

Summary of the Online Segment of the 12th Meeting of the Open-ended Working Group of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal: 1 and 3 September 2020

To maintain momentum on reducing the transboundary movement of hazardous wastes despite the COVID-19 pandemic, the twelfth meeting of the Open-ended Working Group of the Basel Convention (OEWG12) convened a two-day online segment. This meeting followed an eventful Conference of the Parties (COP) in 2019 that included states amending the Convention to address plastic waste, the creation of a new Plastic Waste Partnership, and approval of the technical guidelines on e-waste and used electrical and electronic equipment. 2019 also saw the Ban Amendment, which prohibits the export of hazardous wastes from developed to developing countries, finally enter into force and bring renewed attention to waste shipments.

The online meeting featured robust discussions on what more the Basel Convention should do on plastic wastes, waste lead-acid batteries, and transboundary e-waste shipments. On plastic waste, participants discussed updated technical guidelines, guidance on creating national inventories on plastic waste, a report on possible future activities under the Convention, the status of the new Plastic Waste Partnership, and a proposal to the World Customs Organization to amend the Harmonized System to identify plastic wastes.

On e-waste, participants discussed experience with the technical guidelines, proposals to amend Convention annexes on electrical and electronic assemblies, and a new amendment proposed by Switzerland and Ghana to subject all e-waste shipments to the prior informed consent (PIC) procedure. On waste lead-acid batteries, many participants made the case for updating old technical guidelines.

On other issues, the OEWG took stock of progress and set deadlines for further inputs so the Secretariat and various intersessional groups could conclude their work in time to take decisions during a face-to-face segment of OEWG12. This includes:

- the draft report on the evaluation of the strategic framework for the implementation of the Basel Convention for 2012–2021;
- updated technical guidelines on wastes containing persistent organic pollutants (POPs) and mercury;

- draft updated technical guidelines on incineration on land and on specially engineered landfills;
- several draft practical guidance documents for the development of national inventories of priority waste streams, plastic waste, obsolete pesticides, and waste batteries containing lithium;
- a draft report on lessons learned from national and international electronic systems for exchanging information on or controlling the movements of goods and wastes;
- activities and studies on wastes containing nanomaterials;
- draft implementation guidance on Convention provisions on transit transboundary waste movements and on insurance, bond, and guarantee;
- a draft report on common interpretation of the meaning of “state of transit” in the Convention;
- the draft terms of reference and work programme for the follow-up to PACE, the Basel partnership on computing equipment; and
- the revised draft overall guidance document on the environmentally sound management of household waste.

OEWG12 was originally scheduled to meet in person in June 2020 but adjusted plans due to the pandemic. To address concerns voiced by many developing country parties about discussing the extensive and complex OEWG12 agenda entirely online, the Bureau divided OEWG12 into two segments: a two-day virtual meeting and a later face-to-face session.

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The online session convened virtually on 1 and 3 September 2020 for the Secretariat and various expert and working groups to brief OEWG12 on the status of work items and suggest deadlines for inputs. The face-to-face session is tentatively scheduled to be held back-to-back with the Fifth UN Environment Assembly in Nairobi, Kenya, in March 2021.

A Brief History of the Basel Convention

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was adopted in 1989 and entered into force on 5 May 1992. The Convention addresses concerns over the management, disposal, and transboundary movements of hazardous wastes produced worldwide. The guiding principles of the Convention are that: the generation and transboundary movements of hazardous wastes should be reduced to a minimum; and hazardous wastes should be managed in an environmentally sound manner, treated, disposed of as close as possible to the source of generation, and minimized at the source. There are currently 188 parties to the Convention.

At the sixth meeting of the Conference of the Parties to the Basel Convention (COP6) in 2002, parties created the OEWG as a subsidiary body to the COP. The OEWG held its first meeting in 2003. The OEWG assists the COP in developing and continuously reviewing the implementation of the Convention's workplan and specific operational policies and decisions for the implementation of the Convention. The OEWG considers and advises the COP on issues relating to policy, technical, scientific, legal, institutional, administrative, financial, budgetary, and other aspects of the Convention's implementation, including the training and technology transfer needs of regions and the functioning of the Basel Convention Regional Centres. In addition, the OEWG prepares its workplan for the COP's consideration and reports to the COP on the activities carried out between COP meetings.

Key Turning Points

COP 1: The first meeting of the COP to the Basel Convention (COP1) was held in December 1992. COP1 adopted a decision requesting industrialized countries to prohibit transboundary movements of hazardous wastes for final disposal to developing countries and noting that transboundary movements of wastes for recovery or recycling should be handled in an environmentally sound manner.

The Ban Amendment: In 1995 at COP3, parties amended the Convention to ban the export of hazardous wastes for final disposal and recycling from Annex VII countries (Member States of the European Union (EU), the Organization for Economic Cooperation and Development, and Liechtenstein) to non-Annex VII countries. The Ban Amendment entered into force in 2019 and currently has 99 ratifications.

In 1998 COP4 adopted lists of hazardous and non-hazardous wastes subject to the Ban Amendment as Convention Annexes VIII and IX, respectively.

