

BAN Intervention on the Technical Guidelines for the Transboundary Movement of Electronic Waste

September 3, 2018. Thank you madame Co-Chair. First, BAN would like to align itself with the comments of India and Brazil. Distinguished delegates, it is with the deepest disappointment that BAN, the organization that first raised the issue of e-waste at the global level, must report that the Interim Guideline on the Transboundary Movement of e-Waste remains a conflicted and dangerous document, and sadly, is unlikely to be substantially improved.

As such, BAN strongly urges the Parties not to use the document, and not to vote it into any new states of legitimacy at this meeting or at COP unless and until it can be substantially strengthened. This once worthy document has now been weakened to the point that it is no longer a Guideline to control hazardous e-waste -- as is the mandate of the Convention. It is rather now a Guideline designed to do the opposite and allow the trade in hazardous e-waste -- without controls, and in direct contradiction to the Convention and the Ban Amendment.

This is not the kind of e-waste trade Guidance the world needs now. Ask China if you do not believe me. They finally closed their borders to the scourge of e-waste after it has for years contaminated their population and territory irrevocably. Ask Hong Kong that is just now moving to rid its territory of e-waste smugglers. Ask Nigeria and Ghana and other African countries who continue to struggle to contain illicit traffic. Ask Thailand, that recently woke up one fine day to find foreign businessmen were dotting their landscape with electronic waste burning, acid stripping and melting factories, spewing out dioxins and heavy metals onto farmlands. Two months ago, Thailand imposed a national ban on the import of e-waste.

Due to a loophole placed into the guideline text as paragraph 31(b) -- this Guideline now departs from defining toxicity and waste from a scientific standpoint, and instead creates a new exemption from the Convention itself created only to satisfy some electronics manufacturers and their limited needs. Yet this exemption will allow massive volumes of hazardous post-consumer electronics to be traded outside of the Convention and thus without normal prior informed consent controls.

Like recycling, repair and refurbishment should be a good thing. But just as we witnessed with recycling it can also be an excuse to continue to exploit developing countries with wastes. We all know that any used equipment can be claimed as repairable, and export to even the best repair operations involves transboundary movement non-functional hazardous parts and residues. Do we really want new mountains of toxic lead-laden circuit boards or mercury laden lamps to pile up in developing countries all in the name of repair? Such deregulation will not foster a circular economy, but rather will foster a new circus of externalized harm and costs. And yet externalities of this kind are recognized as unacceptable in a responsible circular economy.

In sum, we urge Parties to remember that this document is, in any case, but a guideline. It is not binding. And, fortunately we have a Convention already that is. Let us remain faithful to

the clear interpretation of the Convention itself -- found already within EU law, within the PACE, and MPPI guidelines, and within Bamako Convention decisions.

And that is simply -- that any electronic equipment that is not tested and shown to be functional, must be considered a waste. And, if that waste contains hazardous materials, it must be considered a hazardous waste -- subject to the full controls of the Convention.

That is all the guidance our earth and its people need right now to have a fighting chance in addressing the deadly scourge of the e-waste trade. I Thank you.