

## ISWA Position Paper on The Proposal to amend the Basel Convention regarding the international movement of plastics waste

### Introduction

In June 2018 the Norwegian Government put forward a request to the Secretariat of the Basel Convention to strengthen controls over the trans-frontier movement of all types of plastics waste. The Ministry proposed to define all kinds of plastic waste as wastes requiring special consideration by adding a new entry, Y48 "Plastic waste: Waste and scrap from plastic and mixed plastic materials and mixtures of waste containing plastics, including microplastic beads" to Annex II of the convention. Furthermore, for clarity the Ministry proposed to delete entry B3010 "Solid Plastic Waste" from Annex IX of the convention, since this entry often is used to ship plastic wastes as "green" waste. The Norwegian Government argued that by explicitly including plastic waste in the scope of the Basel Convention, these waste streams can be controlled, and mismanagement of plastic waste avoided and the amount of plastic becoming marine litter can be reduced. The proposal received support from the Open-ended Working Group of the Basel Convention at its eleventh meeting held in Geneva from September 3<sup>rd</sup> to 6<sup>th</sup> 2018.

ISWA, the International Solid Waste Association, is an international, non-profit association working in the public interest to promote and develop professional, sustainable waste management worldwide. This paper presents ISWA's position on the proposal.

### Background

ISWA has had a long history in analysing the international trade in and recovery and recycling of plastics waste, for example, the 2014 report *Global Recycling Markets: plastics waste – a story for one player- China* and the 2015 six-volume report on the circular economy. In addition, ISWA currently has a Task Force on Marine Litter, which commenced its research and making proposals for tackling this important issue in 2017. Recently ISWA joined forces with UNEP to examine the status of waste management internationally and published its findings in the *Global Waste Management Outlook* report (2015) which revealed that 2 billion people lack waste collection opportunities and 3 billion have inadequate waste disposal systems for their communities. ISWA would suggest this is the main root cause of the problems of marine litter, the environmental impact of which is recognised by the Norwegian Government's submission to the Basel Secretariat. However, the improper management of waste is not only occurring in the developing nations but also in developed countries and therefore all national, regional and local governments should help to address this global issue.

## Analysis and Assessment

International concern over plastic waste is justified and reasonable. Global plastic production has risen rapidly over the last half century, from 2 million tonnes per annum in the 1950s to over 400 million tonnes now and expected to continue to rise rapidly over the years to come. Fillers and additives used in plastics might be hazardous or harmful to the environment. Plastics do not spontaneously decompose into other compounds, which of course is one of the main advantages of plastics in the usage phase, but also results in the accumulation of plastics in the environment. If not managed correctly, at end of life their innate stability turns them into persistent pollution. Finally, as long as most plastics are produced from crude oil, burning and incineration of plastics will be a source of fossil greenhouse gas emissions. Material efficient design, reuse, waste prevention and minimisation can all be efficient means of reducing the amount of plastics waste generated, but as soon as plastics waste has been generated effective and efficient systems for capture, collection and treatment of the plastic waste are paramount. The available treatment options are landfilling, energy recovery and recycling. Of these three, recycling is the only one that provides a circular approach and has the potential of reducing the use of virgin raw materials in plastics production. Furthermore, although export of already collected waste plastics for recycling at first sight does not seem to be an evident source of oceanic plastic, the concern about such plastic waste ending up as marine litter is legitimate, at least for some types of plastic waste. Handling, sorting and recycling of plastic waste almost always produces rejects not suitable for recycling. If such rejects are not treated in a sustainable way, plastic waste exported for recycling might very well end up as marine litter.

No one with a sound approach towards sustainable development and sustainable waste management would disagree with the overall objectives of the Basel Convention, that States should take necessary measures to ensure that the management of hazardous wastes and other wastes including their transboundary movement and disposal is consistent with the protection of human health and the environment whatever the place of disposal.

The expectation is that all professional waste managers sending waste materials to another operation in a supply chain should be able to tell what kind of waste they are sending, to whom and where they are sending their waste and that should be able to confirm that they have taken the necessary measures to ensure that the waste will be handled and treated in a responsible and sustainable way.

The Basel Convention stems from the need to make sure that hazardous wastes are being disposed of in an environmentally sound way. It springs from an environmental protection mindset, focusing on containment and disposal. Obviously, over time this approach has had to be adapted to a waste

management system where recycling and resource management have become increasingly more significant, but the convention framework is still essentially characterised by its original focus on containment and disposal. Therefore, it has to be considered and is questionable whether such a framework in its' present form is the right one to secure responsible and sustainable resource management for the future.