Basel Protocol: COP5, which convened in 1999, adopted the Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal, which currently has 12 of the 20 ratifications required for it to enter into force.

COP10: At the tenth meeting of the COP (October 2011, Cartagena, Colombia), delegates adopted decisions on the new Strategic Framework and the Indonesian-Swiss country

led initiative (CLI) to improve the effectiveness of the Basel Convention. The Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes was also adopted.

COP11: The eleventh meeting of the COP, which convened from 28 April - 10 May 2013 in Geneva, Switzerland, was the first to be held in conjunction with the COPs of the Rotterdam and Stockholm Conventions. Negotiations focused on key elements of the synergies process between the three conventions. COP11 also created the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE) to tackle the illegal waste trade.

COP13: At the thirteenth meeting of the COP (24 April – 5 May 2017, Geneva), delegates adopted decisions on, *inter alia*: establishment of the Partnership on Household Waste; the final evaluation of the Strategic Framework in 2021; adoption of a set of practical manuals on environmentally sound management (ESM) of wastes; adoption of the glossary of terms; creation of an expert working group on Review of Annexes I, III and IV and related aspects of Annex IX; authorization of work to finalize the technical guidelines on e-waste; updating technical guidelines on incineration on land and on specially engineered landfills; and a request to the Secretariat to develop an electronic reporting system.

OEWG11: The eleventh meeting of the OEWG (September 2018, Geneva) adopted decisions on, *inter alia*, the creation of a new partnership on plastic waste, consideration of an amendment of the Convention annexes reclassifying plastic wastes, and the way forward for a review of Convention Annexes I, III and IV and related aspects of Annex IX.

COP14: The fourteenth meeting of the COP (29 April – 10 May 2019, Geneva) adopted decisions on, *inter alia*, a Convention amendment on plastic waste, technical guidelines on e-waste, and an update of the technical guidelines on wastes containing mercury.

OEWG12 Report

Co-Chairs Stina Andersson (Sweden) and Gillian Guthrie (Jamaica) opened the online segment of OEWG12 on Tuesday morning, 1 September 2020. Andersson noted that the COVID-19 pandemic had prevented a face-to-face meeting originally planned for June 2020 but expressed confidence the online forum would provide a good platform for the OEWG's work. Co-Chair Guthrie urged all participants to find new ways to interact virtually on these issues outside of the meeting. She also expressed confidence in the online forum but asked for participants' patience with any technical challenges that may arise.

Rolph Payet, Executive Secretary of the Basel, Rotterdam and Stockholm Conventions (BRS), noted that the pandemic had forced many meetings to move online, and assured participants that any future face-to-face meetings, such as the one planned for second portion of OEWG12 in March 2021, would be undertaken with full precautions. He observed that plastic waste accumulation had not decreased during the pandemic, while medical waste such as discarded masks and gloves had increased. He urged all parties not to backtrack on their commitments to reduce single-use plastics and to renew efforts in this regard.

Co-Chair Andersson introduced the members of the OEWG12 Bureau, including Guthrie as Co-Chair for legal issues, Andersson as Co-Chair for technical matters, Zaigham Abbas (Pakistan) as

Vice-Chair for technical matters, Kristine Vardanashvili (Georgia) as Vice-Chair for legal matters, and Hlobisile Sikhosana (Eswatini) as rapporteur.

Ghana, on behalf of the African Group, stressed the importance of addressing both “new or emerging issues” such as wastes containing nanomaterials, plastics, or mercury, and “legacy issues” such as e-waste, obsolete pesticides, and POPs. He also underscored the opportunity presented by the entry into force of the Ban Amendment to re-examine the entire issue of transboundary movements of hazardous wastes.

The Secretariat delivered the statement for Latin American and Caribbean Group (GRULAC) due to technical difficulties experienced by group spokesperson, Chile. GRULAC noted that holding this OEWG meeting online should be considered an exceptional measure given the COVID-19 pandemic. The group underscored the importance of face-to-face meetings since they guarantee parties’ full participation, respect for the rules of procedure, and transparency in the decision-making process. GRULAC also underscored the importance of addressing marine plastic litter and strengthened cooperation with the World Customs Organization, taking into account the growing stream of transboundary movement of e-waste and plastic waste.

Germany, on behalf of the European Union (EU), expressed hope that the pandemic would be addressed sufficiently in time to allow the envisaged meeting in Nairobi in March 2021. Noting satisfaction with the progress on most technical guidelines, he called for progress on the e-waste guidelines as well as on the guidance documents from the Convention’s Implementation and Compliance Committee (ICC) on transit as well as insurance, bond guarantees, and notifications on transboundary movements, with a view to their adoption at COP15. He also referred to the progress made by the Plastic Waste Partnership and underscored the importance of the Strategic Framework to reflect on how the Convention is currently delivering on its objectives.

Parties adopted the provisional agenda (UNEP/CHW/OEWG.12/1 and Add.1/Rev.1). After an explanation from Co-Chair Andersson about the organization of work and a Secretariat explanation of online segment modalities, parties also approved the proposed organization of work (UNEP/CHW/OEWG.12/INF/1/Rev.1, INF/2/Rev.1).

