



## **SIMULTANEOUS COPS: TUESDAY, 5 MAY 2015**

The joint session of the Basel, Rotterdam and Stockholm (BRS) COPs convened on Tuesday, 5 May, 2015 for the second day. In the morning, the joint session addressed several issues and established contact groups on technical assistance and financial resources and non-compliance. The contact groups on technical matters and on technical assistance and financial resources met throughout the day. In the afternoon, the joint session met, and established contact groups on cooperation and coordination, and programme of work and budget. The contact group on RC non-compliance met in the evening.

### **JOINT SESSION OF THE THREE COPS**

**FINANCIAL RESOURCES:** On Tuesday morning, SC President Lissinger Peitz chaired the discussion. The Secretariat introduced documents (UNEP/POPS/COP.7/21-25; INF/29 and 31-33; UNEP/CHW.12/20/Rev.1; INF/33-34).

Gustavo Fonseca, the GEF, reported on activities since GEF5 (UNEP/POPS/COP.7/23; INF/33), emphasizing the chemicals and waste portfolio as essential to addressing sustainable cities and commodities.

The Secretariat introduced efforts to undertake an integrated approach to financial resources as requested by the 2013 COPs (UNEP/CHW.12/20/Rev.1; UNEP/FAO/RC/COP.7/14/Rev.1; UNEP/POPS/COP.7/26/Rev.1).

Jacob Duer, UNEP, highlighted benefits of an integrated approach to financing sound management of chemicals and wastes, including industry involvement and dedicated external financing.

The EU supported the proposed memorandum of understanding (MOU) with the GEF, but said it should begin at the next meeting of the COPs and be reviewed every four years.

SWITZERLAND introduced a CRP proposing joint guidance from the conventions to the GEF, prepared by Armenia, Colombia, the Gambia, Ghana, Nigeria, Panama, Peru, Seychelles and Uruguay (UNEP/CHW.12/CRP.4, UNEP/POPS/COP.7/CRP.3, UNEP/FAO/RC/COP.7/CRP.2). The EU cautioned that the GEF is an SC-specific financial mechanism. CANADA, with JAPAN, questioned the need for joint guidance.

CHINA urged matching financial resources to needs and underlined the conventions' different financing approaches. IRAN lamented that GEF6 has the same financial allocation for chemicals and waste management activities as under GEF5. The CENTRAL AFRICAN REPUBLIC proposed a review of financial procedures. INDIA called for restructuring the financial mechanism to meet the cost of implementation.

IPEN: called the chemicals agenda under GEF6 underfunded; pointed out the discrepancy between needs assessments and resource allocation; and proposed implementing the polluter pays principle.

On facilitating financial resources, the EU announced a contribution of €10 million to the Special Programme to support institutional strengthening at the national level for the BRS Conventions, Minamata Convention and SAICM. SWEDEN announced an initial contribution of SEK1.5 million and FINLAND announced their intention to contribute.

A joint contact group on technical assistance and financial resources was established, co-chaired by Gregor Filyk (Canada) and Luis Espinosa (Ecuador).

**NON-COMPLIANCE:** In the morning, SC President Lissinger Peitz introduced this issue. The Secretariat introduced the documents (UNEP/POPS/COP.7/30, INF/40; UNEP/FAO/RC/COP.7/INF/12), noting unresolved issues under the RC include the decision-making rule and possible third trigger, and under the SC, include the scope of procedures, a third trigger and COP measures to be taken in response to non-compliance.

On the RC mechanism, PAKISTAN and NEPAL expressed reservations about a Secretariat trigger. INDIA and RUSSIA emphasized that only parties should undertake non-compliance submissions. IRAN underscored that a Secretariat trigger would compromise its impartial nature. Several countries highlighted the need for technical and financial assistance to support implementation.

COLOMBIA and THAILAND supported establishing facilitative, not punitive, mechanisms. ARGENTINA said a committee should make recommendations, not confer obligations. MEXICO noted existing support systems to help countries address non-compliance. SWAZILAND highlighted its positive experience receiving assistance to comply with the BC.

AUSTRALIA underscored that the Special Programme and compliance are pillars of the integrated approach but are not conditional on one another. CHINA underscored that development of a compliance mechanism is not a "closed, one-time" decision, but is subject to revision.

The Center for International Environmental Law (CIEL), with IPEN, supported a third trigger mechanism.