Despite the contribution the Basel Convention has made towards a more sustainable future, there are several considerations when examining how the enforcement of the handling of wastes under the Basel Convention is functioning. There are many violations of the convention, both due to lack of knowledge and ambiguous interpretations and because of conscious and criminal breaches. There is a lack of resources and trained personnel leading to insufficient enforcement and compliance with the rules of the convention, with the result that large amounts of wastes regulated under the convention still end up in places where they were not supposed to be. Furthermore, the approach where the responsibility for ensuring that exported goods are being properly enforced relies mainly on customs authorities of the exporting countries. One of the key issues is that it is the task of the customs and environmental authorities in a waste exporting country to make sure that the wastes exported are handled responsibly and sustainably from the point of leaving the exporting country until they ultimately cease to be waste. This approach means that the responsibility for securing the final fate of an exported item or material is laid on the authorities of the exporting country. This is an approach that, besides trans-boundary shipments of waste, is used only in non-proliferation treaties for nuclear and chemical weapons and certain military technologies. Needless to say, with limited resources and in an era of rising prosperity, consumerism and globalisation, ensuring effective enforcement of the Basel Convention is an almost impossible task for these authorities.

Already all waste, including plastics, collected from households are defined under Annex II Y 46 and subject to notification procedures. The Norwegian Government is proposing to define all kinds of plastic waste as wastes requiring special consideration by adding them to Annex II of the Basel Convention. That means that in the future all types of plastic waste will be subject to the same control regime under the Basel Convention, regardless of its origin or characteristics. This reclassification of scrap plastics from List B of Annex IX to Annex II CATEGORIES OF WASTES REQUIRING SPECIAL CONSIDERATION, could lead to more bureaucracy for the plastic recovery and recycling industry without any benefit for the wider environment. For example, offcuts from production companies will be affected by an increase in bureaucratic procedures, which might be unjustified on a risk assessment basis.

Besides effective regulation and enforcement in order to protect the environment and human health, one of the most influential means to ensure that any type of waste is collected and recovered in a sustainable way is to make sure that wastes have a market value making them more profitable to collect and recover instead of not collecting them at all or collecting and disposing of them. A demand driven trade in recovered wastes is an essential instrument in promoting the circular economy and sustainable resource management. The Norwegian Government's proposal will, for certain types of plastics waste mean a greater administrative burden and thus higher transaction costs, making the transboundary trade of such waste less attractive. This will reduce the demand for plastics waste worldwide leading to less recycling and thereby to greater extraction of virgin raw materials to fulfil the demand for plastic polymers, with the negative environmental effects such extraction and processing will generate. Therefore, the proposal is likely to be counter-productive to the aim of enhancing a global circular economy through enhancing plastics collection, sorting and recycling. This illustrates the dilemma and potential conflict between two admirable environmental goals: to prevent and control pollution on one hand and to raise demand for secondary raw materials on the other. Furthermore, if proceeding as proposed by the Norwegian Government, there will be a need for clearly defined end-of-waste criteria (or end-of-special-consideration criteria) for plastics wastes.

Internationally the trade in plastics waste recovery and recycling has been stimulated by the targets of developed countries for higher material recovery rates. Meanwhile many countries, China being in the lead, have looked to this material as a cheap and accessible source of raw material for the manufacture of products. As long as there is an exchange of this secondary waste material that meets internationally recognised standards (or importer country-imposed standards) for the quality of the material and for the sustainability of its handling then both parties benefit.

As stated earlier, the enforcement of the Basel Convention in practice is difficult and resource demanding, even without having to administer plastics wastes under it. Already more resources are needed in order to ensure that the convention is effective in its current form. With limited resources for enforcement one can ask if it makes sense to introduce an additional waste stream to the administration of the Basel Convention or if it would be wiser to use any additional resources to strengthen the core enforcement activities, namely to prevent the trafficking of hazardous waste.

ISWA therefore considers that the most appropriate measures to tackle mismanagement of plastic waste are:

- Promotion of measures to ensure greater resource effectiveness for plastics production, including waste minimisation, re-use, enhanced recovery, sorting and recycling of plastics waste.
- All national, regional and municipal governments to take all appropriate actions to limit the escape of every type of plastic material into the environment, hereunder allocating the resources needed to ensure effective enforcement and compliance with national as well as international regulations and conventions.
- Increasing the proportion of the international development aid budget for waste management projects from the current 0.3% to 3% over the next 5 years to develop and improve sustainable waste management in developing countries.

## Conclusion

ISWA, while supportive of the objectives of the Norwegian Government's proposal, would suggest that there are more appropriate measures and initiatives that ought to be adopted both by international organisations and national governments to secure a more sustainable handling of plastic waste. In addition, the introduction of further restrictions on the international movement of secondary plastics could frustrate moves towards promotion of a global circular economy. For these reasons, ISWA does not support this proposal, recommends exercising caution on amending the Basel Convention before understanding in detail the consequences hereof and encourages further deliberation on the proposal at the upcoming fourteenth Conference of the Parties (COP14) of the Basel Convention taking place in Geneva on April 29<sup>th</sup> to May 10<sup>th</sup> 2019.

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