Matters Related to the OEWG Work Programme for 2020–2021

Strategic Issues: Strategic Framework: On Tuesday, the Secretariat introduced its notes on the strategic framework (UNEP/CHW/OEWG.12/2) and on a draft report on the final evaluation of the strategic framework for the implementation of the Basel Convention for 2012–2021 (UNEP/CHW/OEWG.12/INF/4). Zaghoul Samhan (Palestine), Chair of the Small Intersessional Working Group (SIWG) on the Strategic Framework, reported the group had met online from 20–22 April 2020 and revised each chapter of the draft report. He stated that preparing the report against agreed indicators had been challenging given the limited response rate by parties to the questionnaire, but even so it provides a thorough analysis of whether the strategic roles and objectives have been met over the lifetime of the strategic framework.

Colombia stated its reservation to the inclusion in the draft report of a recommendation to have the ICC review or assess parties’ national legislation to implement the Convention, as this

goes beyond the mandate of the ICC. She asked the SIWG to revisit this recommendation prior to COP15.

Iran requested extending the deadline to make comments on the draft report to 30 September 2020. Palestine suggested an extension and a reissuance of the questionnaire on the Strategic Framework to solicit more responses. The Secretariat pointed out logistical difficulties in reissuing the questionnaire. The OEWG agreed to extend the deadline for comments until 30 September.

Development of Guidelines for Environmentally Sound Management: On Tuesday, the Secretariat introduced its notes on the development of guidelines for ESM (UNEP/CHW/OEWG.12/3) and on a revised draft practical manual for stakeholders to ensure that notifications of transboundary movements meet ESM requirements (UNEP/CHW/OEWG.12/INF/5) and recommended that comments on the draft manual be accepted until 30 October 2020.

Pakistan and Mexico stressed the importance of the manual. Pakistan asked for a clarification about its recommendation for an independent audit of checks on ESM for transboundary movements. The Secretariat agreed to provide clarification in direct discussion with Pakistan.

The OEWG agreed to accept comments on the manual until 30 October.

Scientific and Technical Matters: Technical guidelines for environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants: On Tuesday, the Secretariat introduced the relevant documents (UNEP/CHW/OEWG.12/4, INF/6–9), noting that since no country had agreed to lead the updating effort, the Secretariat had updated three technical guidelines with help from the SIWG. She also noted that comments on low POPs content values submitted since COP14 had been compiled in UNEP/CHW/OEWG.12/INF/6. Michael Ernst (Germany), Co-Chair of the SIWG on Technical Guidelines on POPs Waste, briefed the OEWG on the SIWG’s work, noting three teleconferences since COP14, a January 2020 webinar on low-POPs content thresholds, and a study underway on low-POPs content thresholds that should be available in the coming months.

The International Pollutants Elimination Network (IPEN) called for stricter low-POPs content thresholds. Iran requested an extension of the deadline for the submission of comments, which the OEWG granted until 21 September 2020.

Technical guidelines on incineration on land and on specially engineered landfill: On Tuesday, the Secretariat introduced this item by discussing the relevant portion of its note on technical guidelines (UNEP/CHW/OEWG.12/4), and notes on the draft updated technical guidelines on incineration on land (D10) (UNEP/CHW/OEWG.12/INF/11) and on the draft updated technical guidelines on specially engineered landfill (D5) (UNEP/CHW/OEWG.12/INF/12). Julie Croteau (France), Co-Chair of the SIWG updating the guidelines, briefed the OEWG on the teleconferences held since COP14, noting another due in September 2020 to finalize the updates.

The Global Alliance for Incinerator Alternatives (GAIA) called for the update of the incinerator guidelines to emphasize best available technology and best environmental practice, to not refer to “environmentally sound” incineration, and to require monitoring of incinerator emissions during start-up, shutdown, and more generally during Other Than Normal Operation Conditions (OTNOC), especially POPs and mercury levels.

Iran requested an extension of the comment period for the draft updates, which the EU and Canada opposed. The Secretariat said an extension would cause serious logistical problems. The OEWG agreed to keep the suggested comment deadline of 15 September 2020 but allow a few countries that are experiencing difficulties to submit comments until 21 September.

Technical guidelines for the identification and environmentally sound management of plastic wastes and for their disposal: On Tuesday, the Secretariat presented its note on draft updated technical guidelines on the ESM of plastic wastes and for their disposal (UNEP/CHW/OEWG.12/INF/14). The Secretariat read a report from Patrick McKell (UK), Chair of the SIWG on the Technical Guidelines on Plastic Waste, which he could not present due to technical difficulties. He noted that the SIWG had met several times, the latest being 29 July 2020, to revise the draft update to the technical guidelines.

Norway said the draft update has improved on the existing technical guidelines. Supported by GAIA, he called for further revisions to address upstream activities, primarily the full range of prevention measures. He asserted that adding prevention measures would be in line with Decision BC-14/13's call for parties to take further measures to prevent and minimize the generation of plastic waste. He added that the technical guidelines should address marine litter under waste management provisions. The United States disagreed with adding upstream activities to the revised guidelines, and suggested the guidelines be further revised with a focus on advising parties without advanced waste management systems. GAIA suggested the guidelines be revised to emphasize more best available technology and best environmental practice, not blur the line between recycling and recovery operations and recommend clear contamination limits for plastic waste shipments.

