

## **Contribution of the Secretariat of the Basel, Rotterdam and Stockholm Conventions to the report of the Secretary-General on oceans and the law of the sea pursuant to United Nations General Assembly resolution 76/72 of 9 December 2021**

1. 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 contribute to protect the marine environment against the adverse effects which may result from hazardous chemicals and wastes.
2. The Basel, Rotterdam and Stockholm Conventions are part of the international action being taken to promote the sound management of chemicals throughout their life cycle in ways that lead to the prevention and minimization of significant adverse effects on human health and the environment, including oceans and marine biodiversity. The Conventions contribute to making consumption and production patterns and waste management more sustainable and hence reduce direct discharge or land runoff of hazardous pollutants or wastes into the marine and coastal environments.
3. Below are the main developments which have occurred in the framework of the Conventions since the last submission of the Secretariat in June 2021 in relation to relevant paragraphs of General Assembly resolution 76/72.

### **Paragraph 34: Capacity-building for developing States to address the multiple facets of international criminal activities at sea; Paragraph 160: Enhanced international cooperation to combat transnational organized criminal activities at sea**

4. Parties to the Basel Convention are required to prevent and combat illegal traffic in hazardous wastes and other wastes. Capacity building activities for developing States to address the multiple facets of international criminal activities at sea included:
  - National Training in Sri Lanka organized jointly with the United Nations Office on Drugs and Crime, to promote effective control of transboundary movements of plastic waste and build capacity to prevent cases of illegal traffic in September and October 2021;
  - Regional training to strengthen the capacity of Parties in the Eastern Europe and Central Asia regions related to national legal and institutional frameworks, enforcement, prevention and combating of illegal traffic and trade on hazardous chemicals and wastes in October 2021;
  - Regional training to strengthen the capacity of Parties in Asia related to national legal and institutional frameworks, enforcement, prevention and combating of illegal traffic and trade on hazardous chemicals and wastes in January 2022.
5. The Basel Convention continues to provide a framework for the development of guidance documents to assist Parties in preventing and combatting illegal traffic,<sup>1</sup> as well as for a network to promote compliance with the Convention's provisions on preventing and combating illegal traffic through a better implementation and enforcement of national law: the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE). ENFORCE brings together Parties to the Basel Convention, Basel Convention regional centres, and relevant entities with a mandate to assist Parties to prevent and combat illegal traffic and thereby contributes to a more efficient delivery of support to Parties.
6. The Conference of the Parties to the Basel Convention at its fifteenth meeting agreed to strengthen ENFORCE, including by facilitating the organization of joint inspections and enforcement

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<sup>1</sup> See the Guide for the implementation of the Basel Convention provisions dealing with illegal traffic (paragraphs 2, 3 and 4 of Article 9), the Guidance Elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Waste, the Instruction Manual on the Prosecution of Illegal Traffic of Hazardous Wastes or Other Wastes, and the Basel Convention Training Manual on Illegal Traffic for Customs and Enforcement Agencies, available at: <http://basel.int/Implementation/LegalMatters/IllegalTraffic/Guidance/tabid/3423/Default.aspx>.

operations led by members of ENFORCE and organize joint training workshops to train competent authorities as well as enforcement authorities involved with illegal traffic.

**Paragraph 35: Capacity-building to improve waste management practices**

7. Actions taken under the Basel Convention to build capacities for improved waste management practices include the following:

**(a) Environmentally sound management of waste**

8. On the matter related to environmentally sound management (ESM) of waste, the Conference of the Parties at its fifteenth meeting adopted the practical manual for stakeholders to ensure that notifications of transboundary movements met ESM requirements<sup>2</sup>. This is the final tool to be added to the ESM Toolkit developed under the Basel Convention.<sup>3</sup>

9. Capacity building projects are being implemented to enhance the ESM of hazardous waste streams e.g. asbestos containing or contaminated wastes, waste lead-acid batteries and e-waste, including mercury containing e-waste. New technical assistance activities were requested by Basel Convention Parties on lithium-ion batteries, on solar panels and other e-wastes. These projects aim to reduce the emissions into air and water of hazardous chemicals and substances, to avoid dumping and the human health exposure to hazardous chemicals and wastes. Capacity building projects on the ESM of plastic wastes are referred to in paragraphs 25-28 of the present document.

