

Annex

Decisions adopted by the Conference of the Parties at its third meeting

CB.3/1: Proposed list of hazardous substances to be considered hazardous wastes under article 2, paragraph 1 (d) of the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa

The Conference of the Parties,

Recalling article 2, paragraph 1 (d), of the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, in which “hazardous wastes” includes hazardous substances that have been banned, cancelled or refused registration by government regulatory action, or voluntarily withdrawn from registration in the country of manufacture, for human health or environmental reasons,

Recalling also decision CB.1/22, in which the secretariat was requested, in cooperation with the secretariat of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, to produce a list of substances as described in article 2, paragraph 1 (d), of the Bamako Convention, in order to establish a new annex VI thereto, to be approved by the Conference of the Parties at its second meeting,

Recalling further decision CB.2/8, in which the need was recognized to establish a dynamic list of substances as described in article 2, paragraph 1 (d), in order to complete a new annex listing such substances to provide the parties with a complete definition of hazardous wastes as defined by the Bamako Convention and to increase the implementation and enforcement of the Convention,

Acknowledging the list of hazardous substances set out in that decision and commending the parties for providing substantive comments thereon,

Decides:

1. To encourage parties to use, as appropriate, the list of hazardous substances in their national implementation of the Bamako Convention;
2. To invite parties wishing to do so to propose the list as a new annex in accordance with Article 18 of the Convention, noting that the text of any proposed amendment will be communicated to the parties by the secretariat at least six months before the meeting at which it is proposed for adoption;
3. To convene an extraordinary meeting of the Conference of the Parties to consider and possibly adopt the proposed amendment, following communication from the secretariat;
4. To request the secretariat, in consultation with the parties and through the Bureau, to prepare a proposal on the timing and organization of the extraordinary meeting of the Conference of the Parties, taking into account the proposed amendment;
5. To request the Bureau, in the event that it is not possible to convene an extraordinary meeting of the Conference of the Parties, to include on the agenda for the fourth meeting of the Conference of the Parties the consideration and possible adoption of the proposed amendment.

CB.3/2: Workplan and budget for the biennium 2020–2021

The Conference of the Parties,

Recalling article 14, paragraph 1, of the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, by which the secretariat is requested to prepare a regular budget to be approved by the Conference of the Parties,

Recalling also the financial rules for the administration of the Bamako Convention adopted by decision CB.1/8, which provide for the preparation of a budget proposal for the following calendar year, to be approved by the Conference of the Parties,

Recalling further decision CB.2/2, in which \$100,000 was appropriated for the revolving fund for assistance in case of emergency situations, in replacement of the appropriation in the amount of \$2,500,000 approved under decision CB.1/9 for the same purposes,

Recalling resolution 1/16 of the United Nations Environment Assembly establishing the general trust fund for the core programme budget and the special trust fund for voluntary contributions in support of the Bamako Convention,

Taking note of the report of the secretariat on the implementation of the Bamako Convention for the biennium 2018–2019,

Welcoming the workplan and budget for the biennium 2020–2021,

Decides:

1. To approve the workplan and budget of the Bamako Convention for the biennium 2020–2021 in the amount of \$995,000 for the purposes set out in the table in the annex to the present decision;
2. To agree that the assessment of contributions to the revolving fund for assistance in case of emergency situations shall be in accordance with annex II to decision CB.3/6;
3. To approve a budget of \$2,500,000 for the revolving fund for assistance in case of emergency situations;
4. To request the secretariat to review the financial rules with a view to providing operational clarity with respect to the management of the revolving fund, the general trust fund, voluntary contributions and any matter related thereto;
5. To authorize the Executive Secretary of the Bamako Convention to make commitments and payments subject to the allocations approved by the Conference of the Parties;
6. To request the secretariat to prepare a budget for the biennium 2022–2023 for consideration by the Conference of the Parties at its fourth meeting;
7. To request the secretariat, in preparing the workplan and budget for the biennium 2022–2023, to present a realistic and results-based budget, reflecting the contributions of the parties in two scenarios:
 - (a) Maintaining the budget at the 2020–2021 level in nominal terms;
 - (b) Reflecting changes to the 2020–2021 budget to meet the projected needs, costs or savings related thereto.

