. This is part of the process primarily aimed at improving the legal clarity of the Convention, but there is scope to consider extending the scope of the definition of what is hazardous.

27. The "Ban Amendment[23]" will prohibit all transboundary movements of hazardous wastes covered by the Convention that are intended for final disposal from Parties included in a new Annex VII (i.e. Parties and other States which are members of the OECD, the European Union, and Liechtenstein) to States not included in that Annex. It will also prohibit all transboundary movements to States not included in that Annex of hazardous wastes covered by paragraph 1 (a) of Article 1 of the Convention that are destined for reuse, recycling or recovery operations. When this amendment enters into force, some international flows of plastic wastes will cease, particularly when the waste streams are hazardous. The "Ban Amendment" does not apply to "other wastes".

28. The Convention does not necessarily cover all plastic debris which may enter the sea. For example, plastics from industrial or commercial packaging, unless hazardous or until they become "household waste", are not currently within the scope of the Convention. Nor, for example, are plastic particles which arise from the abrasion of tyres or garments while in use.

[20] *Sources, Fate and Effects of Microplastics in the Marine Environment: Part Two of a Global Assessment,* GESAMP Reports and Studies No. 93 (2016), International Maritime Organization.

[21] UNEP/EA.3/Res.7.

[22] While there are data about the primary uses of plastics by sector, there appear to be very limited data about what amounts of plastic flow into different waste stream – for example, how much plastic used in commercial packaging eventually finds its way into household waste.

[23] http://www.basel.int/Implementation/LegalMatters/BanAmendment/Overview/tabid/1484/Default.aspx.

VI. Basel Convention obligations, policies and guidelines

29. In addition to its central provisions on the control of transboundary movements of wastes, the Convention sets out other obligations which are potentially relevant to marine plastic litter and microplastics.

30. In particular, paragraph 2 (a) of Article 4 provides that each Party shall take the appropriate measures to ensure that the generation of hazardous wastes and other wastes is reduced to a minimum, taking into account social, technological and economic aspects. Paragraph 2 (b) of Article 4 provides that each Party shall take the appropriate measures to ensure the availability of adequate disposal facilities for the environmentally sound management of hazardous wastes and other wastes. These shall be located, to the extent possible, within it, whatever the place of their disposal. Accordingly, Parties must prevent and minimize the generation of hazardous and other wastes and manage them in an environmentally sound manner.

31. These obligations have been further elaborated in various decisions and guidelines adopted by the COP. The following declarations, frameworks, guidelines, and guidance relevant to plastics have been adopted over the last two decades:

(a) On prevention:

The Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes was adopted by the COP at its tenth meeting in 2012.[24] Parties committed themselves to promote and implement more efficient strategies to prevent and minimize the generation of hazardous and other wastes, particularly through measures to prevent and minimize wastes generated at source. The COP, at its twelfth meeting (COP-12) adopted a road map for the implementation of the declaration,[25] and the work programme of the expert working group on environmentally sound management adopted at COP-13 includes further work to gather good practices and examples of waste prevention and minimization.[26]

COP-13 also adopted *Guidance to assist Parties in developing efficient strategies for achieving the prevention and minimization of the generation of hazardous and other wastes and their disposal*, in which plastic waste was highlighted as a key waste stream;[27] and the COP also welcomed *draft practical manuals on extended producer responsibility and financing systems for environmentally sound management*.[28]

(b) On environmentally sound management:

The framework for the environmentally sound management (ESM) of hazardous wastes and other wastes was adopted by COP-11 in 2013.[29] This framework was developed to identify what countries should do at the national level and collectively to address the challenges of implementing ESM. It is intended as a practical guide to establish a common understanding of what ESM encompasses, to identify strategies and tools to support and promote its implementation. COP-13 adopted a set of *Practical Manuals for the Promotion of the Environmentally Sound Management of Wastes* and extended the mandate of the working group to develop further the guidance and advice.[30] The ESM toolkit provides practical and user-friendly tools to support Parties to achieve ESM.[31]

[24] http://www.basel.int/Portals/4/Basel%20Convention/docs/meetings/cop/cop10/CartagenaDeclaration.pdf.

[25] Decision BC-12/2.

[26] Decisions BC-13/2 and BC-13/3.

[27] Decision BC-13/3 and UNEP/CHW.13/INF/11/Rev.1.