Pakistan supported the draft update of the guidelines.

The OEWG agreed that comments on the draft guidelines update should be submitted by 15 September 2020.

Technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention: On Tuesday, the Secretariat introduced the relevant portion of its note on technical guidelines (UNEP/CHW/OEWG.12/4). The Secretariat also read a report from Joost Meijer (Chile), Co-Chair of the Expert Working Group (EWG) on the E-waste Technical Guidelines, which he could not present due to technical difficulties. Meijer noted two EWG teleconferences held since COP14 and another scheduled for October 2020 to obtain comments on paragraph 32(a) and (b), on the classification of wastes and non-wastes, including on obstacles to implementation. He also called for parties and observers to comment on their use and testing, on a pilot basis, of the applications of the technical guidelines.

Switzerland acknowledged the remaining challenges and difficulties concerning the distinction between waste and non-waste and welcomed the willingness of delegations to continue to sort out these difficulties. Pakistan expressed his desire to continue working on the guidelines, particularly with regard to distinguishing wastes from non-wastes.

The Basel Action Network (BAN) underscored its ongoing concern and reservations about the guidelines because paragraph 32(b) allows the export of hazardous broken equipment as a non-waste, thereby excluding it from the scope of the Basel

and Bamako Conventions, as well as the PIC procedure and the requirement for ESM of wastes undergoing transboundary movements. The options should be to remove paragraph 32(b) from the guidelines, adopt the alternative guidelines proposed by BAN at COP14, or place non-functional waste in Annex II.

The OEWG agreed to accept comments on the guidelines until 30 October 2020.

Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with mercury or mercury compounds: On Tuesday, the Secretariat presented its note on draft updated technical guidelines on the ESM of wastes consisting of, containing or contaminated with mercury or mercury compounds (UNEP/CHW/OEWG.12/INF/13). Tadashi Teranishi (Japan) reported on the work of the SIWG on Technical Guidelines on Mercury Wastes, noting that the COP had called for updating the guidelines in cooperation with the Secretariat of the Minamata Convention on Mercury.

Switzerland encouraged the Secretariats of both conventions to continue their strong collaboration and noted that the technical guidelines may require an additional update if the Minamata COP decides to raise mercury thresholds. The Minamata Convention Secretariat also welcomed continued collaboration. Iran requested an extension of the deadline for the submission of its comments, which the OEWG granted until 21 September 2020.

Consideration of whether to update the technical guidelines on the physico-chemical treatment and biological treatment of hazardous waste: On Thursday, the Secretariat referred to the relevant portion of its note on the technical guidelines (UNEP/CHW/OEWG.12/4). Without discussion, the OEWG accepted the recommended deadline of 30 November 2020 for comments on whether the guidelines should be updated.

Consideration of whether to update the technical guidelines for the ESM of waste lead-acid batteries: On Thursday, the Secretariat referred to the relevant portion of its note on the technical guidelines (UNEP/CHW/OEWG.12/4). Pakistan and South Africa supported updating the guidelines, with Pakistan suggesting that the revised guidelines include all relevant occupational safety and health considerations.

BAN warned that the current guidelines are outdated and would put stakeholders at risk if followed. He recommended withdrawing them until updated guidelines could be approved. The International Lead Alliance (ILA) said he had helped co-author the original guidelines, and agreed they needed substantial updating, noting some of the technological developments and market changes since the guidelines were approved. The Global Alliance on Health and Pollution urged updating. The Center for Public Health and Environmental Development (CEPHED) said updated guidelines should be supported with capacity-building assistance. The UN Environment Programme (UNEP) noted that a UNEA resolution called for the Basel Convention to consider updating the guidelines.

The OEWG agreed to accept comments on whether the guidelines should be updated until 30 November 2020.

National reporting: On Thursday, the Secretariat presented its notes on draft practical guidance for: the development of inventories of: priority waste streams (UNEP/CHW/OEWG.12/5); plastic waste (UNEP/CHW/OEWG.12/INF/15); obsolete pesticides and pesticide-container waste (UNEP/CHW/OEWG.12/

INF/16); and waste batteries containing lithium (UNEP/CHW/OEWG.12/INF/17).

Iraq, Pakistan, Palestine, and Turkey sought clarifications on different points of the draft guidances, and the Secretariat agreed to provide clarifications in direct bilateral communications. Vanuatu, noting it was new to the process and amid creating a national legislation framework on chemicals and waste, said it would have trouble completing national inventories without technical assistance.

The OEWG agreed to accept further comments on the draft practice guidances until 15 September 2020.

Electronic approaches to the notification and movement documents:

On Thursday, the Secretariat presented its notes on electronic approaches to the notification and movement documents (UNEP/CHW/OEWG.12/6) and on a report on experiences, at the national and international levels, in developing and implementing electronic systems for exchanging information on or controlling the movements of goods and wastes, and lessons learned from such experiences (UNEP/CHW/OEWG.12/INF/18). The Secretariat indicated that it would convene a workshop to assess how to move forward on this topic.