**(b) Technical guidelines for the environmentally sound management of waste**

10. The Convention stipulates that technical guideline for the ESM of the waste falling under its scope should be developed and adopted by the Conference of the Parties. Although not legally-binding at the international level, technical guidelines provide for the foundation upon which countries can operate at a standard that is not less environmentally sound than that required by the Basel Convention. Some Parties have also transposed certain technical guidelines into their national legislation and regulations. These guidelines are developed for a variety of waste streams and disposal operations and are intended to assist Parties, in particular developing countries, in ensuring the ESM of hazardous and other wastes. All the technical guidelines developed and adopted under the Basel Convention are available at:

<http://basel.int/Implementation/Publications/LatestTechnicalGuidelines/tabid/5875/Default.aspx>.

11. The following technical guidelines were adopted by the Conference of the Parties at its fifteenth meeting held in June 2022:

12. General technical guidelines on the ESM of wastes consisting of, containing or contaminated with persistent organic pollutants, and more specific related technical guidelines to take into account decisions SC-9/11 and SC-9/12 respectively listing dicofol and perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds to the annexes of the Convention and decision SC-9/4 on perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOS-F) which cancelled a number of available specific exemptions for these chemicals;

13. Technical guidelines on the ESM of wastes consisting of, containing or contaminated with mercury or mercury compounds;

14. Technical guidelines on incineration on land (D10) and (R1) and on specially engineered landfill (D5).

15. The Convention has also advanced work on the update of a set of guidelines on the ESM of plastic wastes and is now starting work on updating the technical guidelines on the ESM of used and

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<sup>2</sup> <http://www.basel.int/TheConvention/ConferenceoftheParties/Meetings/COP15/tabid/8392/Default.aspx>.

<sup>3</sup>

<http://www.basel.int/Implementation/CountryLedInitiative/EnvironmentallySoundManagement/ESMToolkit/Overview/tabid/5839/Default.aspx>.

waste pneumatic tyres; and considering whether technical guidelines on the ESM of rubber wastes (entries B3040 and B3080) should be developed.

### **(c) Household Waste Partnership**

16. Established by the Conference of the Parties to the Basel Convention in 2017, the Household Waste Partnership aims at promoting the ESM of household waste, including its prevention and minimization, through the development of guidance, tools and manuals for governments, regional and local authorities and other stakeholders on, among other things, best practices, business models, policies and innovative solutions for the ESM of household waste.

17. The Partnership provides the necessary infrastructure to address the global household wastes challenge in an efficient and innovative way, through global information exchange, sharing of best practices by key stakeholders in the field, development and provision of technical guidance based on the latest science available, active engagement of the private sector for enhanced action to promote ESM of wastes, including issues such as extended producer responsibility, active engagement of the civil society and the general public through targeted awareness raising.

18. As mandated by the fourteenth meeting of the Conference of the Parties to the Basel Convention, the working group invited Parties and observers to provide comments on the revised draft overall guidance document on the ESM of household waste (UNEP/CHW/OEWG.12/INF/29, annex) by 15 October 2020 and for the Secretariat, in consultation with the Partnership working group, to revise the guidance document based on the comments received for submission to the Conference of the Parties at the face-to-face segment of its fifteenth meeting. A further round of comments was invited by the Open-ended Working Group at its twelfth meeting.<sup>4</sup> The Conference of the Parties at its fifteenth meeting took note of the draft overall guidance on the environmentally sound management of household waste and invited Parties and observers to provide further comments for the development of a revised draft overall guidance document by 15 February 2023, for possible adoption by the Conference of the Parties at its sixteenth meeting.

### **(d) Follow up partnership to the Partnership for Action on Computing Equipment**

19. At its fourteenth meeting, the Conference of the Parties to the Basel Convention established a follow up partnership to the Partnership for Action on Computing Equipment. The partnership, is a multi-stakeholder platform, involving public and private entities. The partnership's aim is to strengthen the ESM of e-waste through awareness-raising, pilot projects, training and capacity-building activities and sharing of best practices solutions.