[28] Decision BC-13/2 and UNEP/CHW.13/INF/8.

[29] Decision BC-11/1 and UNEP/CHW.11/3/Add.1/Rev.1.

[30] Decision BC-13/2 and UNEP/CHW.13/4/Add.1.

[31] http://www.basel.int/Implementation/CountryLedInitiative/EnvironmentallySoundManagement/ESMToolkit/Overview/tabid/5839/Default.aspx.

(c) Guidance and guidelines on specific types of waste:

The COP has also adopted specific guidelines for particular categories of waste, or for particular circumstances; for example:

(i) *Technical guidelines for the identification and environmentally sound management of plastic wastes and for their disposal* adopted by the COP-6 in 2002.[32] This document focuses mainly on the technical aspects of the management of plastics once they become waste, with particular emphasis on their recycling. The environmental and health impacts of plastic waste are not addressed, nor is the reduction of hazard potential of plastic products and waste. While the document advises that waste prevention or reduction involves both upstream alterations in product design and in consumer habits, the guidelines offer no suggestions on this.

(ii) *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* was adopted by COP-13.[33] This was produced in cooperation with the International Maritime Organization.

(iii) *Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants*, which includes, for example, guidelines on wastes containing polybrominated diphenyl ethers.[34]

Other technical guidance covers issues such as e-waste, which may be relevant to reducing pollution by plastics. There are also a number of other relevant activities: the Mobile Phone Partnership Initiative (MPPI) and the Partnership for Action on Computing Equipment (PACE) developed guidance related to mobile phones and computing equipment and their accessories.

32. This comprehensive range of guidance provides a clear framework, which, if applied appropriately at the national level, has the scope to address many aspects of the challenge of marine pollution by plastics.

VII. Partnership approaches

33. The COP has previously established a number of partnerships as an effective way of bringing together interested Parties and other stakeholders to cooperate to tackle important issues within the scope of the Convention.

34. COP-13 formally established a household waste partnership in 2017.[35] The partnership's workplan for 2018-2019 includes developing a guidance document on the environmentally sound management of household waste. This will draw on the recommendations of three project groups, which will work on: best practices; mechanical biological treatment, energy recovery, management of sanitary landfills and compartmentalization to deal with various waste streams; and an assessment of current waste management systems and decision-making. The Partnership will collect case studies, work on awareness-raising and training, seek to enhance people's participation in household waste management activities and decision-making and coordinate outreach activities and cooperation with other organizations working on household waste management.[36]

35. This partnership has the potential to address a number of issues concerning pollution marine plastic and microplastics from household wastes. Alternatively, it would be possible to establish new partnership arrangements to address plastics in waste more broadly.

[32] Decision VI/21 and document UNEP/CHW.6/21.

[33] Decision BC-13/15, UNEP/CHW.13/18 and UNEP/CHW.13/INF/37/Rev.1.

[34] http://www.basel.int/tabid/5875/Default.aspx.

[35] UNEP/CHW.13/14.

[36] UNEP/CHW.13/15.

VIII. Building international, regional and national capacity and supporting national action

36. A key part of the work of the Convention is building capacity, supporting national action, and sharing information.

A. The technical assistance plan of the Basel, Rotterdam and Stockholm conventions

37. At their 2017 meetings, the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions each adopted decisions on technical assistance,[37] by which they welcomed the technical assistance plan[38] for the implementation of the conventions for the period 2018–2021 and requested the Secretariat, subject to the availability of resources, to implement it in cooperation with relevant actors striving to attract the programming capacity and financial resources of relevant international organizations. The plan addresses the needs of Parties to the conventions and provides them with strengthened support, particularly developing Parties and Parties with economies in transition, in their implementation of the conventions and can therefore help address the issues of marine plastics and microplastics.