Colombia indicated that it did not have an electronic notification tool available and proposed formation of a group of experts to consider the needs and challenges of parties in this area including economic, technological, and capacity constraints. Palestine referred to the reluctance of a neighboring country to notify them of the transboundary movement of hazardous wastes. Iraq called for reducing delays in getting responses to notifications for the export of hazardous wastes for treatment and noted that these delays often lead to the accumulation of wastes in the countries of origin. Malaysia welcomed the progress made in setting up electronic systems. Mexico reported that it was working with the US and Canada to establish a joint electronic system to notify and track the movement of hazardous wastes between these neighboring countries and thanked parties for their financial support to this end.

The OEWG agreed to allow further comments on the report until 30 November 2020.

Plastic waste: On Thursday, the Secretariat presented its notes on further actions to address plastic waste under the Basel Convention (UNEP/CHW/OEWG.12/7), a possible future assessment of the effectiveness of the measures taken under the Convention and possible further activities that could be conducted under the Convention (UNEP/CHW/OEWG.12/INF/20), and on information on the meetings of the *Ad Hoc* Open-ended Expert Group on Marine Litter and Microplastics and UNEA resolutions related to marine plastic litter and microplastics (UNEP/CHW/OEWG.12/INF/21).

Norway noted the Convention's great potential to address plastic waste but said that undertaking an effectiveness assessment was premature. Instead, he proposed an analysis of all that is currently available under the Convention to support effective action on plastic waste. He also said that the ESM guidelines for plastic waste should be dynamic to reflect continued development in this field and referred to the need to include preventive upstream measures.

The US suggested an assessment may not even be possible given the early stage of activities in this field and proposed that the focus be on the development of the technical guidelines to

provide developing countries with clearer guidance on how to manage plastic waste.

Switzerland agreed with the need for an assessment and suggested that initial work be carried out through the Plastic Waste Partnership Working Group.

Pakistan said that the focus should be on marine plastic litter, including microplastics. China underscored the need for enhanced action for the ESM of medical and plastic waste in the context of the pandemic and noted its willingness to help in this regard.

Maldives urged parties to move towards the ban of single-use plastic by 2023 and to adopt more environmentally friendly alternatives.

UNEP referred to UNEA mandates on plastic wastes and noted that the *Ad Hoc* Open-ended Expert Group on Marine Litter and Microplastics will meet virtually from 9-13 November 2020.

CEPHED drew attention to the need to address the upstream origins of marine plastic litter. BAN and the Environment and Social Development Organization expressed concern that not all plastic wastes are properly reflected in Annex IX, given that many that have been classified as non-hazardous can leach hazardous chemicals and endocrine disruptors.

The OEWG agreed to allow comments on the annexes to UNEP/CHW/OEWG.12/INF/20, containing possible future activities and draft elements for a possible assessment, until 30 September 2020.

Waste containing nanomaterials: On Thursday, the Secretariat presented its notes on waste containing nanomaterials (UNEP/CHW/OEWG.12/8) and on a compilation of information on related activities (UNEP/CHW/OEWG.12/INF/22). Mexico stressed the importance of continued information exchange on this issue, coordination with the work under the Strategic Approach to International Chemicals Management (SAICM), and deepening understanding of the risks of waste containing nanomaterials. Iraq called for adequate techniques to detect nanomaterials in waste. The UN Institute for Training and Research (UNITAR), which has worked for many years on nanomaterials, supported an OEWG recommendation to COP15 to consider action to address this issue.

The OEWG decided to accept further inputs on this issue until 30 November 2020.

Legal, Governance and Enforcement Matters: Consultation with the Committee Administering the Mechanism for Promoting Implementation and Compliance (ICC): On Thursday, the Secretariat presented notes on consultations with the ICC (UNEP/CHW/OEWG.12/9), on guidance on the implementation of paragraph 4 of Article 6 of the Convention, on transit transboundary movements (UNEP/CHW/OEWG.12/INF/23), and on guidance to improve the implementation of paragraph 11 of Article 6 of the Convention, on insurance, bond, and guarantee (UNEP/CHW/OEWG.12/INF/24).

ICC Chair Florisvindo Jaimilito Rodrigues Furtado (Cabo Verde) reported on the Committee's revision and streamlining work on the two guidances and noted the ICC will meet on 21-25 September 2020 to finalize them for COP15.

Noting that maritime containers are not unloaded in transit countries, UMICORE, a Belgian recycling company, suggested the guidance on transit be revised to allow for "tacit consent" so that shipments of valuable waste headed for state-of-the-art recycling, such as e-waste, did not get blocked despite the consent of the countries of departure and destination.

Malaysia suggested the issue of cargoes abandoned in transit countries be taken up in the guidance on transit.

Iran asked for an extension on the proposed comment period for the guidances. Noting the schedule for the ICC, the OEWG decided to keep the deadline of 15 September 2020, but with flexibility for one or two parties to submit comments a few days later.

Providing further legal clarity: On Thursday, the Secretariat presented notes on providing further legal clarity (UNEP/CHW/OEWG.12/10) and on the review of Convention annexes (UNEP/CHW/OEWG.12/INF/25-28).