20. The follow up Partnership to PACE focuses on the ESM of mobile phones, computing equipment and policies for the ESM of e-waste. The fifteenth meeting of the Conference of the Parties to the Basel Convention adopted the amendments to the terms of reference, adding new e-waste types in the scope of the Partnership: wastes of refrigerators, cooling and heating equipment, TV screens, audio and video equipment. The amendments include a new name for this Partnership: Partnership for Action on challenges relating to e-waste, abbreviated PACEII. The programme of work for 2022-2023 includes pilot projects, dissemination activities and the development of guidelines for the environmentally sound repair and refurbishment of used equipment of the new streams and the ESM of the new proposed e-waste streams.

### **(e) Regional centres of the Basel and Stockholm Conventions**

21. The Basel Convention benefits from a network of 14 regional and coordinating centres for capacity building and technology transfer. The centres' focus is on training and technology transfer regarding the management of hazardous and other wastes and the minimization of their generation.<sup>5</sup>

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<sup>4</sup> <http://www.basel.int/Implementation/HouseholdWastePartnership/OverallGuidanceDocument/tabid/8227/Default.aspx>

<sup>5</sup> <http://www.basel.int/Partners/RegionalCentres/Overview/tabid/2334/Default.aspx>

22. The Stockholm Convention has established a network of 16 regional and subregional centres to provide technical assistance and to promote the transfer of technology to developing country Parties and Parties with economies in transition regarding the implementation of their obligations under the Convention.<sup>6</sup>

23. A number of regional centres of the Basel and Stockholm Conventions are actively working on addressing the issue of marine plastic litter and microplastics, through their technical assistance and information exchange activities.

**Paragraphs 222 to 231: Actions to address marine pollution, including marine debris, especially plastics, microplastics, and persistent organic pollutants**

24. The Secretariat of the Basel, Rotterdam and Stockholm Conventions is involved in a broad range of international cooperation and technical assistance activities to address plastic waste, including marine plastic litter and microplastics.

25. The European Union, Canada, France, Germany, Japan, Norway, Sweden, Switzerland, the Norwegian Agency for Development Cooperation (Norad) and the Norwegian Retailers' Environment Fund are providing financial support to the activities related to plastic waste.

26. The following technical assistance projects are currently being implemented:

- The project *'Marine litter and microplastics: promoting the environmentally sound management of plastic waste and achieving the prevention and minimization of the generation of plastic waste'* seeks to prevent and significantly reduce marine litter and microplastics by strengthening capacity in Ghana and Sri Lanka as well as at the regional and global levels. The project is funded by the Norad and scheduled to be completed in 2023;<sup>7</sup>
- The project *'Further actions to address plastic waste under the Basel Convention'* aims to assist partner countries to improve their management of plastic waste and ultimately contribute to Sustainable Development Goal target 14.1.<sup>8</sup> Under this project, 16 projects by regional centres have been selected for funding under the Small Grants Programme on Plastic Waste and are being implemented in 2021-2023. The project is funded by the Norad, with additional funding from the governments of Germany and Sweden, and is benefiting 36 countries in Asia-Pacific, Africa, Latin America and the Caribbean and Central and Eastern Europe. A third call for project proposals for submissions by the Basel and Stockholm Conventions Regional Centres has been concluded and selection of additional projects is ongoing;
- The project *'Plastic Waste in Remote and Mountainous Areas'* aims to strengthen capacity and awareness in remote and mountainous areas to reduce the amounts of plastic waste and to ensure its environmentally sound management. Pilot activities are being initiated in North Macedonia and Peru. The project is funded by the governments of France and Norway, and Norad and scheduled to be completed in 2023;
- The project *'Strengthening knowledge and capacity to prevent and reduce releases of plastic waste in Malawi and Zimbabwe'* financed by the Norwegian Retailers' Environment Fund, with additional funding from the Governments of Norway and Sweden, aims to protect human health and the environment from plastic waste by strengthening knowledge and capacity among decision makers in these two countries. The project is scheduled to be completed in June 2023;
- The project *'Environmentally sound plastic management'*, financed by the Norwegian Retailers Environment Fund, commenced in April 2022 and is scheduled for completion in December 2025. It targets up to 12 countries.

