

BRS Conventions COPs Highlights: Sunday, 7 May 2023

The Basel Convention (BC) adopted several decisions on aspects of implementing the Convention throughout the day. Contact groups met on BC technical matters, joint issues, enhancing the Rotterdam Convention's (RC) effectiveness, BC legal matters, Stockholm Convention (SC) compliance, and budget.

Basel Convention

Scientific and Technical Matters: Classification and hazard characterization of wastes: The Secretariat introduced the draft decision related to cooperation with the World Customs Organization on the Harmonized Commodity Description and Coding System (CHW.16/7) and report (INF/15).

CANADA, the EU, and TRINIDAD AND TOBAGO supported the draft decision, with TRINIDAD AND TOBAGO highlighting the importance of cooperation on plastics and e-waste. With minor amendments suggested by CANADA and the EU, the draft decision was adopted, pending confirmation by the budget group.

National reporting: The Secretariat introduced the draft decision and related information (CHW.16/8, INF/16).

Many countries underscored the importance of national reporting and having accurate and up-to-date data. Several countries called for continued and enhanced technical and financial assistance, with TANZANIA highlighting the need for financial support to maintain an inventory of e-waste.

MEXICO, BANGLADESH, and PAPUA NEW GUINEA welcomed the electronic system for reporting. TANZANIA requested capacity building on the system. CHILE and COLOMBIA thanked the BC and SC Regional Centres for workshops on national reporting. The draft decision was adopted pending confirmation by the budget group.

Electronic approaches to the notification and movement documents: The Secretariat introduced the report and draft decision (CHW.16/9, INF/17).

PAKISTAN, TRINIDAD AND TOBAGO, COLOMBIA, the RUSSIAN FEDERATION, CHILE, BRAZIL, EL SALVADOR, GABON, VENEZUELA, TANZANIA, the MALDIVES supported the draft decision on electronic approaches.

The EU supported the draft decision but proposed changes to invite parties to consider serving as lead countries and, in the absence of a lead country, request the Secretariat to further work on electronic approaches.

NORWAY and an observer from the US pointed out that national systems on electronic approaches already exist and that future systems must be compatible with existing ones.

The BC COP adopted the draft decision with EU's amendment, pending confirmation by the budget group.

Further consideration of plastic waste: The Secretariat introduced the draft decision and possible further actions (CHW.16/10, INF/18).

Several countries emphasized the importance of tackling plastic wastes and pollution under the BC and suggested potential additional activities. CANADA, SAUDI ARABIA, BRAZIL, the RUSSIAN FEDERATION, CHILE, TANZANIA, NIGERIA, and an observer from the US cautioned against the duplication of work and encouraged close cooperation with the Intergovernmental Negotiating Committee (INC) on plastic pollution.

PAKISTAN and SOUTH AFRICA urged the collection of more data on the amount of global plastic wastes movements that result from illegal trade. The RUSSIAN FEDERATION called for considering national circumstances when expanding producers' responsibilities.

CHINA called for scaled up technical and financial assistance in managing and treating plastic wastes. MALI shared difficulties in getting scientific information on the ESM of plastic wastes, complicating efforts to tackle the situation. LIBERIA reported on its experience developing a national legal framework for single-use plastic pollution.

The EU, supported by NORWAY and SWITZERLAND, encouraged assessing the effectiveness of measures taken by the BC to tackle plastic pollution, which could start at this COP, including by collecting information on how the global waste trade has changed and sharing potential challenges in implementing the BC plastic waste amendments.

VENEZUELA, SEYCHELLES, the PHILIPPINES, PANAMA, SRI LANKA, MALDIVES, MEXICO, TÜRKIYE, and VANUATU supported the draft decision.

AZERBAIJAN proposed that a definition of polluted land and marine areas be included in the draft, especially for transboundary areas. KENYA proposed a new paragraph to address plastic wastes in land and marine areas.

The OCEAN CONSERVANCY and ENVIRONMENT AND SOCIAL DEVELOPMENT ORGANIZATION (ESDO) shared their experiences and encouraged more efforts in tackling the full plastic life cycle.

The COP tasked the issue to the BC Technical Matters contact group to prepare a draft decision, considering the proposed amendments from the EU and the others.

