



## BC COP11 HIGHLIGHTS: SATURDAY, 4 MAY 2013

The Ordinary and Extraordinary Meetings of the COPs to the BC, RC and SC convened for a seventh day on Saturday, 4 May 2013. Delegates met throughout the day in plenary to consider issues under Basel Convention COP11.

Contact groups on Compliance and Legal Matters, Budget and Synergies, Technical Assistance and Financial Resources, Strategic Matters, and Technical Matters met throughout the day.

### BASEL CONVENTION (BC) COP11

BC COP11 President Franz Perrez (Switzerland) chaired the plenary session.

#### ORGANIZATIONAL MATTERS: Election of officers:

The Joint Secretariat introduced UNEP/CHW.11/CRP.5 and CRP.6, and noted one decision discontinues the expanded bureau and the other adds *ex officio* members.

CANADA suggested an analysis be undertaken, by a time-limited intersessional group or the Joint Secretariat, to identify the impact on parties and implications for synergies. Mexico, for GRULAC, suggested changes to CHW.11/CRP.6 on Rules of Procedure to add six Vice-Presidents, one of which would act as Rapporteur. She said that once this change was agreed to, GRULAC countries could approve CHW.11/CRP.5 on institutional arrangements. The EU did not support this change, and preferred a smaller Bureau.

President Perrez and parties agreed to task Mexico, the EU and Canada to discuss the issue and present a draft decision, or a proposal for a way forward, on Monday.

**MATTERS RELATED TO THE IMPLEMENTATION OF THE CONVENTION: Strategic issues: Follow-up to the Indonesian-Swiss CLI:** Jimena Nieto (Colombia) reported three resolutions of the small group discussions: definitions need to be coherent and identical; parties want to have the discussion on “foundational” definitions at this COP; and explanations should accompany some definitions. President Perrez suggested, and parties agreed, to establish a contact group on draft glossary of terms to meet on Monday, 6 May.

On ESM, President Perrez introduced BC CRP.10 containing the framework for the ESM of hazardous and other wastes. The EU agreed to the framework, but said it could not be “adopted” without a specific decision. BC COP11 agreed to the framework, noting the related decision is under consideration in a contact group. President Perrez called agreement on the framework a “significant step forward.” In response to a question from Colombia, he noted the definitions in the framework could be amended later for consistency if needed.

**Strategic framework:** The Joint Secretariat introduced BC CRP.7, noting that the document addresses the comments raised previously in plenary, and BC COP11 “virtually” adopted the decision.

**Scientific and technical matters: National reporting:** The Joint Secretariat introduced BC CRP.1, which establishes an intersessional working group on national reporting, and it was “virtually” adopted without amendment.

**Legal, compliance and governance matters: Committee for Administering the BC Compliance Mechanism:** The Joint Secretariat introduced BC CRP.2. Compliance and Legal Matters Contact Group Co-Chair Anne Daniel (Canada) highlighted, among other items, the terms of reference for the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE). The EU asked that the contact group on Budget and Synergies consider this item. JAPAN expressed willingness to support this “important meeting.” BC COP11 then “virtually” adopted the decision in BC CRP.2.

**National legislation, notification, enforcement of the Convention and efforts to combat illegal traffic:** The Joint Secretariat introduced UNEP/CHW.11/3 and 12. The EU proposed a change to CHW.11/12 to reference decision BC-10/13. With that amendment, BC COP11 “virtually” adopted the decision in CHW.11/12.

**Technical assistance: Capacity-building:** The Joint Secretariat introduced the document BC CRP.4. Mohammed Khashashneh (Jordan), Co-Chair of the contact group, highlighted changes including facilitating information gathering, technology transfer and technical assistance programs for the 2016-17 biennium. BC COP11 then “virtually” adopted the decision in BC CRP.4.

**BC Regional and Coordinating Centres:** The Joint Secretariat presented the draft decision on the BC regional and coordinating centres (UNEP/CHW.11/CRP.8), as agreed by the contact group on Technical Assistance and Financial Resources. Contact Group Co-Chair Khashashneh clarified that the contact group had split the initial draft decision on regional and coordinating centres (UNEP/CHW.11/5) into two separate draft decisions, and said the second was still under consideration. BC COP11 then “virtually” adopted BC CRP.8.

**Implementation of decision V/32 on the enlargement of the scope of the Trust Fund:** The Joint Secretariat introduced UNEP/CHW.11/14 and INF/20. The EU suggested, *inter alia*, amending the decision to: consider the final report and ask the Secretariat to strengthen cooperation; define the “division of labor” with the Office for the Coordination of Humanitarian Affairs (OCHA), UNEP and other bodies; and report at BC COP12. He noted that the fund is “lying dormant.” With those



amendments, the BC COP11 “virtually” adopted the decision in CHW.11/14.

In the afternoon plenary, CUBA, supported by ECUADOR and VENEZUELA, stated that the adoption of CHW.11/14 was not conducted transparently, and without a CRP for the amendments. He requested this be further discussed by parties.

President Perrez responded that the decision was “virtually” adopted in a transparent manner, but clarified this item would be revisited on Monday, or when the decision is presented for formal adoption.

#### **International cooperation, coordination and partnerships:**

**BC Partnership Programme:** The Joint Secretariat introduced the documents on the Partnership for Action on Computing Equipment (PACE) (UNEP/CHW.11/6, Add.1, INF/11, INF/12 and INF/13).

Marco Buletti (Switzerland), Co-Chair of the PACE Working Group summarized the work on the development and revision of the guidance document on the ESM of used and end-of-life computing equipment. He said comments had been received from parties and NGOs, and that draft guidance had been revised. The EU and JAPAN said they had specific comments, and President Perrez suggested, and parties agreed, that the Technical Matters Contact Group consider the document.