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<sup>6</sup> <http://chm.pops.int/Partners/RegionalCentres/Overview/tabid/425/Default.aspx>

<sup>7</sup> <http://www.basel.int/Implementation/Plasticwaste/Technicalassistance/Projects/BRSNorad1/tabid/8343/Default.aspx>

<sup>8</sup> <http://www.basel.int/Implementation/Plasticwaste/Technicalassistance/Projects/BRSNorad2/tabid/8344/Default.aspx>

27. The Basel Convention's Plastic Waste Partnership's pilot project programme has held two successive calls for proposals. The first, in 2020, saw the selection of 23 pilot project proposals for implementation globally. These projects are generously funded by the governments of Germany, Norway and Switzerland. A second call for projects issued in 2022 has elicited over 100 pilot project proposal submissions which are currently being evaluated by the steering group of the Partnership.

28. At its seventeenth meeting, on 24-28 January 2022, the Persistent Organic Pollutants Review Committee adopted the risk management evaluation on methoxyxlor and recommended to the Conference of the Parties that it consider listing the chemical in Annex A to the Convention without specific exemptions. The recommendation will be considered by the Conference of the Parties at its eleventh meeting in 2023.

29. The Committee also adopted the risk profile for Dechlorane Plus, a flame retardant, and UV-328, an antioxidant for plastics, moving this chemical to the next review stage requiring the preparation of a risk management evaluation, that includes an analysis of possible control measures.

30. The Committee also agreed that chlorpyrifos, chlorinated paraffins with carbon chain length of C14 and chlorination levels at or exceeding 45% chlorine by weight, and long-chain perfluorocarboxylic acids, their salts and related compounds met the screening criteria in Annex D and decided to review the respective proposals further and to prepare draft risk profiles in accordance with Annex E to the Convention.

31. The Committee furthermore established intersessional working groups to review information related to specific exemptions for decabromodiphenyl ether and short-chain chlorinated; and agreed on the terms of reference for the assessment of alternatives to perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOSF) and established an intersessional working group to undertake the activities according to the evaluation process.

32. The Stockholm Convention controls various persistent organic pollutants which have been used as plastic additives such as flame retardants, plasticizers, oil and water repellents and in manufacture of fluoropolymers. Those persistent organic pollutants include: brominated diphenyl ethers, hexabromocyclododecane, short-chain chlorinated paraffins, perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOSF) and perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds.

**Paragraph 243: Continued cooperation between the Parties to the Basel Convention and the International Maritime Organization on regulations on the prevention of pollution from ships**

33. The Secretariat continues to cooperate with the International Maritime Organization (IMO) to implement decisions BC-12/15 on ship dismantling and BC-13/15 related to wastes generated on board ships and works with organizations such as the International Labour Organization and International Maritime Organization, as appropriate, on policy and capacity-building issues related to sustainable ship recycling.

**Paragraph 244: The role of the Basel Convention in protecting the marine environment against the adverse effects of hazardous and other wastes, its recent amendments relating to plastic wastes and its decision BC-14/13 which includes in particular the establishment of a global Partnership on Plastic Waste**

**(a) Plastic Waste amendments**

34. At its fourteenth meeting, by decision BC-14/12, the Conference of the Parties adopted the amendments to Annexes II, VIII and IX to the Basel Convention with the objectives of enhancing the control of the transboundary movements of plastic waste and clarifying the scope of the Convention as it applies to such waste:

- Annex II (waste that requires special consideration: subject to the PIC procedure): addition of new entry Y48 covering all plastic waste, including mixtures of plastic waste, except for the plastic waste covered by entries A3210 (in Annex VIII) and B3011 (in Annex IX);
- Annex VIII (waste presumed to be hazardous: subject to the PIC procedure): addition of new entry A3210 covering hazardous plastic waste;
- Annex IX (waste presumed to not be hazardous: not subject to the PIC procedure): addition of new entry B3011, replacing current entry B3010 after a specific date, covering plastic waste consisting exclusively of one non-halogenated polymer or resin, selected fluorinated polymers or mixtures of polyethylene, polypropylene and/or polyethylene terephthalate, provided the waste is destined for recycling in an environmentally sound manner and almost free from contamination and other types of wastes.