B. Regional and coordinating centres

38. The 23 Stockholm Convention regional centres and Basel Convention regional and coordinating centres (six of which serve both conventions) work with Parties in their respective regions to promote training and technology transfer to enhance the implementation of the conventions.[39]

39. In November 2016, regional centres established a small topic group on marine litter, led by the Stockholm Convention Regional Centre in Barcelona. The topic group developed proposals for the Basel and Stockholm conventions to address issues related to marine plastic litter and microplastics, many of which are reflected in this note. They identified a number of possible future activities under both the Basel and Stockholm conventions or other institutions to address the issue, including: development of policy guidance, dissemination of information and training activities to improve awareness and knowledge on the risks and on measures to prevent and reduce plastic litter; technical assistance and capacity-building to support Parties and others to implement waste management and efficient waste collection measures to promote innovation and technology transfer and to avoid non-biodegradable plastics and sound chemical substitution of toxic components in plastic packaging and other plastics.[40]

40. At the 2017 meetings, the conferences of the Parties to the Basel and Stockholm convention invited their regional centres interested to work on the impact of plastic waste, marine plastic litter, microplastics and measures for prevention and environmentally sound management and to report on their activities to the next meetings of the conferences of the Parties in 2019.[41] Several regional centres had already initiated or taken part in a range of projects and activities. These include, for example, work on education and awareness raising, national and regional capacity building and policy development, work to support national regulation (e.g., on eliminating single-use plastic bags), technical assistance in cooperation with industry to prevent waste generation, and monitoring, and working with regional organizations and national administrations, industry and civil society. A list of current projects and activities is set out in document UNEP/CHW/OEWG.11/INF/22/Add.1. This work will also be reflected in the report to the respective COPs on the work of the regional centres.

41. The regional centres are already making a significant contribution regionally and in supporting individual Parties across a wide range of issues related to marine plastic litter and microplastics. It will be important to learn from their experience and to encourage them to develop their work in this area.

[37] Decisions BC-13/11, RC-8/9 and SC-8/15.

[38] UNEP/CHW.13/INF/43; UNEP/FAO/RC/COP.8/INF/29; and UNEP/POPS/COP.8/INF/46.

[39] Stockholm Convention regional centres can work beyond their region.

[40] UNEP/CHW.13/INF/29/Rev.1, annex VI.

[41] Decisions BC-13/11 and SC-8/15.

C. Clearing house mechanism

42. The clearing house mechanism exists to promote, facilitate and undertake the identification, generation, collection, management, distribution and exchange of quality information and expertise to support Parties and other stakeholders in the implementation of the Basel, Rotterdam and Stockholm conventions.[42] Parties and others have indicated that priority should be given to access scientific, technical and socio-economic information, particularly on use, production, trade, exposure, alternatives and stockpiles of chemicals and wastes covered by the conventions; as well as information on technical and financial assistance. Providing access to information on policy, regulations, environmental or health effects and best practices is especially a priority for developing countries and countries with economies in transition.[43]

43. There is therefore the possibility of using this mechanism to assemble and disseminate information about regional and national initiatives to combat marine plastic litter and microplastics. Currently there are many regional and national initiatives being launched to minimize the generation of plastic wastes, including new regulations, fiscal incentives, measures to enhance producer responsibility, and voluntary action by producers, retailers, and consumers: dissemination of information about these initiatives could assist other Parties to develop their own responses.

D. The Special Programme and the Global Environment Facility

44. Unlike the Stockholm Convention and the Minamata Convention, the Basel Convention does not have a financial mechanism. However, the Special Programme can provide support to developing countries and countries with economies in transition to enhance their institutional capacity to develop, adopt, monitor and enforce policy, legislation and regulation and to gain access to financial and other resources for effective frameworks for the implementation of the legally binding chemicals and waste conventions and SAICM, including the Basel Convention. Countries may, in accordance with the terms of reference of the Special Programme, submit project proposals that include issues related to marine plastic litter and microplastics.

45. The Global Environment Facility (GEF) does support some projects which promote compliance with the four chemical and wastes conventions (i.e., including the Basel Convention) and the achievement of the targets of the SAICM. GEF also supports work toward the circular economy, which can potentially contribute to reducing the amount of plastic waste. The programming directions for the seventh replenishment of the GEF (GEF-7)[44] indicated that GEF-7 would explore the important synergies between the International Waters and the Chemicals and Waste Focal Areas to address specifically the challenge of marine litter and microplastics. In addition, in addressing chemicals and waste priorities, it would support, among others, the objectives of the Impact Programs and of other focal area strategies, including efforts to deal with marine litter and microplastics.

IX. Public awareness and education

46. Much of the action necessary to address the challenge of marine plastic litter and microplastics will require action or changes in behaviour by manufacturers, retailers and consumers. The Convention and other international organisations can play an important part by raising awareness, sharing good practices and information and making material available on-line to support local actors.

