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INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN
INTERNATIONAL LEGALLY BINDING INSTRUMENT
FOR IMPLEMENTING INTERNATIONAL ACTION ON
CERTAIN PERSISTENT ORGANIC POLLUTANTS

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Item 5 of the provisional agenda*

PREPARATION FOR THE CONFERENCE OF PARTIES

Guidelines on persistent organic pollutant wastes and cooperation
with the Basel Convention **

Note by the secretariat

I. INTRODUCTION

1. The Conference of Plenipotentiaries on the Stockholm Convention on Persistent Organic Pollutants adopted Resolution 1 on interim arrangements, in paragraph 9 of which it requested the interim secretariat “to prepare a scoping document on the items referred to in subparagraph 1 (d) of article 6 of the Convention for consideration by the [Intergovernmental Negotiating] Committee.” The subparagraph in question requires Parties to take appropriate measures regarding waste consisting of, containing or contaminated with a chemical listed in annexes A, B or C of the Stockholm Convention so that they are handled, collected, transported or stored in an environmentally sound manner and that their disposal and transport meet certain conditions.

2. In paragraph 3 of its Resolution 5 on issues related to the Basel Convention, the Conference invited “the bodies of the Basel Convention to cooperate closely on the items referred to in paragraph (d) of article 6 of the Stockholm Convention, and in particular to prepare appropriate technical guidelines for the environmentally sound management of persistent organic pollutant wastes.” In paragraph 4 of that resolution, the Committee and the interim secretariat were requested “to cooperate with the secretariat and the bodies of the Basel Convention on issues related to the management of persistent organic pollutant wastes.”

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** Stockholm Convention, Article 6, paragraphs 1 (d) and 2; Conference of Plenipotentiaries on the Stockholm Convention, resolution 1, paragraph 9, and resolution 5.

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3. The issues referred to in paragraph 1 (d) of Article 6 are further addressed in paragraph 2, which stipulates that “The Conference of the Parties shall cooperate closely with the appropriate bodies of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal to, inter alia:

(a) Establish levels of destruction and irreversible transformation necessary to ensure that the characteristics of persistent organic pollutants as specified in paragraph 1 of Annex D are not exhibited;

(b) Determine what they consider to be the methods that constitute environmentally sound disposal referred to above; and

(c) Work to establish, as appropriate, the concentration levels of the chemicals listed in Annexes A, B and C in order to define the low persistent organic pollutant content referred to in paragraph 1 (d) (ii).”

II. SCOPING IN RESPECT OF THE ITEMS REFERRED TO IN SUBPARAGRAPH 1 (D) OF ARTICLE 6

4. At its eighteenth meeting in June 2001, the Basel Convention Technical Working Group developed draft terms of reference and outlines for a consultant to prepare technical guidelines on “the environmentally sound management of persistent organic pollutants as wastes”. The guidelines will cover the full range of issues arising in the environmentally sound management of persistent organic pollutants as waste, including the matters highlighted in Article 6 of the Stockholm Convention. A small working group was established to assist the Basel secretariat intersessionally in finalizing the terms of reference and assessing an initial draft of the guidelines to be prepared by the consultant. An indication of the proposed scope of the guidelines is provided by the terms of reference contained in UNEP/POPS/INC.6/INF/13.

5. It was also agreed by the eighteenth meeting of the Basel Convention Technical Working Group that Canada would undertake, as a contribution to the work, a revision of the existing Basel Convention guidelines on wastes comprising or containing polychlorinated biphenyls, polychlorinated terphenyls and polybrominated biphenyls that were adopted in 1994.

6. It is intended that the preliminary draft guidelines being developed by the consultant and Canada’s related revision will be completed in time for review by the twentieth meeting of the Basel Convention Technical Working Group in May 2002. The draft material would also be made available as information for the sixth meeting of the Stockholm Convention Negotiating Committee in June 2002 in document UNEP/POPS/INC.6/INF/14.

7. When the Basel Convention Technical Working Group has considered and approved the draft guidelines, they would be submitted to the Conference of the Parties to the Basel Convention for possible adoption. The sixth meeting of the Conference of Parties to the Basel Convention will take place in December 2002. The guidelines would then be referred to the Committee or the Conference of the Parties to the Stockholm Convention for consideration.

III. COOPERATION WITH THE BASEL CONVENTION

8. Development of technical guidelines on the environmentally sound management of persistent organic pollutants as waste by the Basel Convention Technical Working Group will be an important focus of cooperation between the secretariats and bodies of the two Conventions. The Executive Secretary of the interim secretariat of the Stockholm Convention briefed the eighteenth meeting of the Basel Convention Technical Working Group on the recently adopted Convention and participated in the development of the terms of reference for the consultant to draft guidelines. He also participated in further discussion at the

nineteenth meeting of the Technical Working Group in January 2002. The Stockholm Convention interim secretariat will continue to contribute to the process through the small intersessional working group referred to in paragraph 4 above.

9. Apart from the collaborative work on developing technical guidelines, there is active cooperation between the interim secretariat of the Stockholm Convention and the Secretariat of the Basel Convention in many other activities bearing on the management of persistent organic pollutants waste. Collaboration in capacity-building has included mutual participation in each other's training workshops, preparation of jointly-managed projects for Central America and Southern Africa for the environmentally sound management of polychlorinated biphenyls and involvement of both secretariats, along with other relevant parties, in the African Stockpiles Programme for the disposal of obsolete pesticides and other unwanted chemicals, some of which are persistent organic pollutants. Evolving areas of the technical work of the Basel Convention, such as that on guidelines for the dismantling of ships, have relevance for the Stockholm Convention. On legal issues, both secretariats have participated in workshops on enforcement issues. At the institutional level, the secretariats have regular coordination meetings and several Basel Convention regional centres are involved in workshops and projects relating to the Stockholm Convention. A number of awareness-raising activities have been undertaken jointly by the secretariats, including an inventory of worldwide polychlorinated biphenyls destruction capacity was published jointly. There is also joint participation in editorial committees for newsletters and other publications. Subject to endorsement by the respective governing bodies, there is scope to intensify this cooperation in the future.

10. In the long term, when subsidiary bodies are established under the Stockholm Convention, there are likely to be opportunities for collaboration between these and Basel Convention subsidiary bodies, which currently are a technical working group, legal working group and working group for implementation.

11. For the fourth meeting of the Open-Ended Intergovernmental Group on International Environmental Governance in November 2001, the secretariats of the Basel, Rotterdam and Stockholm Conventions were requested to prepare a report on the possible clustering of these three hazardous chemicals and wastes conventions. That report, available as UNEP/POPS/INC.6/INF/18, outlined current cooperation and indicated a number of aspects of capacity-building, science and technology, legal affairs, institutional matters, monitoring and reporting, information and awareness-raising, and programme support services, where cooperation could be enhanced and expanded. In some cases, the endorsement of the respective governing bodies of the conventions would be required.

IV. POSSIBLE ACTION BY THE COMMITTEE

12. The Committee may wish to take note and welcome the activities referred to above and provide comments on cooperation between the Stockholm Convention and the Basel Convention and their respective secretariats on matters relating to Article 6 of the Stockholm Convention.