35. With regard to the plastic waste listed in entries A3210 and Y48, each Party will also be required to implement the provisions of the Basel Convention pertaining to waste minimization and the ESM of such wastes. The amendments will make the global trade in plastic waste more transparent and better regulated, whilst also ensuring that its management is safer for human health and the environment. The amendments entered into force on 24 March 2020 and the new entries became effective as of 1 January 2021. You may find more information on the website regarding the [text of the amendments](#) and related [Frequently-Asked-Questions](#).

#### **(b) Decision BC-14/13 on further actions to address plastic waste**

36. The fourteenth meeting of the Conference of the Parties to the Basel Convention adopted several other decisions, including decision BC-14/13, on further action to address plastic waste under the Convention. These decisions have strengthened the Basel Convention as the only global legally binding instrument to specifically address plastic waste.

37. In section VI of decision BC-14/13, the Conference of the Parties welcomed the proposal to establish a Basel Convention partnership on plastic waste; decided to establish a working group of the Basel Convention partnership on plastic waste, adopted the terms of reference for the Partnership and requested the working group to implement the workplan for the biennium 2020–2021.

38. The Basel Convention partnership on plastic waste, established by the Conference of the Parties to the Basel Convention in May 2019 is a platform that unites stakeholders from governments, international organisations, NGOs and industry towards the common objective of eliminating the leakage of plastic waste into our environment. The Partnership seeks to mobilise its broad stakeholder base to tackle the issue of plastic pollution on multiple fronts: from stimulating the development of strategies to strengthen policy and regulatory frameworks within countries; to developing solutions to improve the collection, separation and sound management of plastic waste; and stimulating innovations for increasing the durability, reusability, reparability and recyclability of plastics. The Partnership creates a collaborative environment promoting the sharing of experiences, best practices and technologies towards this common objective. Membership is open to Parties and other stakeholders dealing with the different aspects of prevention, minimization and management of plastic waste. It currently stands at 235 representatives from Parties to the Convention, its regional centres, the private sector, civil society and intergovernmental organisations. This robust stakeholder base is representative of all UN geographic regions, from national to local levels of government, from multinational companies to grassroots NGOs.

39. Four project groups were established under the Basel Convention partnership on plastic waste on (1) plastic waste prevention and minimization; (2) plastic waste collection, recycling and other recovery, including financing and related markets; (3) transboundary movements of plastic waste; and (4)

outreach, education and awareness-raising. Each project group has developed a workplan and is progressing its work.<sup>9</sup>

40. The working group also agreed on modalities for the submission, selection, implementation and evaluation of pilot projects of the Basel Convention partnership on plastic waste working group to undertake capacity building projects for the benefit of developing-country Parties or Parties with economies in transition. A second call for proposals for pilot projects under the Plastic Waste Partnership was issued in January 2022, with a deadline in April 2022.

**(c) Cooperation with the World Customs Organization on the Harmonized Commodity Description and Coding System**

41. Pursuant to paragraph 3 of decision BC-14/9, the Secretariat had also submitted a proposal for amending the Harmonized Commodity Description and Coding System to allow for the identification of waste oils containing polychlorinated biphenyl (PCB) and prepared a draft proposal to allow for the identification of plastic waste.

42. The Open-ended Working Group agreed to invite Parties and observers to submit comments on the draft proposal on amendments to the Harmonized Commodity Description and Coding System with respect to plastic waste set out in annex III to the Secretariat by 15 September 2020 and to request the Secretariat to take the comments received into account in submitting a proposal for amending the Harmonized System in respect of plastic waste to the World Customs Organization.

**(d) E-waste amendments**

43. The Parties to the Basel Convention, taking into consideration the growing concern regarding the challenges in the environmentally sound management of e-waste, at the fifteenth Conference of the Parties, in 2022, adopted a decision to amend annexes II, VIII and IX of the Convention, listing both hazardous and non-hazardous e-wastes in the Annexes of the Convention. The amendments will require that all e-wastes, subject to transboundary movement, follow the Prior Informed Consent Procedure (PIC) of the Basel Convention. Prior to this decision, only hazardous e-wastes were subject to the PIC procedure. The decision intends to enhance the environmentally sound management of e-waste and to prevent their illegal traffic.