**Cooperation with the IMO:** The Secretariat introduced discussion on cooperation between the Basel Convention and the International Maritime Organization (IMO) (UNEP/CHW.11/17), on, *inter alia*, the revised legal analysis of the application of the BC to hazardous and other wastes generated on board ships.

COLOMBIA, supported by MEXICO and COSTA RICA, welcomed the revised legal analysis and its conclusions, and urged continuing activities on the legal scope and application of the BC to waste generated on ships on the high seas. Senegal, on behalf of the AFRICAN GROUP, recalled the offloading of ship waste in Abidjan, Côte d’Ivoire, and urged the Secretariat to further revise the legal analysis to address ships on the high seas. SWITZERLAND supported further revision, encouraging a broader interpretation of the BC. CHINA concurred with the legal analysis, but suggested the provisions of the BC must also apply to wastes that are generated outside the scope of the International Convention for the Protection of Pollution from Ships (MARPOL). CANADA opposed requesting further legal analysis. The EU supported the conclusions of the revised legal analysis, and, with NORWAY, asked these be included in the draft decision. The US appreciated the analysis, but opposed the conclusion the PIC procedure apply to ships within marine territories, and urged further concerns be addressed under the IMO, not the BC. The IMO urged that only the parties of MARPOL and IMO interpret instruments to those conventions. Suggesting the current legal interpretation leaves “loopholes,” CIEL recommended opening an additional comment period on the legal analysis.

President Perrez noted divergent opinions and tasked a small, informal group comprised of Colombia, the EU and Senegal with proposing a way forward. During the late afternoon, the EU reported agreement had been reached on text on cooperation with the IMO, through Colombia and Senegal, and a CRP would be made available.

**Other international cooperation and coordination:** The Joint Secretariat introduced the document (UNEP/CHW.11/18 and INF/24). PAKISTAN proposed establishing a multilateral fund, similar to the Montreal Protocol. President Perrez suggested, and parties agreed, to close the item, note the discussion in the report, and not take a decision, which he said would request the Joint Secretariat to “continue to continue.”

**OTHER MATTERS: Basel Waste Solution Circle:** The Joint Secretariat introduced the item on the further development of the Basel Waste Solution Circle (UNEP/CHW.11/INF/15),

stating that at each COP, those admitted to the Circle are recognized. Delegates noted the Secretariat’s report.

**Official communications:** The Secretariat introduced the document (UNEP/CHW.11/21) on official communications, recalling it adopts a harmonized form for notification of contacts across the SC, BC and RC, and aims to facilitate transmission of information by parties to the Secretariat. She noted the SC COP had “virtually” adopted their parallel decision.

The BC COP11 “virtually” adopted the draft decision.

**MOU between UNEP and BC COP:** The Secretariat introduced the draft MoU between UNEP and the BC COP. President Perrez informed delegates that, as discussed at SC COP6, decision on this would be taken at the next COP. Delegates noted the report of the Secretariat.

**Admission of observers:** On this matter (UNEP/CHW.11/22), President Perrez explained the SC had initiated a small group to consider this issue, and that it would report to BC COP11 on Monday, 6 May. The Joint Secretariat recalled that similar decisions were proposed in the SC and RC.

#### **CONTACT GROUPS**

**TECHNICAL MATTERS:** The contact group, co-chaired by Michael Ernst (Germany) and Che Asmah Ibrahim (Malaysia), made significant progress on technical guidelines for mercury wastes, BC Annex 9 amendments and technical guidelines for POPs wastes. Delegates went through a paragraph-by-paragraph reading of the technical guidelines for e-waste.

On e-waste, delegates commented extensively on the distinction between waste and non-waste, discussing the criteria for the transfer of used equipment including contracts relating to the equipment’s functionality, and situations where used equipment should normally be considered waste.

**STRATEGIC MATTERS:** Co-chaired by Alberto Sontos Copra (Argentina) and Jane Stratford (UK), the group agreed on the draft framework for the ESM of hazardous wastes and other wastes (UNEP/CHW.11/3/Add.1) with amendments. The group also discussed the three potential formats of the OEWG. They concluded that further analysis was necessary, and that the next OEWG would maintain the current format but the Secretariat would be granted flexibility on the organization of the meeting.

#### **IN THE CORRIDORS**

Parties joked about being aboard the “Basel Express” as BC COP11 moved through its agenda at a dizzying pace on Saturday. Thanks to competent chairing and proficient Secretariat support, parties had taken a complete first look at the agenda by lunch, with several contact and small informal groups tasked with unresolved issues. It seemed, though, that the Basel Express left some behind at the station, as in the afternoon plenary one party, supported by others, raised a point of order, and a formal disagreement with the procedures, calling to re-open an issue scheduled for the afternoon but “virtually” adopted with amendments in the morning.

Meanwhile, several participants reported a more sluggish pace elsewhere in the CIG. One delegate recognized the long, hard days put in by the Technical Assistance and Financial Resources Contact Group but was unsure if group could fulfill both its convention-specific and synergies mandates, particularly since the latter set of issues have effectively been “shelved.” Across the street, comments were heard from a few delegates that some countries “put the brakes” on parts of the omnibus synergies decision, perhaps reflecting views that the conventions were becoming “too synergized, too quickly.”

As the seventh consecutive working day drew to a close, most delegates said they were looking forward to a day off, recharging their batteries, and taking in some fresh air, in hope of reinvigorating themselves for the final five negotiating days.