

BRS Conventions COPs Highlights: Thursday, 9 May 2019

Delegates to the 2019 meetings of the Conferences of the Parties (COPs) to the Basel, Rotterdam and Stockholm Conventions convened in plenary in the morning to address issues of joint concern to at least two of the three Conventions, as well as work related specifically to the Rotterdam Convention (RC). Plenary was suspended in the afternoon to allow delegates to work in contact groups on a range of issues, including RC effectiveness, Basel Convention (BC) plastics, budget, and technical assistance and financial resources.

Joint Sessions of the COPs

Organizational Matters

The Secretariat presented, and delegates adopted, the report on credentials for each of the BRS Conventions.

CHINA proposed making the credentials available online and asked whether parties to the RC without credentials were entitled to vote. This issue was discussed further under RC Compliance.

Matters Related to the Implementation of the Conventions

Technical assistance: SC COP9 President Khashashneh introduced the draft decision on technical assistance (CHW.14/CRP.24; RC/COP.9/CRP.7; POPS/COP.9/CRP.24), which was adopted without amendment.

Enhancing Cooperation and Coordination among the BRS Conventions

International cooperation and coordination: BURKINA FASO introduced the draft decision on the establishment of a strong organic and programmatic collaboration between the Secretariat of the Bamako Convention and the BRS Secretariat (CHW.14/CRP.32; RC/COP.9/CRP.8; POPS/COP.9/CRP.25).

The GAMBIA, BENIN, MALI, TOGO, SENEGAL, KENYA, NIGERIA, BURUNDI, the DEMOCRATIC REPUBLIC OF THE CONGO, CHAD, LIBERIA, NIGERIA, GHANA, and CÔTE D'IVOIRE supported the decision. PAKISTAN lauded the proposed collaboration between the Secretariats but asked for clarification on the meaning of the phrase "strong organic" collaboration. BURKINA FASO explained it means "to be fully integrated in the system." MALI underscored the importance of taking hazardous waste into account, noting that Africa is often a depository for such waste. The Stockholm Convention Regional Centre (SCRC) in Senegal supported the need for synergies between the BRS Conventions and the Bamako Convention.

CANADA supported cooperation but noted that several elements of the decision required careful consideration. The EU and JAPAN underscored that the implications of the decision, including for the budget, required further consideration.

President Khashashneh suspended this agenda item so bilateral consultations could take place between the EU, Canada, Japan, and the African Group.

Venue and Date of the 2021 Meeting of the COPs

Delegates decided to hold the next meetings of the BRS COPs in Nairobi, Kenya, from 17 to 28 May 2021, with joint sessions covering matters of relevance to at least two of the three Conventions and separate sessions of each of the COPs. They also decided that these meetings will include a high-level segment of no more than one day's duration (CHW.14/CRP.4; RC/COP.9/CRP.2; POPS/COP.9/CRP.12).

Other Matters

President Khashashneh introduced the draft decision on existing UN guidelines on mobilization of resources from non-state actors (CHW.14/CRP.15; RC/COP.9/CRP.6; POPS/COP.9/CRP.23), which requests the Secretariat to assess the relevance of the guidelines for the BRS Conventions, for consideration at COP10. Delegates adopted the decision without amendment.

Rotterdam Convention COP9

Rules of Procedure for the COP

The Secretariat introduced the document (RC/COP.9/3), which invites the COP to consider bracketed text related to the adoption of decisions on substantive matters. President Álvarez-Pérez proposed, and delegates agreed, that the COP defer consideration of the text to its next meeting. He noted that, until otherwise decided, substantive matters will continue to be decided by consensus.

Matters Related to the Implementation of the Convention

Status of implementation: The Secretariat introduced the documents, including the draft decision (RC/COP.9/4; INF/6-8).

Encouraging all parties to submit notifications of final regulatory action, the EU called for the development of additional webinars and online tools for capacity building. He supported adoption of the draft decision, but highlighted his proposals for amendments set out in CRP.9, which addresses the definition of the term "pesticides," the use of Harmonized System (HS) codes when exporting chemicals, and assistance provided by the Secretariat to Parties.

The AFRICAN GROUP, with NIGERIA, supported the draft decision set out in RC/COP.9/4 and called for regional training and capacity building workshops to increase the number of notifications.

SWITZERLAND encouraged parties to include exposure data in their notifications.

The RUSSIAN FEDERATION called for all reference materials to be translated into the six UN languages.

ZAMBIA highlighted the benefits of the financial and technical support it had received to undertake a gap analysis designed to support implementation of the RC. The US agreed with Switzerland that the information documents demonstrate that the available technical assistance and evaluation tools are making a difference.