Annex to decision CB.3/2

Workplan and budget estimates for the biennium 2020–2021

| Outcomes | Outputs | Activities | Indicators | Estimates for 2020 | Estimates for 2021 | Source of funding | | |
|--|---|---|--|--------------------|--------------------|-------------------|----------|------|
| | | | | | | Trust fund | Partners | UNEP |
| Outcome 1: Promotion of Convention activities | (a) Increasing the number of accessions to the Bamako Convention | (i) Awareness-raising at the global and regional levels | 1. Increased number of ratifications (at least 5) 2. At least 5 high-level statements of decision-makers reflecting the importance of the Bamako Convention | 20 000 | 20 000 | √ | | |
| | (b) Information effectively managed, disseminated | (ii) Establishment of databases and networks | 3. Clearinghouse mechanism initiated | 50 000 | | | √ | |
| | (c) National monitoring and enforcement, capacity-building | (iii) Training of national enforcement agencies (focal points and dump-watches) | 4. Number of key enforcement staff trained | 30 000 | 30 000 | √ | √ | |
| | (d) Implementation strategy of the Convention prepared and in use | (iv) Preparation of Convention implementation strategy for parties | 5. Number of activities of parties drawn from the strategy under implementation | 20 000 | 20 000 | √ | | |
| Outcome 2: Collaborative and cooperative mechanisms strengthened | Enhanced cooperation and collaboration with relevant stakeholders | (i) Development of project proposals for submission to potential donors for funding | 1. Number of formal cooperative arrangements agreed upon | 50 000 | 55 000 | √ | √ | |
| | | (ii) Enhancement of synergy between the Basel, Rotterdam and Stockholm conventions and others | 2. Number of joint programmes/projects implemented 3. Number of joint activities conducted | | | | | |

| <i>Outcomes</i> | <i>Outputs</i> | <i>Activities</i> | <i>Indicators</i> | <i>Estimates for 2020</i> | <i>Estimates for 2021</i> | <i>Source of funding</i> | | |
|---|---|--|---|---------------------------|---------------------------|--------------------------|-----------------|----------------|
| | | | | | | <i>Trust fund</i> | <i>Partners</i> | <i>UNEP</i> |
| Outcome 3: Strengthening the functioning of the secretariat | Coordination of secretariat activities | (i) Bureau meetings (ii) Communication (iii) Organization of intersessional meetings and events (iv) Other management, programme and administrative costs | 1. Number of intersessional meetings and events organized; successful meetings of the Conference of the Parties | 200 000 | 200 000 | √ | | √ |
| | Fourth meeting of the Conference of the Parties | | 2. Successful fourth meeting of the Conference of the Parties | | 300 000 | √ | √ | |
| Subtotal | | | | 370 000 | 625 000 | 422 500 | 232 500 | 340,000 |
| TOTAL | | | | | 995 000 | | | |

CB.3/3: Strengthening implementation and resource mobilization for the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa

The Conference of the Parties,

Recalling the Abidjan Declaration on the Bamako Convention: A Platform for a Pollution-Free Africa, contained in document UNEP/BC/COP.2/9, which was adopted at the second meeting of the Conference of the Parties to the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, held in Abidjan, Côte d'Ivoire, from 30 January to 1 February 2018, as well as the limited resources available to support the implementation of a platform for a pollution-free Africa,

Recalling decisions CB.2/1 and CB.2/4, which called for parties, secretariats and partners of relevant multilateral agreements to promote coherence and synergies between the Bamako Convention and other conventions and initiatives related to chemicals and hazardous wastes,

Noting the low levels of implementation of the Convention more than 20 years after its entry into force in 1998,

Welcoming the *Africa Waste Management Outlook* (2018) of the United Nations Environment Programme and its findings and recommendations,

Noting that the majority of the parties have not fulfilled their financial obligations and that no funds were available for the implementation of the workplan and budget approved by the second Conference of the Parties,

Acknowledging the efforts of the United Nations Environment Programme in support of the Bamako Convention, especially in hosting its interim secretariat and in providing financial, human and technical resources,

Recognizing the need to devise innovative means, measures, partnerships and collaborative approaches, among others, in order to effectively implement the Convention,

Decides:

1. To reaffirm its commitment to implementing the Bamako Convention to the fullest extent possible;
2. To renew its commitment to settling all outstanding financial arrears, and to honour future obligations under the Convention;
3. To enhance cooperation, collaboration and support with partners on the sound management of chemicals and wastes;
4. To mandate the secretariat to build strategic partnerships by enhancing existing partnerships and by establishing new partnerships and cooperative arrangements for the implementation of the Bamako Convention and of the decisions of the Conference of the Parties;
5. To request the secretariat to enter into cooperative arrangements on enhancing cooperation, coordination and synergies between the Bamako Convention, the Strategic Approach to International Chemicals Management and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm convention on Persistent Organic Pollutants, in the implementation of the Bamako Convention;
6. To request the secretariat to develop:
 - (a) Shared programmes with one or several partners for joint implementation, including with regard to capacity development;
 - (b) Partnerships with organizations that have a track record in providing solutions;
 - (c) Partnerships with organizations that will leverage funding and guidance to implement the workplan;