Joost Meijer (Chile), Co-Chair, EWG on Review of Annexes, reported that the EWG had focused most of its attention on a review of possible amendments to entries in Annex IV (disposal operations) and any consequences such changes might pose for entries in other annexes. In its future work, starting at its 5-9 October 2020 meeting, it will look at further reducing the number of alternatives and resolving certain issues involving entry A1180 (waste electrical and electronic assemblies) in Annex VIII and entry B1110 (electrical and electronic assemblies) in Annex IX. He said that the EWG Co-Chairs have drafted a paper on key concepts to provide direction for future work.

Switzerland welcomed the EWG's work, especially on e-waste. He discussed a proposal jointly sponsored by Switzerland and Ghana to amend the Convention to require all electrical and electronic assemblies, whether considered as hazardous or not, to be subject to the PIC procedure.

Norway and Pakistan supported the amendment proposal by Switzerland and Ghana.

BAN suggested the proposed amendment would not solve the current e-waste trade problem, since any non-functioning electronic equipment might be deemed as waste under current guidelines. The Information Technology Industry Council (ITI) and Automotive Parts Remanufacturers Association (APRA) suggested that the proposed amendment may create more trade problems than it solves, hinder state-of-the-art recovery and recycling, and create barriers to a circular economy. The US warned that all potential consequences of the amendment proposal should be considered to avoid the creation of "perverse incentives" that prevent appropriate recycling.

The OEWG agreed to consider comments to the documents on review of Convention Annexes until 15 September 2020.

National legislation, notifications, enforcement of the Convention and efforts to combat illegal traffic: On Thursday, the Secretariat presented its notes on common interpretation of the meaning of "state of transit" (UNEP/CHW/OEWG.12/11) and on information collected from parties on the definition of "state of transit" (UNEP/CHW/OEWG.12/INF/19).

Mexico expressed its interest in reaching a common interpretation of the meaning of "state of transit" since many parties do not have a proper definition of this term in their own legislation. He added that clarity is necessary to avoid misinterpretations and legal disputes.

The OEWG agreed to accept comments on the notes until 30 November 2020.

International cooperation and coordination: Basel Convention Partnership Programme: On Thursday, the Secretariat presented notes on:

- the Basel Convention Partnership Programme (UNEP/CHW/OEWG.12/12);

- progress toward the follow-up partnership to the Partnership for Action on Computing Equipment (PACE) (UNEP/OEWG.12/INF/32);
- a revised draft overall guidance document on the environmentally sound management of household waste (UNEP/OEWG.12/INF/29);
- a report on the activities of the Household Waste Partnership working group (UNEP/OEWG.12/INF/30); and
- a report on progress in the implementation of the workplan of the Partnership on Plastic Waste working group (UNEP/OEWG.12/INF/31).

The Secretariat read a report from Dana Lapešová (Slovakia), Co-Chair of the working group on the PACE follow-up, which she could not present due to technical difficulties. She outlined activities by the Basel and Stockholm Regional Centres and the Secretariat to revise the terms of reference and programme of work for the follow-up partnership. She indicated that the Regional Centres for Senegal, India, China, Slovakia, Russia, Panama, and the Caribbean region had made progress in their work on PACE follow-up and noted that Indonesia, Nigeria, and Slovakia would be responsible for working on the concept note on behalf of their respective regions.

Gabriela Nair Medina Amarante (Uruguay), Co-Chair, Household Waste Partnership Working Group, reported on the development of the overall guidance document on the ESM of household waste, as well as the establishment of three groups to undertake pilot projects, awareness raising, and the strategic direction of the Partnership.

Ross Bartley (Bureau of International Recycling), Co-Chair, Plastic Waste Partnership Working Group, reported on online discussions in November 2019 on the working modalities of the group and the preparations for the first face-to-face meeting of the Partnership. He said a proposal was accepted for the establishment of four project groups on: prevention and minimization; collection, recycling, and recovery; transboundary movements of plastic wastes; and outreach, education, and awareness raising.

Norway stressed that the Plastic Waste Partnership was very important and supported an extension of its mandate. Pakistan supported the Plastic Waste Partnership and urged other parties to join. Plastics Europe suggested that the Plastic Waste Partnership undertake an assessment of the impacts of the 2019 amendment of Convention annexes regarding certain plastic waste, since it may impede shipments from countries with little or no plastic recycling capacity to those with such capacity.

Switzerland said it valued the work of all the partnerships, and particularly welcomed the follow-up to PACE. He supported the draft terms of reference and work programme for the follow-up partnership and urged that activities focus heavily on practical application of guidelines and training.

Iran requested more time for submitting comments on all partnership documents.

The OEWG agreed to invite comments until 30 September 2020 on the follow-up to PACE and the draft guidance on household wastes but allow Iran until 15 October to submit its comments.

Cooperation with the World Customs Organization (WCO) on the Harmonized Commodity Description and Coding System (HS): On Thursday, the Secretariat presented a note on cooperation with the WCO on the HS (UNEP/CHW/

OEWG.12/13), and a status report on WCO work on the HS related to the Basel Convention (UNEP/CHW/OEWG.12/INF/10). She reported that the Convention had already submitted an HS amendment proposal on waste oils that had been accepted for consideration, and a draft HS amendment proposal on plastic waste would be submitted. The OEWG agreed to accept comments on the latter until 15 September 2020.