Amendments to Annexes II, VIII and IX on e-waste: The Secretariat introduced the assessment of the need to update existing guidance, technical guidelines, and fact sheets to reflect the e-waste amendments (CHW.16/11, INF/19).

SWITZERLAND, COLOMBIA, MALAYSIA, CANADA, the EU, INDONESIA, CHINA, BRAZIL, MEXICO, and GUATEMALA voiced support for updating the documents, with some suggesting responsibilities that diverged from the Secretariat's proposal for carrying out this work. CANADA requested that guidance on ESM of mobile phones be updated by the expert working group on e-wastes instead of the Partnership for Action on Challenges relating to E-waste (PACE II). CANADA also noted that timelines are missing for the suggested updates.

BC COP President Hernaus invited the Secretariat to prepare a draft decision in consultation with the countries who provided comments.

Waste containing nanomaterials: The Secretariat introduced the draft decision (CHW.16/12).

SWITZERLAND and BRAZIL supported the draft decision. UNITAR shared recommendations for policymakers and government agencies based on best practices and information on the management of wastes containing nanomaterials.

The BC COP adopted the draft decision pending confirmation from the budget group.

Legal, Compliance, and Governance Matters: National legislation, notifications, enforcement of the Convention and efforts to combat illegal traffic: The Secretariat introduced the document and draft decision (CHW.16/15).

BRAZIL, TRINIDAD AND TOBAGO, LESOTHO, SOUTH AFRICA, PERU, GABON, BENIN, MALDIVES, and SEYCHELLES supported the draft decision.

IRAN observed that implementing the Ban Amendment has not been taken seriously. He asked the COP to prepare a report on the implementation and gaps in the Amendment.

PALESTINE reported Israel's "intentional dumping" of hazardous products in their territory continues. ISRAEL rejected the suggestion and encouraged cooperation and coordination with Palestine on the matter.

INDIA, SRI LANKA, and PAKISTAN appealed to developed countries to fulfill their obligations to combat the illegal traffic of hazardous wastes.

KENYA pointed out that it requires capacity building, equipment, and further support from the Secretariat.

IPEN called on parties to fulfill their obligations to protect the environment and human health.

IEE called for stepped-up efforts to monitor and track the transboundary movement of hazardous wastes.

BC-SC Regional Centre in Panama reported on their regional initiatives on training and tracking illegal chemical and hazardous waste trade in Latin America and the Caribbean.

The draft decision was adopted pending confirmation by the budget group.

Proposal by the Russian Federation to amend paragraph 2 of Article 6 of the Convention: The Secretariat introduced the proposal (CHW.16/16).

The RUSSIAN FEDERATION highlighted the key elements of the proposal, which include a single time period for exchanging information between parties and a 30-day limit for a written notification response. He said they would defer the work to the intersessional period and return with another proposal.

Malawi, for the AFRICAN REGION, said it was open to further discussion. MALI, IRAQ, and ERITREA supported the establishment of a contact group. The PHILIPPINES, ERITREA, PAKISTAN, and SRI LANKA supported the proposal.

The EU, the UK, CHILE, GUATEMALA, SWITZERLAND, CANADA, AUSTRALIA, JAPAN, NORWAY, and NEW ZEALAND opposed the proposal and the establishment of a contact group.

MALAWI, SWITZERLAND, ZAMBIA, KENYA, and TRINIDAD AND TOBAGO recognized the role of the SIWG on PIC procedures.

PANAMA, EL SALVADOR, MALI, IRAN, IRAQ, and ZAMBIA said 30 days is too short. NIGERIA, the PHILIPPINES, and PAKISTAN agreed that a timeline should be defined.

Noting that parties were not ready to discuss the proposed amendment, BC COP President Hernaus deferred the matter to be included in the provisional agenda of the next COP meeting.

Basel Convention Partnership (PWP) Programme: The Secretariat introduced the documents and draft decision

(CHW.16/19, Add.1-3, INF/31-34, 55-57), which includes several parts for the various partnerships. The Secretariat pointed to the human resources involved in facilitating the partnerships, noting that discussions on the budget are ongoing.

On the *PACE II*, the draft decision was supported by SWITZERLAND, El Salvador for GRULAC, PAKISTAN, and INDONESIA.

The EU proposed a new paragraph for the working group to prepare draft guidance documents on television screens, LCD and LED screens, video and audio equipment, and refrigerators and cooling equipment.