- (d) Partnerships with Governments, intergovernmental organizations and United Nations agencies;
- 7. To request the parties, regional economic communities, the African Development Bank, the World Bank, the Global Environment Facility, the Green Climate Fund and other partners to support projects relating to sound waste management as part of the efforts to implement the Convention;
- 8. To promote collaboration between the Bamako Convention, parties, civil society, the private sector, non-governmental organizations, local governments and municipal authorities in the implementation of the activities of the Convention;
- 9. To use the same reports that are submitted by the parties to the Basel, Rotterdam and Stockholm Conventions for reporting on the Bamako Convention;
- 10. To encourage parties to use the findings and recommendations of the *Africa Waste Management Outlook* in their interventions for the sound management of wastes;
- 11. To request the United National Environment Programme, in collaboration with other partners and parties, to continuously update the *Africa Waste Management Outlook* and to share its findings and recommendations.

CB.3/4: Arrangements for the transfer of the secretariat of the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa to Bamako and for its hosting and staffing in Bamako

The Conference of the Parties,

Recalling article 16, paragraph 1, of the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, which established the functions of the secretariat,

Recalling also decision CB.1/6, entitled “Institutional arrangements for the implementation of the Convention: establishment of a secretariat” and adopted by the Conference of the Parties at its first meeting, in which it was decided that secretariat functions would be carried out by the United Nations Environment Programme,

Recalling further United Nations Environment Assembly resolution 1/16 on the management of trust funds and earmarked contributions, in which the Assembly authorized the Executive Director of the United Nations Environment Programme to carry out the secretariat functions of the Bamako Convention specified in its decision CB.1/6,

Taking note of the outcomes of the informal consultative meeting of parties to the Bamako Convention, held in Nairobi on 28 May 2016, regarding a possible review of the institutional arrangements for hosting the secretariat of the Bamako Convention,

Recalling the unanimous approval by the Conference of the Parties at its second meeting, held in Abidjan, Côte d’Ivoire, from 30 January to 1 February 2018, of the transfer of the secretariat to Bamako,

Noting with appreciation the offer of the Government of Mali to host the secretariat of the Convention in Bamako and to support its functioning and operations,

Determined to ensure that the secretariat is provided with sufficient human and financial resources to support and collaborate with the parties in effectively implementing and complying with the provisions of the Bamako Convention,

Decides:

1. To request the Bureau and secretariat of the Bamako Convention, the latter currently hosted by the United Nations Environment Programme, and the Government of Mali to implement scenario 2 contained in the annex to the present decision;
2. To invite parties to provide and mobilize the financial and other resources required to implement the transfer of the secretariat from the United Nations Environment Programme to Bamako;
3. To urge parties to pay their current and overdue annual financial contributions to the Bamako Convention in a timely manner;
4. To request the secretariat to explore ways of attracting additional, sustainable and predictable resources.

Annex to decision CB.3/4

Scenario note for the review of the arrangements for hosting the secretariat of the Bamako Convention

1. Introduction

The Secretariat has developed four scenarios for the establishment and staffing of the secretariat of the Bamako Convention, taking into account the following critical factors for an effective and functional secretariat:

- (a) Minimal staffing requirements for an operational and effective secretariat;
- (b) Availability of funding from the Convention;
- (c) Availability of adequate office premises, related facilities and services.