RC President Khashashneh suggested delegates agree to a three-quarters majority vote procedure in the mechanism, which CUBA, ARGENTINA and VENEZUELA opposed.

A contact group on compliance under the RC was established, co-chaired by Karel Blaha (Czech Republic) and Gillian Guthrie (Jamaica).

On the SC mechanism, NORWAY supported a third trigger.

VENEZUELA and KAZAKHSTAN preferred consensus over voting. SUDAN suggested considering reasons for non-compliance. Delegates agreed to establish a contact group, co-chaired by Blaha and Guthrie.

### **INTERNATIONAL COOPERATION AND COORDINATION:**

The Secretariat introduced the documents on international cooperation and coordination (UNEP/CHW.12/19 and INF/31-32, 54, 56; UNEP/FAO/RC/COP.7/15 and INF/20-21, 39-40; UNEP/POPS/COP.7/31 and INF/23, 41, 58, 60). Elizabeth Mrema, UNEP, presented UNEP's progress



report on implementation of UNEA Resolution 1/12 on the relationship between UNEP and multilateral environmental agreements (MEAs) (UNEP/POPS/COP.7/INF/60).

Kenya, on behalf of the President of the fourth session of the International Conference on Chemicals Management (ICCM4), urged the BRS COPs to explore further ways to improve cooperation with SAICM.

The EU introduced its CRP (UNEP/CHW.12/CRP.1, UNEP/FAO/RC/COP.7/CRP.1, UNEP/POPS/COP.7/CRP.1) regarding, *inter alia*, cooperation with SAICM, the Minamata Convention and the post-2015 development agenda. IRAN underscored challenges developing countries face in effective participation in coordinated arrangements.

UN ECONOMIC COMMISSION FOR EUROPE underlined benefits of further strengthening cooperation and coordination between the SC and the Convention on Long-Range Transboundary Air Pollution. UN ENVIRONMENT MANAGEMENT GROUP highlighted, *inter alia*, its preparation of targets and indicators on chemicals and wastes management for the Sustainable Development Goals. UN HABITAT, speaking on behalf of a group of agencies under UN Water, *inter alia*, highlighted its collaboration with the BRS Secretariat on industrial wastewater management.

The UN SPECIAL RAPPORTEUR of the UN Human Rights Council on Human Rights Implications of Hazardous Wastes, said it is "legally and morally unjustifiable" for countries to obstruct listing chrysotile asbestos and paraquat under the RC.

The INTERIM SECRETARIAT OF THE MINAMATA CONVENTION reported on its cooperation with the BRS Secretariat on, *inter alia*, scientific and technical issues, awareness raising and waste issues. Further discussion was forwarded to a contact group on cooperation and coordination.

**PROGRAMME OF WORK AND BUDGET:** In the afternoon, RC President Khashashneh identified three parts to this agenda item: programme of work and budget; cooperation and coordination among BRS conventions; and a clearinghouse mechanism (CHM).

The Secretariat introduced documents on the programmes of work and proposed budgets for the three conventions (UNEP/CHW.12/22, INF/36, 38; UNEP/POPS/COP.7/32, INF/42, 44-46; UNEP/FAO/RC/COP.7/16, INF/22, 24) and financial reports (UNEP/CHW.12/INF/41-43, 45, 37; UNEP/POPS/COP.7/INF/47-49, 51, 55, 59; UNEP/FAO/RC/COP.7/16, INF/24, 27-29, 31, 35). The EU, supported by SWITZERLAND and MEXICO, urged the payment of arrears. JAMAICA questioned the long-term commitment of the FAO to the BRS Secretariat.

Delegates agreed to establish a contact group on programmes of work and the budget, co-chaired by Vaitoti Tupa (Cook Islands) and Reginald Hernaes (the Netherlands).

On cooperation and coordination, the Secretariat introduced the documents (UNEP/CHW.12/23/Rev.1, INF/49, UNEP/FAO/RC/COP.7/17/Rev.1, INF/33, UNEP/POPS/COP.7/33/Rev.1, INF/54). SWITZERLAND and the EU suggested excluding the Special Programme from the synergies review. The AFRICAN GROUP called attention to its CRP on enhancing cooperation (UNEP/CHW.12/CRP.5; UNEP/FAO/RC/COP.7/CRP.3, UNEP/POPS/COP.7/CRP.4). COLOMBIA called for quick adoption of the review's terms of reference. CHINA urged including the COPs' organization, Secretariat-organized events and other opportunities for mutual learning in the review.