**Paragraph 245 Cooperation in the fields of protection of the marine environment, human health and safety, prevention, emergency response and mitigation to better understand the consequences of marine oil spills or marine spills involving hazardous or noxious substances**

44. The Secretariat continues to cooperate with the Joint Environment Unit of UNEP/OCHA (Office for the Coordination of Humanitarian Affairs) and with the International Maritime Organization to provide technical assistance to emergency prevention and response civil protection officers, port authorities and Basel Convention focal points to prevent and respond to environmental emergencies caused by hazardous chemicals and wastes in the scope of the Basel, Rotterdam and Stockholm Conventions. Capacity building activities are planned in the Economic Community of West African States (ECOWAS) sub-region and in Asia in the biennium 2022-2023.

**Paragraph 293: Cooperation and coordination in research efforts to reduce harmful impacts on marine life; Paragraph 314: Regular scientific assessments of the state of the marine environment to enhance the scientific basis for policymaking**

45. The Basel, Rotterdam and Stockholm Conventions, through the work of the scientific subsidiary bodies, the prior informed consent procedure, and the national reporting obligations, play an important role in generating global data on chemicals and waste management, and making it available to Parties and stakeholders.

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<sup>9</sup> <http://www.basel.int/Implementation/Plasticwaste/PlasticWastePartnership/tabid/8096/Default.aspx>

46. Under the Stockholm Convention's Global Monitoring Plan, for instance, a number of activities are carried out to generate long-term and comparable monitoring data on the concentrations of persistent organic pollutants in humans, ambient air, and surface water for water-soluble persistent organic pollutants. This information is synthesized and made available in the global monitoring plan regional and global monitoring reports.<sup>10</sup> The data on the monitoring of persistent organic pollutants is made widely available through the global monitoring plan data warehouse.<sup>11</sup> Information on concentrations of hydrophilic persistent organic pollutants in surface water, including changes over time, is available in the above-mentioned documents and resources.

47. The Secretariat cooperates with a wide range of actors to support international research efforts on the fate and effects of marine plastics and microplastics. The Secretariat also cooperates with United Nations Environment Programme (UNEP) on the implementation of the United Nations Environment Assembly (UNEA) resolution 4/7, paragraph 2, by which the Executive Director of UNEP was requested to immediately strengthen the scientific knowledge with regard to marine litter including marine plastic litter and microplastics. In that regard, the BRS Secretariat provided inputs to the first draft assessment on sources, pathways and hazards of litter including plastic litter and microplastic pollution being developed by UNEP.

**Other activities:**

48. As mandated by the fourteenth meeting of the Conference of the Parties to the Basel Convention the Implementation and Compliance Committee prepared a revised version of the guidance to improve the implementation of paragraph 11 of Article 6 of the Convention, taking into account comments received, for possible adoption by the Conference of the Parties at its fifteenth meeting in June 2022. Paragraph 11 of Article 6 provides for an obligation to cover any transboundary movement of hazardous wastes or other wastes by insurance, bond or other guarantee as may be required by the State of import or any State of transit which is a Party to the Convention.

49. The Implementation and Compliance Committee is finalized the guidance on the implementation of paragraph 4 of Article 6 of the Convention on the role of transit States in the prior informed consent procedure, taking into account additional comments received from Parties and observers including the World Customs Organization, and through targeted exchanges with the United Nations Division for Ocean Affairs and the Law of the Sea. The guidance was adopted by the Conference of the Parties at its fifteenth meeting in June 2022. The Secretariat is grateful for the contributions made by the United Nations Division for Ocean Affairs and the Law of the Sea in this context.

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<sup>10</sup> <http://chm.pops.int/Implementation/GlobalMonitoringPlan/MonitoringReports/tabid/525/Default.aspx>

<sup>11</sup> <https://www.pops-gmp.org>