

THE GLOBAL ENVIRONMENT AND TRADE



The Chemical & Waste Conventions and Trade

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I. THE ROLE OF TRADE AND TRADE-RELATED MEASURES IN THE IMPLEMENTATION OF THE CHEMICAL & WASTE CONVENTIONS

- In general, BRS Conventions reflect the **mutual supportiveness** between **environment & trade**:
 - ⇒ **Trade/trade** measures may contribute to **environment protection**
 - ⇒ BRS Conventions contribute to **green trade**, **green economy** and **green growth** => **Sustainable development**
- In particular, which measures? How?
 1. **The Basel Convention** on the control of transboundary movements - including international trade - of **hazardous wastes** and their disposal:
 - ✓ **Prior Informed Consent (PIC) Procedure**;
 - ✓ **Illegal traffic, an environmental crime**;
 - ✓ **Export/import control**;
 - ✓ The concept of **Environmentally Sound Management (ESM)** of wastes, through the PIC procedure;
 - ✓ **Purpose**: to respond to concerns about developed country companies **dumping hazardous wastes** in developing countries – concrete example: **the Probo Koala case, 2006**.

I. THE ROLE OF TRADE AND TRADE-RELATED MEASURES IN THE IMPLEMENTATION OF THE CHEMICAL & WASTE CONVENTIONS (2)

2. **The Rotterdam Convention** on the international trade of certain hazardous chemicals and pesticides:

- ✓ **Prior Informed Consent (PIC) Procedure:** through Designated National Authorities (DNAs)/Final Regulatory Actions (FRAs);
- ✓ **No ban**, rather a platform for **information exchange**;
- ✓ **Export/import control** measures (role of national authorities);
- ✓ **Listing** of new chemicals/pesticides in Annex 3;
- ✓ **Purpose: to promote shared responsibility and cooperative efforts** in the international trade of such goods. E.g. Endosulfan

3. **The Stockholm Convention** on Persistent Organic Pollutants (POPs):

- ✓ **Listing** of new POPs, subject to a **ban/prohibition (Annex A)**, a **restriction (Annex B)**, a **continued reduction (Annex C)**, in **production/use**, with **specific exemptions/acceptable purposes**;
- ✓ The concept of **Environmentally Sound Management (ESM)** of POPs;
- ✓ To respond to the need for **global action on “POPs”** (chemicals that are “**persistent, bioaccumulate in fatty tissues and biomagnify through the food chain**”).
- ✓ Works through a Scientific Review Committee - POPRC

=> **Common objectives of the BRS Conventions: to protect human health & environment// Article XX of GATT (exceptions/justifications for trade-restrictive measures)**

II. EVOLUTION OF THIS ROLE OVER THE PAST 20 YEARS

- **2 tracks, historically and thematically:**
 1. **The Basel Convention on hazardous wastes**, a 23-year old MEA (adopted in 1989, entered into force in 1992);
 2. **The Rotterdam and Stockholm Conventions**, 1 decade of accomplishments, essentially through the **gradual listing**, by the Conferences of the Parties, **of new hazardous chemicals** whether industrial chemicals or pesticides (adopted in 1998 and 2001, entered into force in 2004):

A few examples →

 - ✓ **DDT**, reconciling health, environment and trade priorities;
 - ✓ **Endosulfan**, 2011;
 - ✓ The ongoing debate over **asbestos**.
- **Now (since 2009):** synergies process and the necessity to follow a **cradle-to-grave approach**, to be in line with the **life-cycle of hazardous chemicals and wastes**.

III. MAIN CHALLENGES IN THE APPLICATION OF TRADE-RELATED MEA MEASURES, ESPECIALLY IN DEVELOPING COUNTRIES, AND HOW TO OVERCOME THEM

- **Main challenges:**

- To reconcile a **mosaic of realities: local/national/regional/global** levels; complexity in lifecycle of chemicals and consumer products; geo-shifting of industry & manufacturing; development issues are different for **LDCs, developing countries/economies in transition** and **SIDS**; concerns over listing of chemicals forming part of trade negotiations,
- To improve **knowledge, expertise/experience** of all relevant national stakeholders (all-inclusive approach, government authorities and other actors);
- To arrive at **sustainable development**, by apprehending trade and environment coherently, not on 2 separate tracks (short term v. long term priorities, very often, trade priorities may prevail over environment protection e.g. agriculture, tourism, etc.); Role of the SDG's.
- To rely on **effective national implementation** of MEAs and **enforcement** of national implementing legal framework (by administration, including customs, the judiciary, etc.);
- To have sufficient **financial, technical and legal means of implementation.**

III. MAIN CHALLENGES IN THE APPLICATION OF TRADE-RELATED MEA MEASURES, ESPECIALLY IN DEVELOPING COUNTRIES, AND HOW TO OVERCOME THEM (2)

- **How the BRS Conventions overcome those challenges:**

- ✓ Technical assistance
- ✓ Awareness raising and
- ✓ Other types of activities

in order to:

1. Stress the significance of **the interlinkages** as well as **mutual supportiveness between trade and environment**,
2. Increase knowledge/expertise,
3. Exchange information and share experiences.

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- **Looking ahead: synergies, the future?**

- **BRS Triple COPs 2015;**
- **The Minamata Convention on Mercury;**
- **Other areas for trade/WTO & environment/MEA synergies...**



Thank you!

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