47. Much has already been done already. For example, UNEP has created a Massive Online Open Course (MOOC) on marine litter which offers capacity building and actionable learning on marine litter, as well as to make opportunities available to a wider audience. The goal is to reach a large number of people over the next five years, regardless of their academic or professional background, or their location.[45] The UNEP Clean Seas Campaign is raising the profile of marine plastic debris and microplastics, and making a great deal of material available, including for example for social media sites.[46]

48. The Basel Convention similarly promotes its activities through its website, and through involvement in other initiatives such as the Global Partnership on Marine Litter, and has run MOOC (on e-waste). It will be important to continue to invest in work on public awareness and education as

[42] Decision BC-13/19 and UNEP/CHW.13/INF/47.

[43] UNEP/CHW.13/INF/48.

[44] GEF/R.7/19, para 229-230.

[45] https://www.ou.nl/documents/40554/72652/MOOC_Marine_Litter_2017_leaflet.pdf/5d520cb2-b334-488e-826b-e19284916935.

[46] http://cleanseas.org/about.

the Convention develops its work on marine plastic litter and microplastics, to support national authorities in their efforts and in efforts to change behaviour.

X. Reporting

49. Parties are required by Article 13 of the Convention to submit a report each year on a number of specified issues relating to their implementation of the obligations set out in the Convention. This requirement focuses on a number of procedural issues, and does include, for example, information about efforts to achieve a reduction of the amount wastes subject to transboundary movement, the measures adopted to implement the Convention, and available qualified statistics on the effects on human health and the environment of the generation, transportation and disposal of wastes. None of these requirements currently relates specifically to the issue of generating or managing plastic wastes. Information is made publicly available on the Convention website and a compilation of the information is published periodically by the Secretariat in the "Wastes without Frontiers" series.[47]

XI. Engagement of the BRS conventions with other initiatives

50. The Secretariat is already working closely with other organizations – for example, with the International Maritime Organization on the safe and environmentally sound recycling of ships and on the management of waste generated onboard ships. The Secretariat also participates in the Global Partnership on Marine Litter and actively supports the #Cleanseas campaign.

XII. Options under the Basel Convention to further address marine plastic litter and microplastics

51. The mandate given by COP-13 requires the OEWG to prepare a proposal for further action for consideration by COP-14. There follows below a series of options, based on the various areas of activity within the scope of the Convention described above. The OEWG may wish to consider which of these, elaborated in discussion and together with any other options which may emerge, should form the basis of its recommendations to the COP.

52. The abovementioned mandate recognised the need to avoid duplication with activities relating to the matter in other forums. The OEWG may therefore wish to take into account any emerging options from the expert group established by UNEA at its third meeting (UNEA-3) to address marine plastic litter and microplastics, and the COP itself may wish to take into account any resolution adopted by UNEA-4.

53. The options which the OEWG may wish to consider as possible elements for its proposal to COP-14 are listed below and summarized in the annex to document UNEP/CHW/OEWG.11/7.

1. General:

Reconfirm that marine plastic litter and microplastics are an issue of serious global concern, and emphasise that the Basel Convention can and will play a central and significant role in addressing this problem;

2. Preventing and minimising the generation of plastic wastes:

(a) Emphasise the need to adopt a lifecycle approach and the relevance of the Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes and the waste management hierarchy in addressing this issue;

(b) Invite governments, industry and consumers to make efforts to prevent and minimize the generation of plastic waste, in particular that which arises from the use of single use plastics;

(c) Welcome the many initiatives which countries, industry, regional centres and civil society have taken in response to the challenge of marine plastic litter and microplastics, including regulatory action, financial and other incentives, extended producer responsibility, public awareness and voluntary action, and encourage further efforts;

[47] http://www.basel.int/Portals/4/Basel%20Convention/docs/pub/ww-frontiers26Jan2010.pdf.