2. Scenarios

| <i>Scenario</i> | <i>Required actions</i> | <i>Cost implications</i> |
|--|---|---|
| <i>Scenario 1: The secretariat and Convention are fully managed by parties</i> | <ul style="list-style-type: none"> Parties negotiate the terms and conditions of the host country agreement Host country is fully responsible for recruitment and coordination for the Convention Host country administers the trust funds and provides policy and administrative support Role of UNEP as secretariat and administrator of the funds ceases Example of a secretariat with this arrangement: the African Ministers' Council on Water N.B. This scenario will not be in line with decisions of the Conference of the Parties and of the United Nations Environment Assembly | <p>Cost to parties</p> <p><i>Human resources</i></p> <ul style="list-style-type: none"> Recruitment of international civil servants within the United Nations system: Executive secretary, P-5: \$250,000 Programme officer, P-3: \$160,000 Programme/administrative assistant, G-7: \$55,000 <p><i>Secretariat functions</i></p> <ul style="list-style-type: none"> Coordination and management costs: \$150,000 Contingencies: \$85,000 <p>Subtotal: \$700,000</p> <p>Cost to host country</p> <p>Office expenses, related facilities and services: \$200,000</p> <p>Subtotal: \$200,000</p> <p>Total estimated annual cost: \$900,000</p> |
| <i>Scenario 2: The secretariat and Convention are located in the host country with UNEP coordination</i> | <ul style="list-style-type: none"> Host country provides office premises Parties finance all human resource, coordination and management costs UNEP administers the trust funds and provides policy and administrative support <p>Examples of secretariats with similar arrangements: the Convention for Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of the West, Central and Southern Africa Region; the Lusaka Ceasefire Agreement</p> | <p>Cost to parties</p> <p><i>Human resources</i></p> <ul style="list-style-type: none"> Recruitment of international civil servants within the United Nations system: Executive secretary, P-5: \$250,000 Programme officer, P-3: \$160,000 Programme/administrative assistant, G-7: \$55,000 <p><i>Secretariat functions</i></p> <ul style="list-style-type: none"> Coordination costs: \$100,000 Contingencies: \$85,000 <p>Subtotal: \$650,000</p> <p>Cost to UNEP</p> <p><i>Secretariat functions:</i></p> <ul style="list-style-type: none"> Coordination and management costs: \$50,000 In-kind staff costs: \$50,000 <p>Subtotal: \$100,000</p> <p>Cost to host country</p> <p>Office expenses, related facilities and services: \$200,000</p> <p>Subtotal: \$200,000</p> <p>Total estimated annual cost: \$1,000,000</p> |

| <i>Scenario</i> | <i>Required actions</i> | <i>Cost implications</i> |
|--|--|---|
| <i>Scenario 3: The secretariat and Convention are fully hosted by another organization</i> | <ul style="list-style-type: none"> Parties to negotiate with a strategic partner/multilateral environmental agreement to take over all secretariat functions The strategic partner or multilateral environmental agreement will administer the trust funds and implement the work plan and budget <p>Examples of possible strategic partners/multilateral environmental agreements are the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the African Union</p> | <ul style="list-style-type: none"> Costs are dependent on how the possible strategic partner implements the Convention Parties continue meeting the financial obligations of some functions, e.g. coordination and management costs, some human resources costs |
| <i>Scenario 4: Maintain the status quo, with UNEP hosting the secretariat in Nairobi</i> | <ul style="list-style-type: none"> UNEP continues to administer the trust funds and provide secretariat functions and policy and administrative support Examples of secretariats with this arrangement: the African Ministerial Conference on the Environment; the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region; the Montreal Protocol on Substances that Deplete the Ozone Layer | <p>Cost to UNEP</p> <p><i>Human Resources</i></p> <ul style="list-style-type: none"> Recruitment of international civil servants within the United Nations system: Programme officer, P-4, at 25% of staff time: \$50,000 Programme/administrative assistant, G-6, at 100% of staff time: \$53,000 Other support personnel: \$20,000 <p><i>Secretariat functions</i></p> <ul style="list-style-type: none"> Coordination and management costs: \$82,000 Office expenses, related facilities and services: \$50,000 Contingencies: \$85,000 <p>Total estimated annual cost: \$297,000</p> |

CB.3/5: Status of ratification, accession to and implementation of the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa

The Conference of the Parties,

Recalling decision CB.2/1, “The Bamako Convention: a platform for a pollution-free Africa,” which urges those countries that are not yet parties to the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa to consider its merit and ratify or accede to it as soon as feasible so as to join hands in taking action for the total ban of imports of hazardous chemicals and wastes into Africa,

Welcoming decision 17/1 of the African Ministerial Conference on the Environment, adopted at its seventeenth session, held in Durban from 11 to 15 November 2019, in which member States that had not done so were encouraged to ratify the Bamako Convention,

Decides:

1. To urge member States of the African Union that have not ratified or acceded to the Bamako Convention to take urgent and favourable action to ratify it or accede thereto, so as to facilitate and consolidate Africa’s efforts in taking action to enhance the total ban of the import of hazardous chemicals and wastes into Africa and to address other waste management issues;
2. To request the secretariat to provide information and guidance to member States of the African Union to promote the ratification of or accession to the Convention;
3. To request the secretariat to prepare a regional instrument to guide parties and member States in the incorporation into national law and implementation of the Convention;
4. To request the African Union Commission to promote the ratification, accession, incorporation into national law and implementation of the Convention.

