

BRS Conventions COPs Highlights: Wednesday, 10 May 2023

After adopting several decisions on joint issues in the morning, the Rotterdam Convention (RC) returned to, but could not resolve, how to take forward discussions on a proposal for intersessional work. Contact groups met on: Stockholm Convention (SC) compliance; Basel Convention (BC) technical matters; budget; RC effectiveness; and technical assistance and financial resources.

Joint Issues

Clearinghouse Mechanism: The Secretariat introduced the draft decision and workplan (CHW.16/23, INF/41; RC/COP.11/18, INF/24; POPS/COP.11/24, INF/46) and drew attention to the request for a proposed joint clearinghouse mechanism for the biennium 2024-2025.

The EU supported the proposal. Malawi, on behalf of the AFRICAN REGION, requested an assessment of the mechanism.

The draft decision was adopted pending confirmation of budgetary implications.

Gender: The Secretariat introduced the draft decision and report (CHW.16/24, INF/42; RC/COP.11/19, INF/25; POPS/COP.11/25, INF/47).

The RUSSIAN FEDERATION called for removing the reference to non-binary practices. CHILE, CANADA, BRAZIL, URUGUAY, LESOTHO, COLOMBIA, MEXICO, and ARGENTINA reiterated the value of the work on gender. The EU and CANADA supported the draft decision.

WOMEN ENGAGE FOR A COMMON FUTURE, INDEPENDENT ECOLOGICAL EXPERTISE, MARINE ENVIRONMENT PROTECTED AREAS TRUST, PAN, and IPEN reaffirmed the need for more work on gender in the BRS Conventions.

JORDAN requested the postponement of a decision until the Arab League and Islamic organizations met. The issue was suspended until later in the meeting.

From Science to Action: The Secretariat introduced the draft decision and report on actions (CHW.16/26, INF/44; RC/COP.11/21, INF/28; POPS/COP.11/27, INF/49), highlighting activities including capacity-building workshops. She also recalled the UN Environment Assembly's decision to establish an *ad hoc* Open-Ended Working Group to develop a science-policy panel on chemicals, waste, and pollution. CHILE, LESOTHO, NIGERIA, and TANZANIA expressed appreciation and urged continued work by the Secretariat. Malawi, on behalf of the AFRICAN REGION, reaffirmed the need for capacity building.

Several drew connections with the ongoing negotiations for a new science-policy panel. They noted the need for cooperation between the BRS Conventions and the negotiations to avoid duplication of work and enhance the availability of and access to information.

The UN HIGH COMMISSIONER FOR HUMAN RIGHTS recalled the General Assembly resolution that established the human right to a clean, healthy, and sustainable environment. She stressed that environmental degradation, including from unsound management of chemicals and wastes, impacts human rights.

ESDO called for coordination among disciplines, diverse representation in academia and in all sectors, and institutional reforms to solve chemical and gender issues.

MARINE ENVIRONMENT PROTECTED AREAS TRUST urged for inclusion in the science-policy panel negotiations to ensure that a wide range of audiences understand the science and can empower action and understanding by all.

Date and Venue of the Next COPs: The Secretariat introduced the dates and venue and related information (CHW.16/29, INF/50; RC/COP.11/24, INF/35; POPS/COP.11/30, INF/54), proposing that the next TripleCOP be held from 28 April to 9 May 2025 in Geneva, with arrangements for a high-level segment.

CHINA asked for the next meeting to "make more balanced arrangements," avoid public holidays, and overcome difficulties in booking hotels. The RUSSIAN FEDERATION called for parties to be able to register all delegates, including in the intersessional period. The COPs adopted the decisions.

Adoption of the Reports: The Secretariat noted that these reports are for the joint plenary sessions. Rapporteur María Eugenia González Anaya (Mexico) read out CHW.16/L.1. The report was adopted, with minor amendments from SAUDI ARABIA.

Basel Convention

Basel Convention Partnerships: Household Waste

Partnership: Noting that the draft decision had been cleared for its budgetary implications, the BC COP adopted it as in CRP.20.

Scientific and Technical Matters: Amendments to Annexes II, VIII and IX on e-waste: Noting that the draft decision had been cleared for its budgetary implications, the BC COP adopted it as in CRP.21.