BCRC CENTRAL AMERICA AND MEXICO, SCRC PANAMA, ZERO WASTE, and SIMS RECYCLING shared their experience in implementing projects to address e-waste.

The COP adopted Part I of the draft decision with the EU's amendment, pending confirmation by the budget group.

On the *Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE)*, Katie Olley (the UK), ENFORCE Co-Chair, highlighted key elements of the report, including organizational matters, opportunities for cooperation, meetings of the network, and proposed actions on training tools and activities on capacity building.

The WORLD CUSTOMS ORGANIZATION outlined key activities on seizures, risk assessment, intelligence sharing, harmonized systems, and other global customs enforcement efforts.

The ESDO reiterated the need for collaboration and coordination with other actors.

Parties adopted Part II of the draft decision (on ENFORCE) pending confirmation from the budget group on the budgetary implications.

On the *Household Waste Partnership*, CANADA, the EU, PAKISTAN, SWITZERLAND, KENYA, and IRAN shared concerns that the current version of the draft document is not ripe for adoption and called for further consideration. El Salvador, for GRULAC, endorsed the draft document.

ZERO WASTE noted the importance of the Partnership and the need for financial resources.

Parties agreed that the Secretariat would prepare a revised draft by Friday for the consideration of the plenary.

On the *Plastic Waste Partnership (PWP)*, Ross Bartley (Bureau of International Recycling), PWP Co-Chair, reported on activities undertaken in 2022-2023 and the draft workplan for the 2024-2025 biennium.

Ole Thomas Thommesen (Norway), PWP Co-Chair, acknowledged Bartley's contributions to the PWP's work, noting his upcoming retirement.

El Salvador, for GRULAC, SOUTH AFRICA, PAKISTAN, IRAN, SWITZERLAND, and AZERBAIJAN, recognized the work of the PWP and encouraged the continued implementation of activities.

The EU supported Part IV of the draft decision (on the PWP), while BENIN requested regional projects. ZIMBABWE and others said they have benefitted from the work of PWP.

BCRC for French-speaking African countries noted that a regional project is underway on the movement of plastics.

The BC COP adopted Part IV of the draft decision, to be reinserted into the draft omnibus decision pending confirmation by the budget group.

Organization of Work for the OEWG 2024-2025: The Secretariat introduced the work programme and related documents (CHW.16/20 and Add.1).

BRAZIL and the EU expressed support for the work programme, with the EU noting its intention to share minor comments on prioritization with the Secretariat. BC COP President Hernaus requested the Secretariat prepare a revised

draft work programme considering the comments and any further developments during the meeting.

Contact Groups

Joint Issues: The Co-Chairs, Ole Thomas Thommesen (Norway) and Jeannelle Kelly (Saint Kitts and Nevis), proposed that the contact group focus on illegal traffic and trade synergies. One party objected, saying it had direction from its capital related to the international cooperation and coordination decision. The Co-Chairs explained that the group had finished this work, resulting in a draft decision that would be tabled in plenary for adoption. Other countries supported the proposal to work on illegal traffic and trade. The Co-Chairs said the opposing party would have to bring suggestions to plenary.

On synergies for illegal traffic and trade, countries agreed to use previously agreed language for the Secretariat to collect information about “confirmed cases by parties concerned by the illegal trade” rather than a wider reference to collect information about cases. One party stressed that information on best practices should be “voluntarily” provided, which was opposed by several who noted that parties are already invited to provide this information. A small group will work on this issue and report to the next contact group meeting.

SC Compliance: The contact group, co-chaired by Tuulia Toikka (Finland) and Sam Adu-Kumi (Ghana), agreed on a package on how to refer to Articles 12 and 13 (technical assistance and financial resources) in the objective and the committee trigger.

Countries debated the competency of the committee to provide advice related to the Convention’s financial mechanism. For some countries, the COP alone oversees the financial mechanism, while one said it was integral for the Committee to relay if a party lacks access to the financial mechanism. At the group’s close, a proposal was put forth for the committee to “provide advice on support needed, including, as appropriate, access to the financial mechanism,” and then the text details other forms of support. The Co-Chairs hoped that further time would be allotted, as they thought parties were close to compromise.

