



BC COP11 HIGHLIGHTS: MONDAY, 6 MAY 2013

The Ordinary and Extraordinary Meetings of the COPs to the BC, RC and SC convened for an eighth day on Monday, 6 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, as well as various informal drafting groups, met throughout the day.

BASEL CONVENTION (BC) COP11

BC COP11 President Franz Perrez (Switzerland) chaired the plenary session. Delegates agreed that BC COP11 will reconvene briefly on Tuesday, 7 May, after the first day of RC COP6, to consider outstanding issues.

ORGANIZATIONAL MATTERS: Election of officers:

CANADA reported that they had met with the EU and progress had been made on the Expanded Bureau, but the EU needed additional time to coordinate on this. President Perrez noted, and delegates agreed, that since the issue is pertinent to all three conventions, it could be completed later in the week.

MATTERS RELATED TO THE IMPLEMENTATION OF THE CONVENTION: Scientific and technical matters:

Technical guidelines: BC COP11 “virtually” adopted the technical guidelines for the ESM of mercury wastes (BC CRP.9).

National reporting: Mexico, on behalf of GRULAC and supported by CUBA, proposed re-opening BC COP11’s discussion on UNEP/CHW.11/CRP.16, on the Trust Fund to Assist Developing and Other Countries in Need of Technical Assistance in BC Implementation, citing needs in the region, particularly the Caribbean, for resources to cope with natural disasters, and proposed three amendments.

The COP agreed to consider the amendments in turn. On the proposal to “take note,” rather than “welcome” a draft report, the EU proposed deleting the word “draft,” noting the COP cannot take note of a draft report. On deleting text about regarding the report “as a final Secretariat report,” the COP agreed. On the deletion of a paragraph noting only one request since 1999 for financing from the emergency mechanism, CUBA noted there is little money available under the Trust Fund for addressing

natural disasters, and underscored the importance of the emergency mechanism. The EU commented that the paragraph is a “factual statement,” but agreed to delete the text.

With GRULAC’s revisions, as amended by the EU, the COP “virtually” adopted the draft decision in BC CRP.16.

Technical assistance: BC regional and coordinating centres: BC COP11 “virtually” adopted the decision on the process for evaluating the performance and sustainability of BC regional and coordinating centres (BC CRP.14).

International cooperation, coordination and partnerships: BC Partnership Programme: The plenary “virtually” adopted draft decisions on the Partnership for Action on Computing Equipment (PACE) (UNEP/CHW.11/CRP.19 and 19/Add.1).

Cooperation with the IMO: The Joint Secretariat introduced UNEP/CHW.11/CRP.15. The EU reported that this draft decision represents an agreement reached by the EU, Senegal and Colombia. SENEGAL, supported by CANADA and SWITZERLAND, suggested removing the list of specific conclusions of the legal analysis and “taking note” of the conclusions, rather than “welcoming.” The EU said they could not accept this proposal without further consultation.

CANADA said that the BC noted IMO actions regarding waste generation on ships and suggested the Joint Secretariat could “monitor” this work.

The EU accepted the proposal to “take note” of the revised legal analysis of application of the BC and other wastes generated on board ships and “take note” of the conclusions therein, and also to delete the reference to the specific conclusions.

Delegates “virtually” adopted BC CRP.15 with this amendment.

Resource mobilization and sustainable financing: BC COP11 “virtually” adopted the decision on resource mobilization and sustainable financing (BC CRP.13).

Operations and OEWG Work Programme: The Joint Secretariat introduced UNEP/CHW.11/CRP.17 and CRP.18, and noted that the OEWG work programme (BC CRP.18) would be revised by the Joint Secretariat as the BC adopts further decisions.

CANADA and the DOMINICAN REPUBLIC suggested



returning to this item after the work programme is complete.

OTHER MATTERS: Admission of observers: The Secretariat reported that a group had met on this issue and were drafting three decisions on this, covering the Basel, Stockholm and Rotterdam conventions. President Perrez said consideration of the decisions on this issue would continue on Tuesday.

ADOPTION OF THE REPORT: Delegates adopted the report of the BC COP11 (UNEP/CHW.11/L.1, and Add. 2, 3, and 4), following a page-by-page reading, and acknowledging that UNEP/CHW.11/L.1/Add.1 was adopted at the close of SC COP6.