CB.3/6: Scale of contributions of parties to the general trust fund in 2020

The Conference of the Parties,

Recalling paragraph 11.4 of the report of the first meeting of the Conference of the Parties to the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, at which the Conference of the Parties adopted the principle that the scale of contributions to the regular budget and to the revolving fund for assistance in case of emergency situations would be calculated according to the rules of the African Union,

Recalling also decision CB.2/7 establishing the scale of assessment for the parties for the biennium 2018–2019,

Recalling further decision CB.2/2, in which the secretariat was requested to develop a new scale of assessments reflecting balanced contributions among the parties and to submit the proposed scale to the Conference of the Parties for its consideration at its third meeting,

Decides:

1. To adopt a uniform scale of contributions to the general trust fund, as set out in the table comprising annex I to the present decision;
2. To adopt a uniform scale of contributions to the revolving budget, as contained in the table comprising annex II to the present decision;
3. To agree that the scale of contributions will be maintained from 2020 to 2023 to ensure predictability in contributions and in budgeting for the workplan of the Convention;
4. To agree that the scale of contributions adopted herein shall be used in determining the contributions by each Party for the annual workplan and budget;
5. To commend the parties that have paid their assessed contributions, including those that have reduced their outstanding arrears;
6. To urge all parties to continue to make their contributions in full, in a regular and predictable manner, by no later than 1 January of each year;
7. To agree that all voluntary contributions for the implementation of the Bamako Convention will be managed under the general trust fund;
8. To request the secretariat to prepare, for approval by the Bureau, options for a settlement of arrears, and to communicate that plan to the parties for their action;
9. To request parties with arrears to the general trust fund and to the revolving fund to settle their arrears as soon as possible;
10. To request the secretariat to invoice the parties by 31 October of the preceding year for the current year's contributions, including arrears.

Annex I to decision CB.3/6**Uniform scale of contributions by the parties to the regular budget (United States dollars)**

| <i>Number</i> | <i>Party</i> | <i>Assessed regular-budget contributions 2020</i> | <i>Assessed regular-budget contributions 2021</i> |
|---------------|----------------------------------|---|---|
| 1 | Angola | 7 284.5 | 7 284.5 |
| 2 | Benin | 7 284.5 | 7 284.5 |
| 3 | Burkina Faso | 7 284.5 | 7 284.5 |
| 4 | Burundi | 7 284.5 | 7 284.5 |
| 5 | Cameroon | 7 284.5 | 7 284.5 |
| 6 | Chad | 7 284.5 | 7 284.5 |
| 7 | Comoros | 7 284.5 | 7 284.5 |
| 8 | Congo | 7 284.5 | 7 284.5 |
| 9 | Côte d'Ivoire | 7 284.5 | 7 284.5 |
| 10 | Democratic Republic of the Congo | 7 284.5 | 7 284.5 |
| 11 | Egypt | 7 284.5 | 7 284.5 |
| 12 | Ethiopia | 7 284.5 | 7 284.5 |
| 13 | Gabon | 7 284.5 | 7 284.5 |
| 14 | Gambia | 7 284.5 | 7 284.5 |
| 15 | Guinea-Bissau | 7 284.5 | 7 284.5 |
| 16 | Liberia | 7 284.5 | 7 284.5 |
| 17 | Libya | 7 284.5 | 7 284.5 |
| 18 | Mali | 7 284.5 | 7 284.5 |
| 19 | Mauritius | 7 284.5 | 7 284.5 |
| 20 | Mozambique | 7 284.5 | 7 284.5 |
| 21 | Niger | 7 284.5 | 7 284.5 |
| 22 | Rwanda | 7 284.5 | 7 284.5 |
| 23 | Senegal | 7 284.5 | 7 284.5 |
| 24 | Sudan | 7 284.5 | 7 284.5 |
| 25 | Togo | 7 284.5 | 7 284.5 |
| 26 | Tunisia | 7 284.5 | 7 284.5 |
| 27 | Uganda | 7 284.5 | 7 284.5 |
| 28 | United Republic of Tanzania | 7 284.5 | 7 284.5 |
| 29 | Zimbabwe | 7 284.5 | 7 284.5 |

