

BRS Conventions COPs Highlights: Friday, 5 May 2023

The Stockholm Convention (SC) adopted four decisions, including listing Dechlorane Plus and UV-328 in Annex A with specific exemptions. Work continued on the Basel Convention (BC) plastic wastes technical guidelines, and delegates started additional work on strategic and legal issues. After extensive consultations, the Rotterdam Convention (RC) agreed to two new Co-Chairs for the RC contact group on the proposed amendment. Additional contact groups met on budget, technical assistance and financial resources, SC compliance, and joint issues.

Joint Sessions of the COPs

Credentials: On Friday, 5 May 2023, the COPs adopted the report on credentials.

Basel Convention

Scientific and Technical Matters: Technical guidelines other than POPs wastes: The Secretariat introduced the technical guidelines (UNEP/CHW.16/6) and the report on outcomes of and follow-up to Open-ended Working Group (OEWG) 13 (UNEP/CHW.16/20/Add.1.).

On **used and waste pneumatic tyres**, the EU submitted minor changes on postponing the nomination of experts for the small intersessional working group (SIWG) by one month and requesting the Secretariat, in consultation with the SIWG, to prepare draft updated guidelines. Many, including SWITZERLAND, NORWAY, and ARGENTINA, supported extending the group's mandate, with the latter noting connections with other guidelines, such as on microplastics. BRAZIL offered to share its national experience.

As amended by the EU, the decision was adopted pending confirmation from the budget group.

On **rubber wastes**, the EU, the UK, JAPAN, SWITZERLAND, and SAUDI ARABIA did not support starting work on this matter at this COP due to the relevant contact group's workload. NORWAY noted that any decision to develop new guidelines needs to be postponed, preferably until after the plastic wastes guidelines. The EU supported, in principle, the development of technical guidelines on the environmentally sound management (ESM) of rubber wastes, waste parings, and scrap rubber. CANADA said there is no current environmental justification for new technical guidelines, suggesting that work on the issue would be "premature." NIGERIA supported the development of technical guidelines on this matter by the COP at its earliest convenience.

ARGENTINA, supported by PALESTINE, requested clarity on the definition of this type of waste before addressing it.

BAN said that rubber waste is plastic, as 98% of it is considered plastic waste.

BC COP President Hernaus referred the matter for further discussion in the next work programme of the OEWG in the 2024-2025 biennium.

On **physico-chemical treatment (D9) and biological treatment (D8)**, the EU, SWITZERLAND, CHILE, and ARGENTINA noted the importance of the guidelines, with ARGENTINA suggesting the matter to be addressed at a later date due to the high workload at this meeting.

BC COP President Hernaus assured delegates' comments on the matter will be reflected in the meeting report and deferred discussions on updating the guidelines to the next COP.

Strategic Issues: Strategic framework: The Secretariat introduced the documents, draft decision (CHW/COP.16/3, 20/Add.1) and recommendation to improve the strategic framework (INF/5). CANADA reported on the work of the SIWG on the Strategic Framework and a CRP by Canada and the UK on the Strategic Framework for plenary's consideration (CHW.16/CRP.8/Rev.1).

Many, including the EU, SOUTH AFRICA, SWITZERLAND and CHINA, voiced support for the work of the SIWG and the proposed recommendations. CHILE, KENYA, MALI, and MEXICO proposed aligning its timeline along a six-year cycle, with a mid-term review.

BANGLADESH suggested that more experts be involved in developing the strategic framework. INDONESIA drew attention to linkages with the World Customs Organization. BRAZIL, supported by AUSTRALIA, proposed more time for the nomination of experts, moving the deadline from 31 July to 30 September 2023.

INDIA noted the importance of tracking progress and using indicators. ARGENTINA called for clear and measurable objectives, and VENEZUELA for strengthened institutional, laboratories and customs capacities.

The decision, with amended deadlines, was adopted pending confirmation from the budget group.

Improving the functioning of the PIC procedure: The Secretariat introduced the documents and draft decision (CHW/COP.16/4, 20/Add.1, INF/6).

Parties considered the recommendation by the OEWG to establish a SIWG at COP 16 that is open to all parties, inviting

balanced representation of the five UN regional groups to identify challenges in the implementation of the BC PIC procedure and best practices, possible approaches, and initiatives to improve its functioning.

PAKISTAN, SWITZERLAND, the EU, KENYA, NEW ZEALAND, BOLIVIA, NIGERIA, El Salvador, for GRULAC, VANUATU, BRAZIL, BANGLADESH, CANADA, QATAR, SEYCHELLES, the RUSSIAN FEDERATION, the MALDIVES, and LEBANON supported the recommendation.

INDONESIA, TÜRKIYE, GEORGIA, MOROCCO, VANUATU, JORDAN, and PAPUA NEW GUINEA highlighted, among other issues, the need for capacity building, technical assistance, and financial support to developing countries in enhancing the effectiveness of the PIC procedure.