OEWG Work Programme for the Biennium 2022–2023

On Thursday, the Secretariat presented its note on the OEWG work programme for the 2022-2023 biennium (UNEP/CHW/OEWG.12/14). Colombia stated that the OEWG work programme should have a greater focus on: the implementation of the plastic waste amendment; continued cooperation with the WCO on e-waste and plastic waste streams; developing electronic means of notification; and strengthening the capabilities of customs authorities responsible for PIC procedures for hazardous waste shipments.

The OEWG agreed to invite comments on the work programme until 15 September 2020 and revisit the issue during the face-to-face segment of OEWG12.

Adoption of the Report

On Thursday, parties agreed that the report of the online segment of the OEWG will be prepared by the rapporteur after the suspension of the meeting, with oral interventions noted in the report and written submissions provided in an information document but referenced in the report text. The report will be finalized once the face-to-face segment is held.

Closure of the Online Segment

On Thursday, BRS Executive Secretary Payet said that while he could not update the OEWG on plans for the face-to-face meeting due to uncertainties caused by COVID-19, he assured parties that all appropriate safety measures will be taken. He said he would provide more details to parties by mid-October. He apologized for any technical difficulties experienced during the online segment and promised a post-meeting assessment to see how online meetings can be improved in the future.

Co-Chairs Andersson and Guthrie said the OEWG12 online segment is proof that the pandemic has not diminished the commitment and resolve of parties to make progress on the objectives of the Basel Convention, and underscored that the ESM of hazardous wastes is even more pressing and urgent in the context of the pandemic than before. They noted that despite the technological challenges, the online segment had concluded its work and thanked participants for their hard work and positive spirit.

A Brief Analysis of OEWG12

Momentum is whatever your attitude determines it to be. — Lou Holtz, American football coach

In 2019 the Conference of Parties (COP) amended Convention annexes to deal with plastic waste, created a new Plastics Partnership to try to seize global leadership in tackling the plastic waste issue, and formally approved the technical guidelines on e-waste and used electrical and electronic equipment. By the end of 2019 the Ban Amendment, which prohibits the export of hazardous wastes from developed to developing countries, finally

entered into force after 24 years, bringing renewed attention to waste shipments from developed to developing countries. The Basel Convention was on a roll!

When the 12th session of the Basel Convention's Open-ended Working Group (OEWG12) was originally planned, parties understood that the session had to build on this momentum and ensure continued progress on reducing the transboundary movement of hazardous wastes. However, the COVID-19 pandemic threatened that momentum by precluding face-to-face meetings of the Convention's intersessional working groups and the OEWG. The threat to the latter was particularly worrisome, since the OEWG is essential to guide convention work between COPs. OEWG12, in particular, had to address action on plastic wastes, transboundary e-waste shipments, proposals to amend Convention annexes, and guidance on a number of other issues.

So as not to delay progress, the Bureau agreed to divide OEWG12 in two: an online segment in September 2020 to take stock of initiatives, air interests and concerns, and set deadlines for further inputs, and a face-to-face segment in March 2021 to take any decisions needed to ensure a successful COP.

This brief analysis examines whether the online segment succeeded, both as an experiment in holding a major virtual meeting, and in maintaining momentum.

Embracing Online Diplomacy?

For the things we have to learn before we can do them, we learn by doing them. — Aristotle

In her opening statement, OEWG12 Co-Chair Gillian Guthrie noted the Basel Convention has a longstanding history of expert groups and small intersessional working groups operating by electronic means but conceded that the OEWG is bigger and more complex. She admitted, "This is new to many of us, but we have to learn by doing."

The Secretariat originally tried to organize the OEWG session in June 2020 by having a one-day online session to introduce agenda items and related proposed draft decisions, followed by two weeks of email deliberations to adopt decisions. Developing country parties, particularly those from Africa and Latin America, objected to this proposal as lacking transparency and potentially putting their negotiators at a disadvantage compared to developed countries with better internet connectivity and experience in conducting work electronically. In response to these concerns, the Bureau agreed on the organization of a two-part OEWG.

The many technical problems experienced during the two-day online segment did little to allay the fears of the skeptics, even though the Secretariat found quick solutions to each problem. The Secretariat also promised to do a post-mortem assessment to see how to improve future large online meetings. "We warned that this might happen, and were denigrated for raising our legitimate concerns," said one delegate after the first day. Both the African and Latin American regional groups stressed the need for the OEWG12 decision segment to be face-to-face to facilitate the necessary negotiations and networking.

Getting Down to Business

Never doubt that a small group of thoughtful, committed, citizens can change the world. Indeed, it is the only thing that ever has. — Margaret Mead

Despite the technical glitches experienced during the online segment, most participants agreed that the online segment

accomplished its goals by introducing agenda items and moving forward. In their closing statements, both Co-Chairs praised the patience and positive, and at times robust, participation as a clear demonstration of parties' resolve to make to further progress on Convention implementation.