Legal, Compliance and Governance Matters: Providing further legal clarity: Noting that the draft decision had been cleared for its budgetary implications, the BC COP adopted it as in CRP.22.

Adoption of the Report: Rapporteur María Eugenia González Anaya (Mexico) read out the draft report (CHW.16/L.1/Add.1). The report was adopted, with minor amendments from CHINA and CANADA.

Rotterdam Convention

Status of Implementation: The Secretariat presented the draft decision and related documents (RC/COP.11/4, INF/6, 7, 7/ Adds.1,2).

The EU supported the draft decision with some deletions for clarifications and to avoid duplication. NIGERIA and SENEGAL requested capacity building on effective use of the regulatory toolkit.

The decision was adopted pending budgetary implications for the programme of work for 2024-2025.

Rules of Procedure: The RC COP President Berejiani provided a brief history, noting that until decided otherwise, the COP will continue to decide substantive issues by consensus. She proposed deferral of the matter to COP12 with square brackets remaining in place, and it is noted in the report of the meeting.

CHILE requested time to discuss the matter informally. NIGERIA said the issue needs to be resolved and cautioned against postponing. CANADA and COLOMBIA supported the removal of brackets and said they would engage in informal discussions. The EU said it is important for the COP to reach important decisions and, as such, a 3/4 majority voting should be available to parties, noting they are open to informal discussions.

CHINA said attention should be focused on more urgent issues. The RUSSIAN FEDERATION did not see the need for further discussion on this matter. ARGENTINA, BRAZIL, and SAUDI ARABIA supported consensus decision making.

The matter was referred to RC COP 12.

Enhancing the Effectiveness of the Convention: RC COP President Berejiani proposed a new contact group to discuss the intersessional work suggested in CRP.3. She said this proposal is based on consultations with parties and had the agreement of the Bureau. INDONESIA, CHINA, GUATEMALA, INDIA, the RUSSIAN FEDERATION, NICARAGUA, ARGENTINA, KAZAKHSTAN, PARAGUAY, VENEZUELA, PAKISTAN, and SAUDI ARABIA disagreed, preferring that the CRP.3 be discussed in the RC effectiveness contact group. They said the CRP is related to effectiveness and cited small delegation sizes.

RC COP President Berejiani withdrew her proposal and asked if the RC effectiveness contact group could discuss CRP.3. The EU, the UK, COLOMBIA, AUSTRALIA, SWITZERLAND, NORWAY, CANADA, MEXICO, NEW ZEALAND, PANAMA disagreed, supporting the original proposal for a new contact group. Some noted that the RC listing contact group concluded its work.

CHILE lamented the erosion of the traditional atmosphere of cordiality and respect witnessed in plenary and contact groups, particularly that parties openly question the proposals of the Chair, made in consultation with parties and the Bureau.

RC COP President Berejiani withdrew the proposal to mandate CRP.3 the RC effectiveness contact group. She said she would hold further consultations with the Bureau and parties on the way forward.

Contact Groups

Technical Assistance and Financial Resources: Co-chaired by David Kapindula (Zambia) and Toks Akinseye (UK), countries were at an impasse on the objectives for the analysis to be carried out as part of the sixth review of the financial mechanism. They could not agree on whether the review of the mechanism's effectiveness will include an analysis of the changing needs of developing countries and countries with economies in transition, "due to ever-increasing obligations," with a link made to compliance. In response to a question, the Secretariat said that adding such considerations would cost approximately USD10,000 in consultant fees for the report. After a long break for informal consultations, one country proposed the addition of "needs arising from new obligations as chemicals are being listed," in the review. Some developing countries expressed the need to consult.

On the assessment of needs regarding polychlorinated biphenyl (PCB), developing countries continued to call for the GEF to source funding for a special fund, noting the scale of need and urgency to meet the PCB deadlines. Some countries said that creating a new fund does not create new funding, and questioned if this call is appropriate in the section on the assessment of funding needs. The proponents for the fund withdrew the proposal in the "spirit of compromise," but one country stressed the need to keep it. Discussions continued into the evening.