The Secretariat introduced the report on the CHM and joint strategy for its further development (UNEP/CHW.12/26, INF/50; UNEP/FAO/RC/COP.7/20, INF/36; UNEP/POPS/COP.7/35, INF/36).

A contact group on cooperation and coordination was established to examine the proposals on international cooperation and coordination, synergies review, and CHM, co-chaired by Carolina Tinangon (Indonesia) and Jane Stratford (UK).

**DATE AND VENUE:** The Secretariat proposed convening the next meeting of the COPs from 22 April - 5 May 2017 in Geneva. RC President Khashashneh called for delegations to consult and said a decision will be made on 15 May.

**OTHER MATTERS: Admission of Observers:** The Secretariat introduced the documents (UNEP/CHW.12/24, INF/46, 47/Rev.1; UNEP/FAO/RC/COP.7/18, INF/23/Rev.1), highlighting a revised application form.

CAMEROON, SWITZERLAND, the COOK ISLANDS, LIBERIA, the EU, ARGENTINA and AUSTRALIA supported maintaining current practice. IRAN suggested that the BC align its practices with those of the SC and RC.

In response to GABON's query on the need for a revised form, the Secretariat identified difficulties related to changes in organizations' names and verification of individuals' affiliations.

IPEN noted that the proposed changes would create further obstacles to participation of civil society and offered to use its networks to help with the verification process. IRAN, supported by INDIA and PAKISTAN, preferred the presented decision, underscoring the need for information about organizations.

Delegates agreed to note the last COPs' decision, and this discussion, in the meeting report.

**Development of Draft MOUs:** BRS Executive Secretary Payet reported on progress achieved in development of the draft MOUs (UNEP/CHW.12/25, INF/56; UNEP/FAO/RC/COP.7/19, INF/37; UNEP/POPS/COP.7/9). Mrema, UNEP, noted that the UNEA will consider the relationship between UNEP and the MEAs it administers at its next meeting, and said an immediate decision on the MOUs might be premature. The COPs agreed to defer consideration of this issue to the next meetings. RC President Khashashneh then suspended the joint session.

#### CONTACT GROUPS:

**TECHNICAL MATTERS:** The group, co-chaired by Magda Gosk (Poland) and Prakash Kowlessar (Mauritius) met throughout the day, working through three technical guidelines. On the general POPs waste guidelines, participants discussed, *inter alia*, solid waste incineration. One delegate stated that municipal solid waste incinerators can incinerate HBCD wastes. Others expressed concerns, including on the capacity of such incinerators to handle hazardous wastes and possibility of creating harmful byproducts from brominated POPs.

**TECHNICAL ASSISTANCE AND FINANCIAL RESOURCES:** This group met throughout the day. In the morning, Co-Chairs Filyk and Espinosa led the contact group in an initial exchange of views on the decision on technical assistance and capacity building for the implementation of the conventions, and on regional centres. On regional centres, many developing countries linked the centres' effectiveness to the provision of adequate, robust and predictable financial resources. Other countries called for innovative ways to finance regional centres. In the afternoon, the group carried out a preliminary reading of items under financial resources, including on the Special Programme, the review of the financial mechanism, and guidance to the GEF.

**COMPLIANCE:** The group met in the evening to discuss non-compliance under the RC. Several participants insisted all committee decisions must be taken by consensus, while others insisted that the mandate for the contact group is to consider bracketed text only, which would require deciding on the number that would constitute a qualified majority. The group considered possible compromise formulations.

**IN THE CORRIDORS:** On the second day, negotiations hit full stride. Monday's "wait and see approach" yielded to a foreboding sense characterized by one delegate as "potentially overwhelming." Triggering this shift was the establishment of the contact group on technical assistance and financial resources, which another called the "meat of the meeting." The concern that resource allocation has, as one put it, "stagnated," was tempered somewhat by some donor countries' announcements of contributions to the Special Programme to support institutional strengthening at the national level of implementation of the BRS Conventions, the Minamata Convention and SAICM. With the phrase "nothing is agreed until everything is agreed" heard several times throughout the day, plenary running behind schedule, and one somber participant noting that delegates have not yet discussed listing of chemicals, which is at the heart of the conventions, several said they were expecting long days of juggling multiple issues.