Annex II to decision CB.3/6**Uniform scale of contributions to the revolving fund (United States dollars)**

| <i>Number</i> | <i>Party</i> | <i>One-time contribution by Party</i> |
|---------------|------------------------------|---------------------------------------|
| 1 | Angola | 86 207 |
| 2 | Benin | 86 207 |
| 3 | Burkina Faso | 86 207 |
| 4 | Burundi | 86 207 |
| 5 | Cameroon | 86 207 |
| 6 | Chad | 86 207 |
| 7 | Comoros | 86 207 |
| 8 | Congo | 86 207 |
| 9 | Côte d'Ivoire | 86 207 |
| 10 | Democratic Republic of Congo | 86 207 |
| 11 | Egypt | 86 207 |
| 12 | Ethiopia | 86 207 |
| 13 | Gabon | 86 207 |
| 14 | Gambia | 86 207 |
| 15 | Guinea-Bissau | 86 207 |
| 16 | Liberia | 86 207 |
| 17 | Libya | 86 207 |
| 18 | Mali | 86 207 |
| 19 | Mauritius | 86 207 |
| 20 | Mozambique | 86 207 |
| 21 | Niger | 86 207 |
| 22 | Rwanda | 86 207 |
| 23 | Senegal | 86 207 |
| 24 | Sudan | 86 207 |
| 25 | Togo | 86 207 |
| 26 | Tunisia | 86 207 |
| 27 | Uganda | 86 207 |
| 28 | United Republic of Tanzania | 86 207 |
| 29 | Zimbabwe | 86 207 |

CB.3/7: Ratification and incorporation into national law of mutually beneficial waste trade instruments: the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Amendment thereto

The Conference of the Parties,

Recalling paragraphs 1 and 5 of Article 11 of the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa,

Recognizing the need for global recognition of the Bamako Convention's purpose and intent to ban the import of all forms of hazardous and radioactive wastes into the African continent,

Understanding that the synergies between the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the amendment thereto and the Bamako Convention are strong and mutually beneficial for the protection of Africa from the unsustainable and illegal waste trade,

Applauding the recent entry into force of the Basel Convention Ban Amendment in 98 parties,

Concerned that not all countries in Africa have ratified the Basel Convention, the Basel Convention Ban Amendment and the Bamako Convention,

Decides:

1. To encourage all parties that have not already done so to ratify the Basel Convention and the Basel Convention Ban Amendment as a matter of urgency and to create implementing legislation to incorporate these instruments and the Bamako Convention into national law;
2. To encourage all African States that have not already done so to ratify the Bamako and Basel conventions and the Basel Convention Ban Amendment as a matter of urgency and to create implementing legislation to incorporate these instruments into national law;
3. To request all parties to report on status and progress with regard to paragraph 1 above and to provide information on any obstacles to the ratification and implementation of the above-mentioned instruments;
4. To request the secretariat, in cooperation with the secretariat of the Basel Convention, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm convention on Persistent Organic Pollutants, to provide assistance to any party that may be experiencing difficulties in achieving the desired mutually beneficial ratifications and in enacting national legislation as noted in paragraphs 1 and 2 of the present decision.

CB.3/8: Action to prevent plastic waste pollution and its trade in and surrounding the continent of Africa

The Conference of the Parties,

Fully aware of the growing and alarming pollution crisis caused by all forms of plastic waste, including microplastic waste, which has harmful impacts on marine and terrestrial environments across the globe, including within and surrounding the African continent,

Increasingly concerned about the harmful environmental and human health impacts associated with plastic products and wastes, including the effects of their chemical additives, which often contain persistent organic pollutants or heavy metals, and the impacts of the direct release of plastic waste into terrestrial or marine environments, or its incineration, open burning or recycling in operations that expose workers and the environment to harmful emissions or residues,

Noting with great interest the repeated resolutions of the United Nations Environment Assembly on the topic of plastic wastes, including its resolution 4/6, which calls on all Member States and other actors at the local, national, regional and international levels to address the problem of marine litter and microplastics, prioritizing a whole-life-cycle approach and resource efficiency and building on existing initiatives and instruments, such as the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa,

Noting in particular Environment Assembly resolution 4/9 on addressing single-use plastics, which calls for Member States to take action to identify alternatives to the production and use of single-use plastics, including plastic bags, other packaging and food utensils,

Noting the Durban Declaration adopted at the seventeenth session of the African Ministerial Conference on the Environment, on taking action for environmental sustainability and prosperity in Africa, in particular in section VIII of its appendix, in which member States committed themselves to fully supporting global action to combat plastic pollution, including through a new global agreement which would, inter alia, prevent plastic pollution by addressing the full life cycle and design of plastics,