PANAMA, the PHILIPPINES, TÜRKIYE, MALAYSIA, VENEZUELA, and the MALDIVES underscored the importance of ongoing work on electronic approaches to the notification and movement documents and the need to develop further recommendations on improving the functioning of the procedure.

SWITZERLAND, the EU, BANGLADESH, NORWAY, and others supported establishing a contact group to further deliberate on the matter.

Observers from the US and the INFORMATION TECHNOLOGY CENTER supported the establishment of the SIWG.

BC COP President Hernaus initially proposed the adoption of the draft decision (CHW.16/CRP.2).

CANADA and JAPAN reiterated the need for a contact group, and noting that other parties also recommended this, BC COP President Hernaus announced the establishment of a contact group co-chaired by Yaser Khalil Abu Shanab (Palestine) and Ann De Jonghe (Belgium).

Development of guidelines for environmentally sound management: The Secretariat introduced the document and draft decision (CHW/COP.16/5). She noted that no responses were received following an invitation to share information on the guidelines, particularly on initiatives that might promote implementation. ZAMBIA encouraged parties to submit relevant information. The RUSSIAN FEDERATION reported successful work in tackling hazardous wastes, including those containing PCB. The COP agreed to the decision, which requests parties and others to continue providing information to the Secretariat in accordance with decision BC-15/5.

Legal, Compliance, and Governance Matters: Committee Administering the Mechanism for Promoting Implementation and Compliance: BC COP President Hernaus noted that elections would take place later in the meeting and invited delegates for comments on the draft decision (CHW.16/13).

BAN raised several cases concerning BC non-compliance, pointing at some OECD countries, which he said “largely ignore regulations on trade in waste.”

CANADA called for a contact group to discuss comments on the provided information documents (CHW.16/INF/20-25). Noting general support for the draft decision BC COP President Hernaus referred discussions to the contact group on BC Legal Matters.

Stockholm Convention

Listing of Chemicals: The draft decision on POPs in stockpiles, products, and articles in use and in wastes, contained in CRP.10, was adopted without objections.

Dechlorane Plus: The draft decision on listing Dechlorane Plus, contained in CRP.9, was adopted without objections.

UV-328: The draft decision on listing UV-328, contained in CRP.8, was adopted without objections.

Technical Assistance: The draft decision on technical assistance, contained in CRP.5, was adopted without objections.

Adoption of the Report: The Secretariat explained the process of adopting the different meeting reports, and the rapporteur read out L.1/Add.1, which was adopted.

Rotterdam Convention

Enhancing the Effectiveness of the Convention: RC COP President Ana Berejiani reiterated her second proposal from Thursday for Angela Rivera (Colombia), Glenn Wigley (New Zealand) and Yi Ling Tang (China) to co-chair the contact group on enhancing the effectiveness of the RC.

The EU objected, citing concerns about the precedent it sets for the RC, cautioning that it takes the COP in a “dangerous direction” that creates factions in the room. She further stressed the impartiality of Co-Chairs in carrying out their duties.

Noting the objection, RC COP President Berejiani withdrew the proposal for three Co-Chairs and requested parties to consider her first proposal for Colombia and New Zealand to co-chair.

COLOMBIA thanked the President for trusting the member of their delegation to co-chair the meeting and reaffirmed his country’s commitment to the success of the Convention. He rejected insinuations made by other parties that question Colombia’s representative’s impartiality. Rejecting potential “deliberate filibustering,” COLOMBIA then withdrew their candidate.

NEW ZEALAND withdrew their candidate to create space to advance discussions on the matter and said they look forward to playing a constructive role in the contact group.

Responding to this, RC COP President Berejiani withdrew her original proposal for two Co-Chairs. After a brief consultation with Bureau members, she proposed Linroy Christian (Antigua and Barbuda) and Martin Lacroix (Canada) as the Co-Chairs of the contact group.

CHINA said they look forward to a solution and trust that discussions will be fruitful and adequate to contribute to the development of the Convention.

Seeing no objections, RC COP President Berejiani confirmed the new Co-Chairs and declared the matter closed.

Contact Groups

SC Compliance: In the contact group, co-chaired by Tuulia Toikka (Finland) and Sam Adu-Kumi (Ghana), countries discussed proposals that packaged together the objective, Secretariat trigger, Committee trigger, and references to Articles 12 and 13 (technical assistance and financial resources). One party underscored the need for either a Secretariat or Committee trigger. Others preferred to keep both.

On the Committee trigger, there was a division if the Committee's review should be "including Articles 12 and 13," supported by many, mostly developed, countries, or "in particular Articles 12 and 13," as supported by a few developing countries. For some, the references were "cherry picking" that ignored the main obligation of the Convention, Article 3 (measures to reduce or eliminate releases). Others stressed the need to highlight the importance of maintaining predictable support for developing countries. Relatedly, countries debated references to these Articles in the objective. Parties will consult and report back on Sunday.

