

## BRS Conventions COPs Highlights: Thursday, 11 May 2023

In a historic decision, the Stockholm Convention (SC) adopted a compliance mechanism. Several other decisions were adopted, including joint issues and Basel Convention (BC) issues. After a lengthy plenary to discuss the proposal to amend the Rotterdam Convention, parties were left to consult informally. Contact groups met on SC compliance, technical assistance and financial resources, BC technical matters, budget, and CRP.3 (the proposal for intersessional work on the impacts of listing).

### Joint Issues

**Credentials:** The COPs adopted the report on the credentials of Bahamas, eSwatini, São Tomé and Príncipe, Vanuatu, and Yemen.

**Technical Assistance:** Noting that the draft omnibus decision on regional centres under the BC and SC have been cleared for budgetary implications, the COPs adopted it (CHW.16/CRP.19 and POPS/COP.11/CRP.12).

**International Cooperation and Coordination:** Noting that the draft decisions have been cleared for their budgetary implications, the BRS COPs adopted them (CHW.16/CRP.17; COP.11/CRP.8; POPS/COP.11/CRP.11).

**Synergies in Preventing and Combating Illegal Traffic and Trade in Hazardous Chemicals and Wastes:** Noting that the draft decisions have been cleared for their budgetary implications, the BRS COPs adopted them (CHW.16/CRP.23; RC/COP.11/CRP.9; COP.11/CRP.13).

**MoUs: Amendments to the MoU between UNEP and the Basel Convention:** Noting that the draft decision has been cleared for its budgetary implications, the BC COP adopted it as in CRP.27.

**Amendments to the MoU among FAO, UNEP, and the Rotterdam Convention:** Noting that the draft decision has been cleared for its budgetary implications, the RC COP adopted it as in CRP.10.

**Amendments to the MoU between UNEP and the Stockholm Convention:** Noting that the draft decision has been cleared for its budgetary implications, the SC COP adopted it as in CRP.14.

### Basel Convention

**Further Consideration of Plastic Wastes:** BC COP President Reginald Hernaus presented CRP.26 on further consideration of plastic wastes for adoption, noting it has been cleared for budgetary implications. Following a request by SAUDI ARABIA, the adoption of the draft decision was postponed to a later stage.

**Basel Convention Partnership Programme:** Noting that the draft decision on subscription fees has been cleared for its budgetary implications, the BC COP adopted it as in CRP.25.

### Rotterdam Convention

**Technical Assistance:** Noting that the draft decision has been cleared for its budgetary implications, the RC COP adopted it as in CRP.5.

**Listing of Chemicals in Annex III:** Since no consensus was reached, RC COP President Ana Berejiani proposed that consideration of listing iprodione and acetochlor be included in the provisional agenda of the next COP.

**Enhancing the Effectiveness of the Convention:** In the morning, RC COP President Berejiani suggested establishing a

new contact group to consider CRP.3 submitted by Brazil. The COP agreed to appoint Marit Randall (Norway) and Caroline Theka (Malawi) as Co-Chairs.

In the afternoon, RC COP President Berejiani introduced CRP.11.

Citing previous intersessional processes and proposals to amend decision-making rules, SWITZERLAND underlined that, after 10 years of discussion, all efforts had been exhausted to enhance the effectiveness of the Convention. On behalf of 14 co-sponsors, he introduced CRP.11, which he said amends the original proposal for adding a new Annex and amending Articles 7, 10, 11, 13, 14, 15, and 22 to include the changes from CRP.4 and comments at this meeting.

The RUSSIAN FEDERATION, CHINA, KAZAKHSTAN, INDIA, KYRGYZSTAN, SAUDI ARABIA, GUATEMALA, INDONESIA, ETHIOPIA, PARAGUAY, BRAZIL, ARGENTINA, BAHRAIN, IRAN, PAKISTAN, BOLIVIA, NICARAGUA, SYRIA, OMAN, and UNITED ARAB EMIRATES opposed the proposal. Many stressed that the proposal undermines consensus and could divide parties. Some suggested that the proposal does not address the root problems affecting the Convention's effectiveness. There were also questions about the legal basis for the proposal, citing the Vienna Convention and the World Trade Organization. They observed a lack of time to consider and discuss a major change to the Convention.