3. Removing hazardous constituents from plastic wastes:

(a) Note that plastics may contain potentially hazardous substances, including additives such as plasticizers and flame retardants which can be endocrine disrupting substances or persistent organic pollutants (POPs), or may be contaminated by hazardous substances which can enter waste streams and hence may pose a risk to marine ecosystems and to human health through marine plastic litter and microplastics,

(b) Welcome the work of the Stockholm Convention to eliminate or control the production or use of POPs, note in particular paragraphs 4–7 of decision SC-8/4 on the evaluation and review of brominated diphenyl ethers pursuant to paragraph 2 of parts IV and V of Annex A to the Stockholm Convention and invite Parties to the Stockholm Convention to address in particular substances which may pose a risk through their presence as additives or contaminants in marine plastic litter and microplastics, with a view to eliminating or minimizing their use;

(c) Welcome the work of the Strategic Approach to International Chemicals Management, in particular in relation to nanomaterials and to chemicals in products, and to encourage particular attention to substances which might pose a risk through their presence in marine plastic litter and microplastics;

4. Scope of the Basel Convention – definition of wastes covered:

(a) Consider whether any additional constituents or characteristics should be added to Annex I or Annex III respectively to the Convention – for example, plasticizers which have endocrine disrupting properties – so that plastics containing these constituents would fall under definition of "hazardous wastes" and the scope of the Convention;

Decide whether the current group of experts reviewing Annexes I and III should undertake this work, or a new technical group should be established specifically for this purpose.

The current group's overarching objective is to improve the legal clarity of the Annexes, but its mandate does allow it to review the Annexes with a view to "improve environmental controls by including any additional categories of wastes in Annex I and any additional hazardous characteristics in Annex III that occur in practice".[48]

Alternatively, a new group might bring together the technical and other expertise necessary to address the full range of issues that would arise from extending the scope of the Convention;

(b) Consider whether any new categories of waste should be listed in Annex II (for example, industrial, construction, commercial and agricultural packaging waste), to bring them within the scope of the Convention, taking account of the full range of implications. There may also be a case for considering microplastic beads;

Decide whether to establish a group of experts to consider this issue and to what extent a way forward would be linked to the OEWG-11 consideration, under its 2018-2019 work programme, of whether to initiate a review of Annexes II, VIII and IX;

Any proposal to amend Annexes I, II or III would need to follow the process set out in Article 18 of the Convention;

5. Technical and policy guidance:

(a) Consider whether the framework and practical guidance which has been produced on prevention and minimization of hazardous and other waste and on ESM deals sufficiently with the challenge of marine plastic litter and microplastics, and consider the case for extending the guidance as necessary, and consider how this work should be undertaken (e.g. through extending the mandate of the Basel Convention Expert Working Group on ESM). Appendix I to the present annex provides further information about the scope of the current expert working group on ESM.

(b) Consider whether the technical guidelines adopted in 2002 on sound management of plastic wastes and their disposal reflects current technical and other considerations, and whether the scope of the guidelines is sufficiently broad to include the full range of lifecycle issues including prevention and minimization;

(c) Consider whether there are gaps in the other technical guidelines which the COP has adopted, and whether any new areas of guidance should be commissioned;

[48] Decision BC-13/2, annex II.

(d) Decide whether to establish a new expert group to undertake the reviews of the 2002 technical guidelines on plastics wastes, and consider also whether this group might review generally the case for updating any current technical guidelines and for developing any new technical guidelines to ensure that the issues relating to plastic wastes are fully covered;

(e) Consider establishing a mechanism to monitor the implementation of the technical guidelines on plastic wastes;

6. Partnership approaches:

(a) Consider requesting the working group of the partnership on household waste to consider plastic waste specifically within its work programme. This could be done relatively swiftly, would build on an established structure, and reduces the risk of overlap, but would be limited to addressing plastics and microplastics only in household waste and would add to the already heavy workload of this partnership;

(b) Consider whether there would be value in establishing a specific new partnership to address plastic wastes and microplastics. The partnership may focus on approaches to prevent the generation and minimize the amount of, and hazards associated with, plastic entering waste streams, and on building capacity for the environmentally sound management of wastes containing plastics particularly in developing countries. It could potentially cover a broader range of waste streams than only household waste, and it would provide a clear focus for work on plastics. It would be necessary to agree the principle, the concept and terms of reference, and to ensure no duplication with the work of the household waste partnership;

Appendix II to the present annex provides further considerations about these two options, which are alternatives.