CONTACT GROUPS

TECHNICAL MATTERS: The contact group, co-chaired by Michael Ernst (Germany) and Che Asmah Ibrahim (Malaysia), convened on Monday to consider the technical guidelines on e-waste, but was quickly suspended to allow a small break-out group, consisting of 15 countries representing the five regions, to consult on paragraph 26(b) regarding situations where used equipment should normally be considered waste or not be considered waste (i.e. exemptions). The small group was to consider proposals from: the African Group and GRULAC, dealing specifically with used equipment for medical and research-related uses; the EU, requesting parties to provide comments on what should be considered exemptions and calling on the Secretariat to publish these comments; the Co-Chairs, giving specific categories for re-use; Japan, dealing with equipment for re-use that has undergone functionality testing; and the Information Technology Industry Council (ITI), concerning contracts attached to equipment for re-use after refurbishment and alignment with national legislation.

In the late afternoon, Co-Chair Ernst reported that the small break-out group had made some progress but had not reached agreement. The contact group opted to wait for its outcome before continuing discussion on the rest of the draft, to ensure all parties had the opportunity to participate. The contact group was scheduled to meet late into the night to finalize their work.

BUDGET AND SYNERGIES: The group, co-chaired by Gregor Filyk (Canada) and Karel Blaha (Czech Republic), discussed synergies in the morning, and the budget in the afternoon and into the evening. On synergies, parties discussed collaboration between the POPRC and the CRC, agreed to text on collaboration with the Minamata Convention on Mercury and revised text on “wider” cooperation. Several developed country delegates supported wider collaboration within the chemicals cluster while others suggested limiting cooperation to SAICM and regional conventions, particularly the Bamako Convention.

On budget, parties continued to work on the previously agreed approach, which: includes cost containment as the focus; uses a zero nominal growth scenario with, at most, modest increases in assessed contributions as required; and ensures a placeholder for new compliance committees and other COP decisions.

STRATEGIC MATTERS: Co-chaired by Alberto Santos Capra (Argentina) and Jane Stratford (UK), the group discussed a draft decision on the TOR for the small intersessional working group on the ESM Framework

proposed by the EU, which is based on BC CRP.3 submitted by Switzerland and Canada. The EU proposed that the intersessional group develop a work programme for priorities and key work items for implementation of ESM, and report on this to OEWG9. Delegates made comments on initial priority and work items.

TECHNICAL ASSISTANCE AND FINANCIAL RESOURCES: Having completed its Basel Convention-specific decisions, and presenting them to plenary as CRPs, as well as a financial resources decision for the RC, this contact group, co-chaired by Mohammed Khashashneh (Jordan) and Reginald Hernaus (the Netherlands), turned to technical assistance decisions under the RC. Agreement on decision text related to technical assistance and capacity building drew applause from participants, as this marked the completion of the group’s work on technical assistance for all three conventions. In the afternoon, the group reconvened to consider matters related to the Consultative Process on Financing Options for Chemicals and Wastes.

Delegates considered the ExCOPs draft decision on financing of the sound management of chemicals and wastes, diverging on, *inter alia*: whether and how to recognize UNEP Governing Council decision 20/12 on an integrated approach for such financing; and proposed text indicating the contingency of developing country party implementation of the Convention on the fulfillment of developed country parties to commitments of financial resources, technical assistance and technology transfer.

IN THE CORRIDORS

Monday saw BC COP11 embroiled in a curious case of “hurry up and wait.” The rapid pace set on Saturday slowed somewhat on Monday, but plenary still worked swiftly through its dwindling agenda, exhausting its available work. As a result, the COP suspended the morning session early and took an hour break midway through the afternoon, awaiting the outcomes of many smaller groups. These breaks were hardly a reprieve, as participants convened in a superfluity of gatherings including contact, drafting, break-out and informal groups with some delegates making impressive efforts to dash between rooms and track multiple sets of negotiations. One delegate, quickly eating a sandwich in the halls, remarked that an unpredictable break in the “start and stop” sessions was their only chance for a meal.

The punctuated cadence continued, as the Basel COP suspended its work until late Tuesday afternoon (after RC COP6 convenes for its first day’s work), allowing parties to read documents and buying much needed time for those working on the e-waste guidelines.

In the resumed plenary session Monday afternoon, and in a “spirit of flexibility,” plenary revisited the “virtually” adopted decision on the Emergency Mechanism Trust Fund that had caused strong procedural objections by some countries on Saturday. A few delegates noted that such a precedent threatened to lead to the re-opening, and potential unravelling, of the other 25-plus “virtual” decisions. Others were less concerned, saying this was an “extraordinary circumstance” handled well by the President.