Recognizing that promoting a circular economy for plastics in a global economy will require a global governance structure that ensures the development and coordination of measures to address plastic pollution throughout the full life cycle of plastics, in recognition of common but differentiated responsibilities,

Recalling that the declaration of the Nordic Council of Ministers for the Environment and Climate, in October 2019 and the St. John's Declaration issued by the Caribbean Community at the fortieth Conference of Heads of Government of Caribbean States have also called for the urgent negotiation of a new global agreement to curb plastic pollution focused on the entire life cycle of plastic, including product design and prevention of plastic waste,

Appreciating the many laws already enacted in Africa to reduce plastic pollution by prohibiting the manufacturing, importation, use and sale of plastic carrying bags and other single-use plastic items,

Alarmed by the fact that as Asian countries have increasingly forbidden the import of plastic waste, Africa may be increasingly vulnerable to becoming the target of the global plastic waste trade,

Cognizant of the recent action to amend the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal to include and thus better control the unsustainable export of mixed, contaminated and halogenated plastic wastes, particularly to developing countries,

Recalling article 4, paragraph 1, of the Bamako Convention, which bans the importation of all forms of hazardous waste into Africa, and article 2 of the Convention, which establishes a definition of hazardous waste that is designed to be more comprehensive than that of the Basel Convention,

Realizing that, while many types of plastic wastes (e.g., Y13, Y17, Y18) are listed in annex I to the Bamako Convention, not all plastic waste is included, which leaves a gap in the scope of wastes covered under the Convention's import prohibitions,

Mindful of the general need to educate and inform the public and private sectors and institutions both within and outside Africa of the harmful impacts of some plastic products and waste, including from their trade and disposal,

Decides:

1. To urge parties to the Convention and other African States that have not already done so to enhance or supplement existing legislation to prevent illegal and unwanted traffic in plastic waste from entering their territory and the African continent;
2. To further urge the parties to take steps to add all forms of plastic waste to annex I to the Bamako Convention at the earliest opportunity, bearing in mind the procedures to be followed under Article 18, to ensure that traders do not make the African continent a target for foreign plastic waste;
3. To invite, on a national basis, parties and other African States that have not already done so to phase out and prohibit the manufacture, importation, use, and sale of plastic bags and other single-use plastic items in their countries, and to consider adopting such a prohibition on a regional basis as a new article of the Bamako Convention;
4. To resolve to undertake intense promotion and implementation of public education and awareness at the national and regional levels on the environmental and human health problems associated with plastic wastes, including their chemical additives and effects when openly burned or incinerated, or recycled in a manner that releases harmful emissions or residues;
5. To encourage parties and others to participate in the new Partnership on Plastic Waste and the small intersessional working group on the update of the technical guidelines on plastic waste, both convened under the auspices of the Basel Convention;
6. To call for a new legally binding global agreement to combat plastic pollution, covering the full life cycle of plastics, with a view to reducing both the quantity and the harmful qualities of plastic wastes, highlighting the elimination of the trade, production and use of single-use plastics and the substitution and re-design of such products, while emphasizing the importance of technology research and transfer, and the need for adequate financing to enable African countries to prevent plastic pollution;
7. To recommend to parties and others that they communicate and promote the above actions undertaken by means of the present decision among international actors and organizations to foster better global cooperation and mutual consideration to combat the menace of plastic waste.

CB.3/9: Prevention of electronic hazardous waste and the import and dumping of end-of-life waste electrical and electronic equipment in Africa

The Conference of the Parties,

Recognizing that Africa remains one of the major destinations for e-waste from developed countries,

Aware of the lack of capacity and resources to address the issue of electrical and electronic waste in an environmentally sound manner in most African countries, which can lead to the dumping of hazardous substances that may be harmful to human health and the environment,

Recalling article 4, paragraph 1 of the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, which provides that all parties shall take appropriate measures to prohibit the import of all hazardous wastes into Africa from non-parties to the Convention,

Recalling also decision CB.2/6 on the prevention of electronic hazardous waste and the import and dumping of end-of-life electrical and electronic equipment in Africa,

Recalling further article 2 of the Bamako Convention establishing a definition of hazardous waste that is more comprehensive than that of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, and which includes any wastes that belong to any category contained in annex I to the Convention or any wastes that possess any of the characteristics contained in annex II to the Convention,

Noting that the presence of heavy metals, such as lead and mercury, and persistent organic pollutants, including brominated flame retardants, in end-of-life electrical and electronic equipment or electronic waste, transforms them into hazardous waste and situates them within a priority flow of problematic and hazardous waste globally and in the region, requiring urgent measures,