BC Technical Matters: After reaching a deadlock in their deliberations on chemical recycling on Tuesday evening, the contact group, co-chaired by Patrick McKell (UK) and Magda Gosk (Poland), turned its attention to the draft decision on further consideration of plastic wastes.

Co-Chair Gosk noted countries' submissions for further activities are widespread and proposed, considering the lack of time at this COP, to not list any specific activities conducted under the BC to address plastic wastes. She suggested laying out a process for those activities to be further discussed at the next OEWG. Many countries supported this approach, while one country insisted on discussing its proposed activities. Pointing at the lack of inclusivity and only discussing one country's submission, a country said deferring this work to the intersessional process is a balanced treatment of all parties' views. Parties agreed to the draft decision with a footnote referring to the compilation of all views received.

On technical guidelines on the environmentally sound management (ESM) of plastic wastes, delegates continued discussions on what constitutes the conditions for biodegradability of plastic. Pointing out the lack of clarity, one country pointed at the specific conditions under which plastics degrade, noting that these conditions will not be applicable to all natural environmental conditions. The group agreed on most of the proposed changes but failed to reach consensus on articulating the effect of not meeting conditions.

In the afternoon, discussions on chemical recycling remained at an impasse and informal discussions among a few countries continued into the evening.

RC Effectiveness: Co-Chairs Linroy Christian (Antigua and Barbuda) and Martin Lacroix (Canada) convened the contact group, with Co-Chair Lacroix noting that they completed the first reading the evening before and that two parties put forth textual changes at the second reading. He then reopened the text.

While some parties made comments on the text, others continued to question the mandate of the contact group to continue the work. After further queries on this, proponents addressed the comments, and the Co-Chair reminded the group of the steps taken to arrive at the second reading of the text. One developed country outlined the legal parameters and precedent of the work of the contact group. The Co-Chair reiterated the mandate given to the group by the COP.

Those opposing the amendment said the text was not ready for consideration and that they did not see the reason for the Annex. Others cautioned against rushing the decision. A proponent of the proposal expressed their dismay and disappointment at attempts to delay progress and said the contact group should be closed as efforts would be futile if it continued in this manner.

One opposing party said it was within their right to question the procedural matters as mandated by the contact group. Some parties urged for more legal clarity and direct advice from the Secretariat on the issues they have brought up. Many parties recounted the numerous ways the concerns of those opposing were addressed both in the contact group and plenary.

Reaching no consensus on the matter, with no further progress on the text, the Co-Chair said the matter would be deferred to the Bureau for their advice on the way forward.

SC Compliance: Co-Chairs Tuulia Toikka (Finland) and Sam Adu-Kumi (Ghana) facilitated discussions focused on the decision-making procedures for the committee. Several supported the voting rules as a last resort to ensure efficient decision making, including for the committee to recommend non-punitive measures to support countries. Two countries called for decisions by consensus only but offered as a compromise that the decision-making rules could be reviewed in the future if the Committee identifies consensus as an impediment to its efficiency. With some requesting time to consult their capitals, the Co-Chairs said they would seek additional time for the contact group.

In the Corridors

"Happy Friday! Oh, it's Wednesday..." joked a delegate, although some thought he might be serious. After all, the tone of the day was rather tense, perhaps uniquely so at this year's COP. As one delegate observed, "all three Conventions have something very contentious to deal with. 'Usually,'" he said, "it's just one."

As huddles broke out and discussions continued, the meeting's sinews seemed strained. From parties' positions to delegates' patience, everything seemed pulled taut. In one contact group, a party explained "we've reached our maximum flexibility already," and another joined in, exasperated, "how do we go from here?"

In plenary, there was a plea for a return to respectful dialogue, as a long-term leader in the process wondered what happened to the "unwritten behaviors and attitudes" delegates typically have at these meetings and "how such a level of polarization has seeped into our discussions." In one contact group accusations of unproductive behavior were made, as parties became frustrated with the lack of progress.

Some huddles, delegates observed, seemed productive, allowing delegates to speak directly to one another and share their concerns and ideas for solutions. In the smallest of settings, they hoped that the spirit of solidarity, which has served TripleCOP so well in the past, can be found again.