BC Technical Matters: The contact group, co-chaired by Patrick McKell (UK) and Magda Gosk (Poland), continued working on the plastic wastes technical guidelines. Delegates discussed a proposal to relocate the entire section on chemical recycling to the Appendix, including how this Appendix could be linked to the main body. Many countries supported such a move underlining that chemical recycling is an emerging technology, noting that its suitability as ESM of plastic wastes is unclear. One country insisted on keeping the section on chemical recycling in the main text, stressing the high potential of chemical recycling.

On a “bottom-up approach” to plastic pollution, one country noted their intention to introduce this concept to the technical guidelines, including a definition and listing of other international instruments that may use a bottom-up approach. Many delegates questioned its suitability in the technical guidelines, noting that it is not a term used in the BC. Some delegates supported an explanatory footnote on the concept. The proposal was parked for further deliberation.

The contact group continued discussions on processes of mechanical recycling operations, such as melting, extrusion, pelletizing, and sorting methods for plastic wastes.

BC Legal Matters: Co-Chairs Katrin Kaare (Estonia) and Florisvindo Furtado (Cabo Verde) facilitated discussions on two items, the work programme of the Committee administering the mechanism for promoting implementation and compliance (ICC) for the biennium 2024-2025 and Annex IV on disposal operations.

On the ICC’s work, parties discussed several items in the text including: the terms of reference; elements of national reports; coordination with the RC Compliance Committee; and dialogue

with other international organizations and compliance bodies.

Parties agreed to the draft text.

On Annex IV, parties deliberated on the draft text and highlighted *inter alia*: the distinction between waste and products; the work of the expert working group; the clarification of final operations and authorities verifying levels; the interpretation of recovery; and the final operations as stated in current descriptions. Discussions continued into the evening.

RC Enhancing Effectiveness: Co-chaired by Linroy Christian (Antigua and Barbuda) and Martin Lacroix (Canada), parties shared initial views on the proposed amendment of the RC. Two proponents introduced the revised proposal in CRP.4 on behalf of 14 co-sponsors, highlighting the addition of a new Annex VIII for chemicals that the COP could not agree to list in Annex III. They stressed that this builds on existing processes and does not change Annex III.

Those in support cited benefits such as enhancing the Convention’s shared responsibility and providing more information to countries about hazardous chemicals. Others recalled actions taken through an intersessional process, but the list of chemicals that the COP fails to list continues to grow. Some said this negatively impacts the reputation of the Convention. Rejecting the idea that the new Annex undermines consensus, they underlined that the first step is trying to list chemicals in Annex III. One suggested that a few “misuse” the consensus process.

Those in opposition expressed concerns about creating a parallel process, which several cautioned could lead to a majority rule, undermining consensus principles. Several noted that many chemicals had been listed by consensus. Some stressed that not all efforts to enhance effectiveness had yet been exhausted, pointing to the CRP that calls for intersessional work. They said other issues hamper the Convention’s effectiveness, such as trade barriers, third-party certification organizations, and technical assistance gaps.

Some raised procedural concerns, suggesting that CRP.4 introduced substantive changes to the original proposal, which violates the rules of procedure. One party stressed that an attempt to vote on this proposal at this COP would signal a lack of commitment to consensus. Discussions continued during the evening.

In the Corridors

Once the second week of work started, progress came quickly on several issues. The BC adopted several decisions that task the Secretariat with work to advance partnerships and support parties, all of which will have budgetary implications. Some reflected that three new POPs were just added, multiplying the resources required to administer the Stockholm Convention at home and in the Secretariat. “It’s becoming more difficult to maintain a zero nominal growth budget with treaties that continue to grow,” they noted, “it’s not like we can forget about old POPs when we add new ones.”

Progress elsewhere was a bit trickier to pin down. Tentatively, parties worked on SC compliance, with packages proposed that would make everyone “equally uncomfortable.” As the Co-Chair noted in plenary, “we’re closer than we’ve been in six years” to adopting a mechanism. But the first contact group on the effectiveness of the RC revealed divisions among parties. Some spoke of “a few” undermining consensus to the detriment of the many. Others called the proposal for a new Annex “an attempt to make us all subject to majority rule.” One country pleaded, “This is a contact group. It should not sound like plenary; we’re repeating statements.”

With a full week to go, delegates repeated their confidence in all the Co-Chairs, especially those shepherding the RC effectiveness discussions. With hard work, many hoped they could bring the flock back together and reach an agreement.

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