COLOMBIA, AUSTRALIA, TOGO, EL SALVADOR, PERU, NORWAY, the MALDIVES, the EU, ESWATINI, Samoa, for the PACIFIC REGION, VANUATU, LESOTHO, JORDAN, PANAMA, EQUATORIAL GUINEA, NIGERIA, GHANA, BURKINA FASO, NEW ZEALAND, the UK, GABON, SENEGAL, CANADA, the MARSHALL ISLANDS, MOZAMBIQUE, CONGO, ZAMBIA, COSTA RICA, DOMINICAN REPUBLIC, CHILE, COOK ISLANDS, CAMEROON, and TANZANIA supported the proposal. They underscored that it would enhance the Convention's effectiveness, saying that a few countries can block the listing of chemicals, denying information to parties. Most stressed that the rules and procedures have been followed for the proposal and that it is a culmination of over a decade of effort, including at this COP. Many called for its resolution at this COP.

JAPAN noted the importance of the issue and called for further informal consultations and intersessional work. ZIMBABWE warned against rushing a decision and said he did not support adoption at this COP. KENYA and IRAQ requested that the proposal be deferred to COP12 for further consideration.

An observer from the US cautioned that "more should be done to secure the consensus approach." She warned against setting a troubling precedent, noting that opposition to the proposal is substantial.

IPEN, PESTICIDE ACTION NETWORK (PAN), RAP-AL, the INTERNATIONAL LABOUR ORGANIZATION, INTERNATIONAL FEDERATION OF BUILDING AND WOOD WORKERS, UNION AID ABROAD, PAN ASIA PACIFIC, AUSTRALIAN COUNCIL OF TRADE UNIONS, PAN AFRICA, PAN UK, the CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW, and SOLIDAR SUISSE supported the proposal to amend the Convention. Many urged it is "time to act now, at this COP," noting that all measures to reach consensus have been exhausted.

The INDIAN CHEMICAL COUNCIL opposed the proposal, suggesting deferring the decision.

Noting the lack of consensus, RC COP President Berejiani proposed suspending consideration of CRP.11. This suggestion was opposed by COLOMBIA and supported by the RUSSIAN FEDERATION and SAUDI ARABIA. Discussions on the matter in plenary were suspended until Friday.

### Stockholm Convention

**Compliance:** SC COP President Keima Gardiner introduced CRP.15 on procedures and mechanisms for compliance with the Stockholm Convention.

Co-Chair Sam Adu-Kumi (Ghana) relayed that long and intense discussions took place among parties. He attributed the goodwill, understanding, and willingness of parties to reach an agreement on the draft decision presented to the plenary.

SC COP President Gardiner said the finalization of the compliance procedure was long overdue and expressed her gratitude for the hard work and constructive engagement of the contact group.

The SC COP adopted CRP.15 to applause.

Gaveling twice during the historical moment, SC COP President Gardiner observed that the decision puts in place the only outstanding mechanism required by the Convention to support countries in meeting their obligations.

COLOMBIA, CANADA, GHANA, the EU, JORDAN, CHINA, SWITZERLAND, and EL SALVADOR congratulated the parties, Co-Chairs, and SC COP President on the historic adoption of the compliance mechanism.

BRS Executive Secretary Rolph Payet reflected on the long history of the discussions and lauded the respective Presidents, Co-Chairs, sponsors, supporters, and negotiators who contributed to this success over time. He said: “You have shown the world that you are committed and want to address the issue of POPs on our planet.”

### Measures to Reduce or Eliminate Releases from Wastes:

Parties adopted paragraph seven of the decision (POPs/COP.11/9), taking into account the previously adopted decisions CRP.12 and CRP.13 and the newly listed persistent organic pollutants (POPs), and the work done by the BC COP on POPs wastes technical guidelines.

### Contact Groups

**Technical Assistance and Financial Resources:** Co-Chairs David Kapindula (Zambia) and Toks Akinseye (UK) reconvened the contact group.

After consideration of CRP.2 on a resource mobilization strategy, the group exchanged views on elements in the text related to the Strategic Approach to International Chemicals Management (SAICM), private sector funding, and the role of the Secretariat. Parties had deliberated on the margins of the night before and textual changes and compromises were made as reported by Co-Chair Akinseye. The group accepted CRP.2 draft text without further changes.

Co-Chair Kapindula turned parties' attention to the draft decision on the financial mechanism (COP.11/17), specifically on Annex II, the terms of reference for the sixth review of the financial mechanism.