7. Capacity building, regional centres and the clearing house mechanism:

(a) Note that the technical assistance plan for the implementation of the Basel, Rotterdam and Stockholm Conventions provides opportunities for capacity building by Parties, and welcome the extensive work which the Basel and Stockholm Regional and Coordinating Centres have already done working with other regional organizations, industry, academia and with individual Parties to prevent and minimize the generation of plastic waste and to ensure the ESM of plastic wastes which may result in marine plastic litter and microplastics;

(b) Reiterate the invitation of the Basel and Stockholm conventions to the Basel and Stockholm convention regional centres to increase their activities on marine plastic litter and microplastics, according to the specific needs of Parties and according to the resources available, and to seek to increase cooperation with regional marine environmental conventions, agreements, and initiatives; and reiterate the request to report specifically on this work in their next report to the COP;

(c) Request that the clearing house mechanism gather information about regional and national initiatives (including regulatory, financial and voluntary approaches) particularly on measures to minimize the generation of plastic waste, in order to make this readily available to Parties and others;

8. Financial support:

Welcome the voluntary contribution by governments, and the support which the Global Environment Facility and the Special Programme have provided to building national capacity and to projects which support the environmentally sound management of wastes, and encourage them, according to their mandates and the priorities which have been established, to continue to support in particular projects which will help address the problem of marine plastic litter and microplastics, and encourage governments and others in a position to do so to provide further voluntary contributions to support work on these issues;

9. Cooperation with other international organizations and initiatives:

Welcome the engagement of the Secretariat in the Global Partnership on Marine Litter, and the close cooperation with the Stockholm Convention, the Strategic Approach to International Chemicals Management, the International Maritime Organization and other international organizations, and encourage the Secretariat to continue to work closely with such organizations in order to achieve the most effective and comprehensive response to the challenge and to avoid duplication;

10. Public awareness and education:

Consider how the Convention can most effectively make information available to support national governments, other stakeholders and interested individuals about waste prevention minimization and the environmentally sound management of plastic wastes with a view to addressing marine plastic

litter and microplastics, building one existing work and taking into account the work of UNEP and other agencies in order to achieve maximum impact and to avoid duplication;

11. Reporting, data collection and indicators:

(a) Consider whether, within the scope of the Convention, better data could be gathered about the generation, disposal, and transboundary movement of plastic wastes (whether hazardous or from households), including information about the amount of plastic contained within household wastes streams and in other waste streams, and what proportion of plastic waste might be hazardous within the terms of the Convention, as well as information about national policies and progress towards the environmentally sound management of plastic wastes;

(b) Consider developing voluntary indicators, targets, timelines and reporting mechanisms on reductions in plastic waste generation, so as to enable the monitoring of progress towards plastic waste minimization at the national and global levels;

(c) Consider whether practical guidance on the development of inventories for plastic waste streams for enhancing national reporting could be developed;

12. Actions within the Secretariat:

Request the Executive Secretary to seek to reduce the use of plastics, particularly plastics for single use, within the Secretariat and during meetings organized under the Convention where alternatives exist;

13. Coordination with the UNEA intersessional process on marine litter and microplastics:

(a) Ensure that the view and conclusions reached by the OEWG are communicated to the ad hoc open-ended expert group established by UNEA-3 and to UNEA-4;

(b) Invite the expert group established by UNEA-3 to factor the OEWG-11 conclusions into its work.

Appendix I

Basel Convention Expert Working Group on Environmentally Sound Management

1. The Basel Convention Expert Working Group on Environmentally Sound Management has focused on developing policy guidance and tools to enhance the ESM of hazardous and other wastes under the Convention. This group could be tasked specifically to consider plastic wastes as part of its work programme to take forward option 5 (a) on technical and policy guidance listed above.

2. The current terms of reference for the group include: collecting information on national and other ESM standards and practices; identifying ESM elements and developing practical guidance in the context of relevant national systems and structures, including on certain waste streams; developing practical guidance on how to establish and implement ESM; assessing existing training and information material on policies, legislation and best practices on ESM; and assessing possible incentives to encourage the private sector to invest in ESM.[49]

3. Priority areas include:

(a) How to ensure consistent interpretation of ESM;

(b) Encouraging Parties to develop and implement comprehensive strategies and legislation;

(c) Encouraging the private sector to implement and invest in ESM;

(d) Ensuring that hazardous waste and other waste that is subject to transboundary movement is managed in an environmentally sound manner.