The online OEWG12 has set the stage for informal negotiations on agenda items among interested parties over the coming months and pave the way for quick decisions at the March 2021 face-to-face segment, if the COVID-19 pandemic is under control. Co-Chair Guthrie urged participants to "try to find new ways to talk and meet with colleagues outside of this session." The coming months will tell if parties and stakeholders take this plea to heart.

Moving Forward

It is not the strongest of the species that survives, it is the one that is the most adaptable to change. — Charles Darwin

In his address the OEWG12, the Executive Secretary of the Basel, Rotterdam, and Stockholm Conventions, Rolph Payet, pleaded with parties not to backtrack on their commitments to reduce single-use plastics and to renew efforts in this regard. OEWG12, and by extension COP15, still needs to decide the fate of an update of the technical guidelines on plastic waste, guidance on creating national inventories on plastic waste, a report on possible future activities on the issue under the Convention, the status of the new Plastic Waste Partnership, and a proposal to the World Customs Organization to amend the Harmonized System to identify plastic wastes.

Beyond plastics, while OEWG12 opened discussion on many issues, it still needs to reach agreement on a number of proposals to improve Convention implementation before COP15, currently scheduled for July 2021. These include recommendations of the evaluation of the Strategic Framework for the implementation of the Basel Convention and a practical manual for stakeholders to ensure that notifications of transboundary movements meet environmentally sound management requirement under the Convention. They also must agree on recommendations for possible amendment proposals to the Convention's annexes, options for a system under the Convention to allow the automation of processes and the electronic exchange of information relating to the notification and movement of hazardous and other wastes, and practical manuals on preparing national inventories on priority waste streams.

For the Basel Convention to maintain and build on its 2019 momentum, OEWG12 must play its part. If the COVID-19 pandemic continues unabated and precludes the planned March 2021 face-to-face segment, the Bureau will have to consider other options, including holding another online meeting or further postponing the meeting, which could have residual effects on the COP. As the multilateral system grapples with the challenges of pandemic diplomacy, so too must the parties to the Basel Convention as they determine the best way to move forward.

Upcoming Meetings

Sixteenth Meeting of the Rotterdam Convention Chemical Review Committee: CRC-16 will review chemicals and pesticide formulations for possible listing under Annex III of the Rotterdam Convention. **dates:** 8-11 September 2020 **location:** virtual **www:** <http://www.pic.int/>

Sixteenth Meeting of the Persistent Organic Pollutants Review Committee: POPRC-16 will review the possible listing of hazardous chemicals under the various annexes of the Stockholm Convention. **dates:** 11-15 January 2021 (TBC) **location:** Geneva, Switzerland **www:** <http://www.pops.int/>

5th Session of the UN Environment Assembly (UNEA): UNEA-5 will take place under the theme "Strengthening Actions for Nature to Achieve the Sustainable Development Goals." Its aim will be to connect and consolidate environmental actions within the context of sustainable development and motivate the sharing and implementation of successful approaches. **dates:** 22-26 February 2021 **location:** Nairobi, Kenya **www:** <https://environmentassembly.unenvironment.org/unea5>

Resumed Meeting of Basel Convention OEWG12: OEWG12 is tentatively scheduled to resume in a face-to-face session to conclude negotiations and forward its recommendation to the COP. **dates:** March 2021 (TBC) **location:** Nairobi, Kenya **www:** <http://www.basel.int>

Fifth Meeting of the International Conference on Chemicals Management (ICCM5): The top decision-making body of the Strategic Approach to International Chemicals Management (SAICM) will consider a possible post-2020 platform for addressing chemicals and waste. **dates:** 5-9 July 2021 **location:** Bonn, Germany **www:** <http://www.saicm.org>

Basel Convention COP15, Rotterdam Convention COP10, and Stockholm Convention COP10: The 15th meeting of the COP to the Basel Convention, the 10th meeting of the COP to the Rotterdam Convention and the 10th meeting of the COP to the Stockholm Convention will convene back-to-back. The meetings will include joint sessions covering matters of relevance to at least two conventions and separate sessions of the meetings of the each of the three COPs and will feature a high-level segment. The theme of the meetings and the high-level segment is "Global Agreements for a Healthy Planet: Sound management of chemicals and waste." **dates:** 19-30 July 2021 **location:** Geneva, Switzerland **www:** <http://www.brsmeas.org/>

For additional meetings, see <http://sdg.iisd.org>

Glossary

BAN	Basel Action Network
BRS	Basel, Rotterdam and Stockholm Conventions
CEPHED	Center for Public Health and Environmental Development
COP	Conference of the Parties
ESM	Environmentally-sound management
E-waste	Electrical and electronic waste
EWG	Expert working group
GAIA	Global Alliance for Incinerator Alternatives
GRULAC	Latin American and Caribbean Group
ICC	Committee for Administering the Mechanism for Promoting Implementation and Compliance
OEWG	Open-ended Working Group
PACE	Partnership for Action on Computing Equipment
PIC	Prior informed consent
POPs	Persistent organic pollutants
SIWG	Small intersessional working group
UNEA	United Nations Environment Assembly
UNEP	United Nations Environment Programme