Noting general support for the proposed action, President Álvarez-Pérez suggested adopting the draft decision with the amendments proposed by the EU and China. He noted that China's suggested changes to CRP.9 included: moving a paragraph on submitting periodic questionnaires, so as to "encourage" rather than "urge" parties to submit; adding the phrase "to be used for occupational purpose" in relation to chemicals in safety data sheets, which aligns the text with the provisions of the Convention; and adding text pertaining to shipping documents, in particular "if a code has been assigned." GUINEA queried who would assign such a code.

KENYA suggested making explicit the trigger and format for submission of information. The Secretariat clarified that the invitation to parties to provide information would have a flexible format to capture a maximum amount of information.

Delegates adopted CRP.9 with the oral amendments proposed by China.

Compliance: President Álvarez-Pérez noted that, during discussions pertaining to the report on credentials, one party had raised a question related to the vote to establish a new annex to the Convention that would delineate procedures and a mechanism for compliance. The BRS Legal Officer clarified that the rules of procedure allow provisional participation of all parties in decision-making, pending a decision by the COP to accept their credentials. She said the report of credentials would be made publicly available.

Asking how the Secretariat counted the votes, CHINA, with the RUSSIAN FEDERATION, reiterated concern about Wednesday's vote setting "a dangerous precedent."

BRAZIL underscored the importance of ensuring the integrity of the voting process. PAKISTAN asked what the consequences would be if parties without credentials had voted. Emphasizing lack of clarity about who voted, BOLIVIA said there is no precedent for voting without credentials.

Explaining that decision-making cannot be retroactive, President Álvarez-Pérez reminded delegates that his decision to hold the vote after the report of credentials was overruled by a majority of delegates who preferred to hold the vote immediately.

IRAN expressed concern that some observers might have voted. The GAMBIA emphasized that the numbers of votes in favor of creating the annex was "huge" and said that exclusion of parties without credentials would not have changed the results.

Underscoring that the correct procedure was followed, SWITZERLAND called for the next Bureau to review and strengthen the process of presenting credentials. GUINEA stressed that parties' main aim should be implementation of the Convention.

President Álvarez-Pérez explained that the vote had taken place in accordance with the rules of procedure and as requested by parties. He encouraged those who were "uncomfortable" with the procedures to propose changes for future consideration.

Contact Groups

BC Plastics: Delegates worked on finalizing the extensive draft decision on further actions to address plastic waste under the BC, having discussed four different proposals to amend Annexes II,

VIII and IX on Wednesday evening, and tasking a small drafting group to work on merging the proposals into a more suitable compromise.

In their consideration of the draft decision, the contact group discussed, among several other issues, how to best reference the decision taken at the fourth UN Environment Assembly on marine plastic litter and microplastics. They also agreed to delete a reference to single-use plastic and fishing gear in a request to parties to promote the environmentally sound management of plastic waste. Participants debated whether to include the year 2030 as the target date to reduce "unnecessary" single-use plastic products, with one delegate explaining that there are certain necessary uses.

RC Effectiveness: The group met on Thursday afternoon to explore the possibilities of combining elements from two proposals that could form the basis for a draft decision on enhancing effectiveness. With the Co-Chairs calling for participants to agree on the language of a combined text, participants continued discussions into the evening on, *inter alia*, asking the Secretariat to implement the exchange of information among parties on national examples and lessons learned; information exchange standards; and a prior informed consent (PIC) database.

The contact group also agreed on the topics that could be included in the Chemical Review Committee (CRC) draft proposal including, *inter alia*, welcoming the Secretariat's recommendations for improving participation, openness and transparency in the CRC process, and requesting the Secretariat to report to COP10 on progress with respect to these recommendations.

Participants did not agree on the need to request the Secretariat to prepare a detailed analysis of potential financial and administrative implications related to translation into the UN official languages, or on the introduction of interpretation and translation services for the CRC.

In the Corridors

On the penultimate day of the TripleCOPs, participants raced to finish work on a range of challenging issues. With the BC plastics contact group meeting throughout the day to deal with a "rainbow of options" for addressing plastic wastes, financial experts trying to establish a viable budget, and delegates laboring intensively in bilaterals and small groups to find common ground on matters such as e-wastes and potential listing of chemicals, most delegates were anticipating a late night. One emphasized that agreement on some of these outstanding issues is essential, as matters such as the operation of the RC's CRC, budget, and technical assistance and financial resources are of paramount importance to the effective implementation of the three different Conventions.

Another veteran participant expressed frustration that delegates seemed unwilling to openly share their views in contact groups, and were instead confining their conversations to the corridors. She lamented that this reticence to engage was hindering progress, particularly in discussions of effectiveness.

Despite the challenges awaiting resolution, however, many were celebrating the number of important questions that have already been resolved. One even predicted that the meeting could finish ahead of schedule, saying that for the Stockholm Convention, at least, "all of the difficult issues are behind us."

The *Earth Negotiations Bulletin* summary and analysis of the BRS Conventions COPs will be available on Monday, 13 May 2019 at <http://enb.iisd.org/chemical/cops/2019/>