4. The current work programme was set out by COP-13. The objective is to support and implement the objectives of the framework for the environmentally sound management of hazardous wastes and other wastes.[50] The work programme is aimed at the development of an "ESM toolkit" that includes practical tools to be promoted and implemented by stakeholders and includes a number of items which are potentially very relevant to the challenge of plastic wastes, in particular to:

(a) Finalize practical manuals on extended producer responsibility and financing systems, as appropriate;

(b) Continue work on gathering good practices and examples with regard to waste prevention and minimization; and

(c) Develop a guidance document to assist Parties in developing efficient strategies for the recycling and recovery of hazardous and other wastes, as part of activities to implement the Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes.

5. This group therefore has an extensive current work programme.

6. The group initially consisted of 25 members nominated by Parties based on equitable geographical representation of the five regional groups of the United Nations. At its twelfth meeting, the Conference of the Parties requested, by its decision BC-12/1, each regional group to nominate one additional expert with specific knowledge and expertise in the field of waste prevention and minimization, bringing the total membership of the group to 30 members. The group is open to observers and may call on additional experts as needed.

7. The OEWG may wish to consider whether this group should ensure that its work takes into account the issue of marine plastic litter and microplastics. It would be possible, for example, for COP-14 to add to its work programme specific elements related to plastic waste, and if necessary to recommend that extra members might be added to increase capacity to undertake work and to bring in specific expertise.

8. An alternative would be to establish a separate group to provide a better focus on plastic waste related issues but at the risk of causing duplication. It would be necessary to coordinate carefully the

[49] http://www.basel.int/Implementation/CountryLedInitiative/EnvironmentallySoundManagement/ExpertWorkingGrouponESM/tabid/3617/Default.aspx.

[50] http://www.basel.int/Implementation/CountryLedInitiative/EnvironmentallySoundManagement/ESMFramework/tabid/3616/Default.aspx.

work programmes between the two groups to avoid duplication, since both would be working on aspects of the ESM guidance.

9. If a specific expert group were established to review the technical guidelines on plastic wastes (option 5 (b) above) or other technical guidelines (option 5 (c) above), it might be efficient to give a remit to that group to also consider whether the existing ESM guidance and Toolkit requires expansion, to avoid a proliferation of expert groups.

Appendix II

Partnership approaches to addressing marine plastics litter and microplastics within the scope of the Basel Convention

1. An option for addressing marine plastic litter and microplastics is to develop a partnership approach. The present appendix describes how the current partnership on household waste might be asked to address plastics as part of its work or alternatively how a new partnership might be set up to focus on plastics, and sets out some advantages and disadvantages of each option. The aim is to provide the OEWG with a starting point for its consideration of which, if either, of these options to include in its proposal to the COP.

Option A: Extending the scope of the household waste partnership

2. The partnership on household waste was formally established by COP-13, which agreed a note elaborating the concept for the partnership and set out its terms of reference and a work programme.[51] The principles underpinning the partnership are:

(a) To promote dialogue amongst governments, regional and local authorities, intergovernmental organizations, private sector, non-governmental organizations and academia on initiatives that could be carried out in different regions;

(b) To foster best practice solutions showing concrete and practical results consistent with the Basel Convention, and make recommendations;

(c) To coordinate and cooperate, as appropriate, with other bodies involved in household waste management activities and to build on the body and knowledge currently existing on best practices, successes and challenges, realized through similar work programmes on local, regional and global level, e.g. cities and urban bodies implementing innovative models like the zero-waste approach, International Solid Waste Association, UNEP Global Partnership on Waste Management and technical activities.

3. The work is based around three project groups, which will:

(a) Prepare guidance document chapters providing modules on best practices related to ESM of household waste covering the policy and the regulatory framework; prevention; source separation, collection and transport; reuse; recycling; energy recovery; and environmentally sound disposal of household waste;

(b) Prepare document chapter(s) providing guidance on the assessment of current waste management systems, decision making and ensuring ESM of household waste,

(c) Cover awareness raising and piloting, covering lessons learnt from pilot projects and examples of successful awareness raising campaigns.

4. These project groups will need to cover many issues relevant to plastic wastes in their work. In particular, engagement with manufacturers of plastic products including packaging materials is specifically mentioned in the work on avoidance and design issues covering guidance for assessment of current waste management systems.