Reaffirming that defective or untested electronic equipment should be considered as hazardous waste and should not be imported into Africa,

Recognizing that even if an electronic appliance is not defined as waste because of its functionality, it may rapidly become waste after import because of its poor condition or age, and therefore the import of such electronic and electrical equipment close to its end of life must be strictly controlled by the Parties,

Aware that the amount of e-waste resulting from the household consumption of electronic products is increasing rapidly in Africa and will have a negative impact on human health and the environment unless measures are taken, as a matter of urgency, to equip African sub-regions and States with collection and recycling infrastructure,

Noting the concerns raised by the African Group and others and referred to in decision 14/5 of the fourteenth Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, with respect to the final adoption of the technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, and in particular the concerns over paragraph 32 of the revised technical guidelines referred to in paragraph 3 of decision 14/5, which allows for the consideration of non-functional, hazardous used electronic equipment as non-waste and the impact of this on the dumping of e-waste in developing countries,

Concerned about recent studies which showed that the open burning of electronic waste plastics containing halogenated compounds such as brominated substances can lead to the contamination of the food supply, resulting in serious public health concerns,

Acknowledging that the problem of e-waste in Africa remains very serious and threatens the achievement of the Sustainable Development Goals if not acted upon with universal resolve,

Decides:

1. To urge parties and other African States that have not yet done so to enhance or supplement existing legislation to prevent illegal and unwanted traffic in hazardous and other e-waste from entering their territory and the African continent;

2. To encourage parties and other African States to develop and adopt legislation on individual producer responsibility in the collection and environmentally sound recycling of e-waste arising from domestic sources in Africa;
3. To call upon parties and other African States that have not yet done so to legally consider all non-functional or untested, used electronic equipment as hazardous waste and to prevent the import into Africa of such equipment, and to consider the addition to annex I of all non-functional electronic equipment, bearing in mind the procedures to be followed under article 18, to ensure that traders do not make the African continent a target for foreign plastic waste;
4. To call upon parties to the Bamako Convention, and on all African States that are parties to the Basel Convention to promote the removal of the exception found in paragraph 32 of the revised technical guidelines referred to in paragraph 3 of decision 14/5 of the fourteenth Conference of the Parties to the Basel Convention, on the technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment that will allow non-functional, hazardous e-wastes to be exported as non-waste and thus outside of the control procedures of the Basel Convention and in contradiction to the Bamako Convention;
5. To encourage parties that have not yet done so to adopt legislation to control the importation of near-end-of-life or unwanted electronic equipment, including by designating such equipment as hazardous waste;
6. To request parties and other African States to strengthen their capacities and institutions to implement all relevant measures on the prevention and control of the transboundary movement of e-waste, including by participating in partnerships and entities such as the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE), the International Network for Environmental Compliance and Enforcement, and ICPO-INTERPOL;
7. To undertake, at the national and regional levels, the vigorous promotion and implementation of public education and awareness on the environmental and human health problems associated with the uncontrolled importation and open burning of e-waste, while taking advantage of the economic opportunities, including the creation of green jobs, that may arise from the environmentally sound management of e-waste;
8. To request that the Basel Convention regional centres for training and technology transfer for the English- and French-speaking countries of Africa engage actively in capacity-building, awareness-raising, pilot projects and consultancy activities relating to the environmentally sound management of e-waste and to the control of the transboundary movement of such waste, in order to leverage their regional and international expertise;
9. To invite responsible recyclers of electronic and electrical equipment holding internationally accredited electronics recycling certifications to establish environmentally sound national or regional recycling operations in Africa for e-waste generated on the continent;
10. To request the United Nations Environment Programme, as well as the secretariat of the Basel Convention, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm convention on Persistent Organic Pollutants and other relevant intergovernmental, industry and non-governmental organizations, to fund and develop programmes for capacity-building and institutional strengthening in order to assist African States to enhance export and import controls to prevent illegal traffic in e-waste, and to establish environmentally sound management for domestically generated e-waste, in accordance with the foregoing paragraphs;
11. To request the secretariat to report to the next Conference of the Parties on activities related to the management of waste electrical and electronic equipment on the continent, which will be included in the workplan for the biennium 2020–2021;
12. To urge parties that have the capacity to do so to support collaboration and cooperation in technology transfer for the environmentally sound management of electrical and electronic waste;
13. To request the secretariat to disseminate information on activities in the various countries via a dynamic website for the Bamako Convention, to be set up as soon as possible.