BC Technical Matters: The contact group was co-chaired by Patrick McKell (UK) and Magda Gosk (Poland). Some delegates emphasized the importance of retaining a table that lists examples of policy instruments and measures on waste prevention and minimization, noting it provides substantial guidance to countries that can use it according to their national circumstances.

On potential human health and environmental impacts of mechanical recycling of plastic wastes, countries expressed different views on whether these impacts should be "avoided," "minimized," or "managed." While there was no consensus for listing all three actions, the group agreed these impacts should be "minimized." One delegate referred to the potential human health impacts associated with mechanical and chemical recycling in addition to environmental impacts, as contentious for their country.

On chemical recycling, many countries noted that it is an emerging technology with limited information about its merits and long-term impacts. Some concluded that providing information in the guidelines is thus an important step. Others cautioned against its inclusion, saying it would classify chemical recycling as ESM of plastic wastes without clear evidence. They urged clarification of this uncertainty or removal of the section from the subchapter on ESM of plastic wastes. There was agreement that chemical recycling is complementary to mechanical recycling, meaning that chemical recycling is applied for such wastes that cannot be treated mechanically. Many opposed the suggestion to compare the energy intensities of chemical recycling with initial plastic production, noting the energy-intensive nature of chemical recycling.

Technical Assistance and Financial Resources: The contact group, co-chaired by David Kapindula (Zambia) & Toks Akinseye (UK), met in the afternoon. After seeking legal advice from the Secretariat on the way forward in addressing the overlaps in BC and SC regional centres, the contact group decided to combine the decision into the draft omnibus decision on Regional Centers under the Basel and Stockholm Conventions (CHW.16/18; POPS/COP.11/16).

Parties had made significant progress on the text earlier in the week. They returned to consider matters related to funding and resources to support the implementation of BRS Conventions through the regional centres.

Delegates grappled with wording on regional centre funding, with one developed country party and a developing country strongly urging for the word "mobilization," while a group of developed countries preferred the word "diversifying" funding sources.

One developing country emphasized the need for stronger language on funding to ensure that regional centres can continue to be supported in their work.

After further deliberations, the parties could not agree to the reference and postponed discussions on the text until the next contact group meeting.

The Co-Chairs then moved discussions back to the initial wording of a proposed draft decision on the guidance to the financial mechanism.

Parties discussed the assessment of funding needs to address polychlorinated biphenyl (PCB). They highlighted the role of the GEF in establishing a possible mechanism to fund the elimination of the use of PCB in equipment by 2025.

The contact group agreed to discuss the matters in the next group meeting.

BC Strategic Matters: Co-chaired by Yaser Khalil Abu Shanab (Palestine) and Ann De Jonghe (Belgium), the group discussed setting up a SIWG to consider challenges, best practices, and initiatives related to the PIC procedure. They also worked through a paragraph to invite submissions from parties, provided to the Secretariat. There was a strong theme of ensuring inclusivity, given that experiences with the PIC procedure will vary widely among countries and observers.

In the Corridors

It was a balmy day outside and a heated one in the venue. Despite the smooth adoption of new chemicals in Annex A of the Stockholm Convention, including the first non-halogenated compound, UV-328, other issues generated fiery discussions.

Three words sparked debate in the technical assistance contact group: mobilization, diversifying, and expanding. "Mobilize" would give the responsibility to the Secretariat to secure funding for the regional centres, while the use of the word "expand" or "diversify" means they can merely suggest or provide information on possible funding sources.

"These words mean a lot. It could lift the burden from host countries bearing the brunt of the costs for regional centres," said one delegate. Another explained: "we just want to be realistic about expectations which is why we need to get these words right."

A small room warmed up when filled over lunch for an informal Q&A session on the proposal to add a new Annex to the RC. Questions ranged from curious queries to critical comments, but, as one noted, the tone was "notably constructive." There were impassioned statements about how the current system isn't working to build consensus or help authorities understand what chemicals are coming into their countries.

As plenary boiled over, it was clear that divisions among parties are wide and deep. Long waits in plenary belied the lively Bureau conversations in another room. Some pointed to "a party with member states" blocking the proposal for three Co-Chairs. Colombia underlined that it was stepping aside as Co-Chair, "in hope, and determined to help us reach an agreement to put the interest of our people above the interest of the wealthy and the powerful." Finally, there are two new Co-Chairs for the RC contact group on the amendment. Perhaps a day off in the fresh air can lead to cooler heads.

Across the globe, thousands rallied for environmental action
Where does global governance stand?



The State of Global Environmental Governance 2022

A new report from Earth Negotiations Bulletin gives an insider analysis on the global agenda