5. The OEWG could consider “mainstreaming” by asking each of the three project groups to consider in particular the issues around minimizing and managing plastic wastes; or by establishing a fourth project group specifically to look at a number of priority issues related to plastic waste. In that case, it would be necessary to avoid duplication of work between the fourth project group and the other three.

6. The partnership would no doubt require some additional resources to expand its work.

Option B: Establishing a new Basel Convention partnership on plastic waste or on marine plastic litter and microplastics

7. An alternative option would be to establish a new partnership specifically to focus on plastic wastes or the issue of marine plastic litter and microplastics. It might also include a focus on waste prevention and minimization of plastic waste, to share experience and identify best practice on

[51] UNEP/CHW.13/INF/33/Rev.1.

measures to reduce the amount of single use plastics and to promote reuse and recycling, to reduce the hazard potential of plastic and microplastic products and waste, and to monitor and report on progress. The work of the partnership would need to be closely coordinated with the work of the expert working group on ESM on prevention and minimisation of hazardous and other wastes.

8. This has some advantages:

(a) It would provide a clear focus for work on plastic wastes, marine litter and microplastics within the Basel Convention framework, which would be visible not only to those familiar with the work of the Convention but also to other stakeholders such as those concerned with the marine environment. This would give reassurance that the Basel Convention is giving high priority to this issue, and would provide a clear port of entry for those who wish to get involved;

(b) It could be easier to secure engagement of the relevant industrial and commercial sectors and other stakeholders concerned with the manufacture and use of plastics in a partnership specifically dealing with plastics, rather than in one dealing with household wastes more generally;

(c) It could potentially cover a wider range of waste streams than the partnership on household wastes, covering all wastes stream falling within the scope of the Convention. The partnership might be asked to consider plastics generally (irrespective of origin of the waste stream), on the basis that they might potentially be hazardous (depending on composition). Or it might be asked to consider specific waste streams such industrial, construction and commercial packaging, or agricultural packaging. (There might also be the option of considering other sources of marine plastic litter and microplastics which have not traditionally been discussed with the Basel Convention framework, such as microbeads in urban waste water, or plastic fishing gear or other equipment lost at sea or from fish farms, to provide a comprehensive approach to the issue.) The COP would need to consider how broad the scope of a partnership should be, taking account of the scope of the Convention, and taking account of action by other partners in the light of UNEA-4 decisions.

(d) There may be potential for a new partnership to cover additional issues: for example, if it were jointly established by the COP of the Stockholm Convention, it could address directly the issue minimizing or managing the presence in POPs in marine plastic litter and microplastics. A joint decision could be agreed at the BRS COPs;

(e) A new partnership could recognize and build on the extending work of the informal topic group on marine plastics litter and microplastics established by Basel and Stockholm convention regional centres. The topic group includes Parties to the Basel and Stockholm conventions, representatives of academia and non-governmental organizations, as well as representatives from Basel and Stockholm convention regional centres.

9. There are however some disadvantages:

(a) There is a significant risk of overlap between a new partnership and the existing partnership on household waste: careful coordination would be needed to ensure that work was not being duplicated between the two partnerships;

(b) The relation between the new partnership and other international initiatives would need to be clarified, to avoid duplication – particularly with the Global Partnership on Marine Litter;

(c) It could take three years to develop and agree the concept and terms of reference for a new partnership (whereas the remit for the household waste partnership could be extended quickly). The process to establish the partnership on household waste involved negotiation and decisions at COP-12, OEWG, at its tenth meeting, and COP-13. It might be possible to make faster progress if the practical arrangements which have been agreed for the household waste partnership could be adopted for a new partnership with only substantive adjustments. In this case, the main issue outstanding would be to agree the specific objectives and work programme. (Practical arrangements might cover membership criteria, officers of the partnership, the role of observers and experts, the Secretariat, decision making, confidentiality, public information, financial information, intellectual property rights, publication names, emblems and logos, liability, and dispute resolution and arbitration.) This could build on the current work of the topic group on marine plastics litter and microplastics initiated by Basel and Stockholm conventions regional centres, to give the new partnership a flying start.

(d) A new partnership would require a new budget, with additional contributions (some from those organizations which have already subscribed to the household waste partnership).