The group returned to a contentious point relating to the ability of the financial mechanism to meet the needs of developing countries and on their needs arising from newly listed chemicals. Reflecting on procedural issues from the day before, one party insisted on Co-Chairs reinstating an agreement on a clean paragraph in the text, while some developed countries requested their position to be respected.

After several exchanges on the procedure for these paragraphs, the developed countries' stance stayed.

The matter arrived at a deadlock, and the Co-Chair moved on to the item on the GEF for further consideration. Parties compromised and agreed on the paragraph related to the elimination of PCB in equipment.

The group then returned to the issue of developing countries' needs on the financial mechanism. Noting the events that occurred the day before on the reversal of the Co-Chairs' clean text on this section, a group of developing countries said they had made enough sacrifices on the text, and that it was time for others to do the same.

Noting no forthcoming offer of a compromise, parties were given time to consult among themselves to resolve the matter. They continued into the night.

**BC Technical Matters:** The contact group, co-chaired by Patrick McKell (UK) and Magda Gosk (Poland), continued working on the plastic wastes technical guidelines, taking up work on the remaining brackets in the text. The group discussed several paragraphs, including on recycling of plastic wastes for medical use; environmental problems along the plastic life cycle caused by certain additives; and typical additives and processing aids contained in plastics. Informal discussions on how to include the section on chemical recycling in the guidelines continued in the afternoon.

**RC CRP.3:** Co-chaired by Marit Randall (Norway) and Caroline Theka (Malawi), the contact group featured general discussions on CRP.3, which sets out an intersessional process to examine the “undesirable indirect economic and trade effects arising from the inclusion of new substances in Annex III or other Annexes in the Convention.” The proponent explained that, to include the views of all, the intersessional process would look at socioeconomic challenges, but he underlined the need to address private certification schemes. He noted that the intersessional process could engage in a dialogue with such bodies and other relevant stakeholders.

Several countries expressed concerns about the proposal. They queried how this would be different from the Riga process. Saying that another intersessional process is premature, some suggested additional research or analysis to inform further work. They also disagreed with the framing of undesirable effects, saying there is little evidence of this.

Supporters of further intersessional work said that the evidence is inconclusive to date, given the limited number of studies and the experience of their countries. They said that the intersessional process would build on the Riga process and invited parties to identify ways that the new process could avoid duplication.

Several raised the example of highly hazardous pesticide (HHP) classification, which has eight criteria, one of which is listing in the RC, and the others include classification systems such as WHO or Global Harmonized System (GHS). A party noted that there is a target under negotiation in the SAICM process related to HHPs. Discussions continued in the evening.

**SC Compliance:** Co-Chairs Tuulia Toikka (Finland) and Sam Adu-Kumi (Ghana) facilitated a review of the draft decision, which parties agreed to send to plenary as a clean text. Both Co-Chairs applauded the hard work and spirit of compromise shown by the delegates.

### In the Corridors

The penultimate day brought “the agony and the ecstasy,” as one delegate repurposed the title of the old film. The Stockholm Convention COP, after trying since 2006, adopted a compliance mechanism. Sure, it isn't what everyone wanted, but for one veteran “making everyone equally unhappy sometimes works.” For those long involved in trying to get this result, it was a genuine thrill. BRS Executive Secretary Rolph Payet made sure to thank and congratulate all involved for their role in protecting the world, and its inhabitants, from POPs. Happiness is resilient and contagious. Some hoped the glow would linger as countries confront hard choices tomorrow about how to take the last few decisions forward that are causing the anguish.

During the three-hour-long series of statements in plenary on the proposal to add a new Annex to the RC. It featured common refrains – that a major change needs adequate time to consider, and that parties have been at this for ten years. Common to all was a sense of frustration. Several left the plenary with papers or spreadsheets charting those in favor, against, and unsure. To add an Annex requires 3/4 majority of parties present and voting.

Meanwhile, as the BC technical matters contact group recycled arguments on the plastic wastes guidelines, delegates seemed visibly pained. After two weeks of, as one put it “doing it all” to accommodate a party, there was a palpable sense of a collective at their wit's end. As one put it, everything was very tense, but suddenly relaxed. He hoped it would stay that way as delegates try to solve these issues – and finance – on the last day.

The *Earth Negotiations Bulletin* summary and analysis of the BRS TripleCOP will be available on Monday, 15 May 2023 at [enb.iisd.org/basel-rotterdam-stockholm-conventions-brs-cops-2023](http://enb.iisd.org/basel-rotterdam-stockholm-conventions-brs-cops-2023)