

BRS Conventions COPs Highlights: Wednesday, 8 June 2022

The TripleCOP covered extensive ground on Wednesday, discussing cooperation, illegal trade, and other issues in joint sessions, while the Basel Convention (BC) worked on technical and legal issues. The Stockholm Convention (SC) COP addressed issues related to its implementation. Technical assistance and financial resources were discussed in a joint contact group.

Joint Sessions of the COPs

International Cooperation and Coordination

Cooperation and Coordination with the Minamata Convention on Mercury: The Secretariat introduced the documents (UNEP/CHW.15/20; INF/40; 67). Monika Stankiewicz, Executive Secretary of the Minamata Convention, reported on the successful cooperation between the BRS and the Minamata Conventions' Secretariats, highlighting the decision on cooperation with the BRS Conventions made at Minamata Convention COP4.

The EU, JORDAN, GHANA, MALI, NORWAY, SWITZERLAND, and URUGUAY proposed changes to the draft decision (POPS/COP.10/CRP.14). The AFRICAN GROUP, COLOMBIA, BELIZE, and PERU supported the revised proposal.

LESOTHO called upon parties to enhance national-level cooperation with the Minamata Convention. SENEGAL and BENIN suggested including the Minamata Convention in the work of the regional centres.

INDONESIA pointed out the importance of assistance in enhancing cooperation and coordination.

RESEARCH AND EDUCATION CENTRE FOR DEVELOPMENT called on parties to implement the Minamata Convention's COP4 decision to eliminate the use of dental amalgam containing mercury for children under 15 and pregnant and breastfeeding women.

Parties adopted the revised decision in CRP.14 pending the approval of the programme of work and budget.

International Cooperation and Coordination with Other Organizations: The Secretariat introduced the documents (UNEP/CHW.15/21/Rev.1; INF/41; Add.1; 43-45; 56/Rev.1; 66, 67).

The EU, JORDAN, GHANA, MALI, NORWAY, SWITZERLAND, and URUGUAY proposed amendments to the draft decision (CRP.10). The proposal, *inter alia*: notes the expertise of the BRS Conventions Secretariat and parties in supporting the intergovernmental negotiations of a new legally-binding treaty on plastic pollution and the work of the *ad hoc* open-ended working group to prepare proposals for a science-policy panel on sound management of chemicals and waste; urges the FAO to respond to the request of the Inter-Organization

Programme for the Sound Management of Chemicals (IOMC) to complete the membership of the BRS Conventions; and urges parties to explore linkages between the implementation of the BRS Conventions and the post-2020 biodiversity framework and climate change.

The AFRICAN GROUP, PERU, and EL SALVADOR supported the revised decision. The AFRICAN GROUP encouraged cooperation and coordination with other organizations to facilitate the work of regional centres and national implementation.

COLOMBIA indicated that the BRS Executive Secretary does not have the mandate to prepare proposals for a science-policy panel and suggested revising the wording to request the BRS Executive Secretary to "cooperate in preparing" proposals.

IRAN called for more concrete and deeper cooperation by prioritizing the removal of technical and financial barriers.

CHINA suggested to not mention "state and non-state actors" when referring to the partners of the prospective UN's e-waste coalition.

THE REPUBLIC OF CONGO highlighted the need to increase cooperation between the BRS conventions and the Bamako Convention, which is the only international treaty dealing with radioactive waste.

Underscoring cooperation with organizations in the health sector, KENYA suggested highlighting consultations with the World Health Organization (WHO) in the draft decision. The DOMINICAN REPUBLIC proposed setting up a committee led by the WHO to coordinate efforts on reducing health risks posed by chemicals and waste.

The US said cooperation with other organizations should be targeted and within the mandate and resources of the BRS Conventions and urged parties to guide the BRS Secretariat.

UNEP highlighted various cooperation activities with the BRS Conventions.

The UN SPECIAL RAPPORTEUR ON TOXICS and HUMAN RIGHTS underscored serious gaps in the implementation of the BRS Conventions, calling for a rights-based approach in international cooperation for sound management of chemicals and waste.

THE UN PROGRAMME ON SUSTAINABLE CONSUMPTION AND PRODUCTION highlighted its role in realizing a lifecycle approach in priority sectors, including through sustainable procurement, education, and national-level partnerships among UN institutions, the private sector, and stakeholders.

THE UN OFFICE FOR THE HIGH COMMISSIONS FOR HUMAN RIGHTS underscored that pollution and toxic substances disproportionately impact those in vulnerable situations, facing discrimination and poverty. She emphasized the

critical role of a non-toxic environment to achieve the human right to a clean, healthy, sustainable environment.

The IOMC noted its discussions on inviting the BRS Secretariat to be a member were ongoing and hoped for a positive outcome.

A contact group on joint issues was established, co-chaired by Artak Khachatryan (Armenia) and Hassan Azhar (the Maldives).

Enhancing Cooperation and Coordination among the BRS Conventions

Illegal Traffic and Trade: The Secretariat introduced the synergies-related efforts, data forms, and information collected (CHW.15/24, INF/48; RC/COP.10/20, INF/32, 33; POPS/COP.10/24, INF/52, 53).

The EU welcomed the work and noted that the BRS Conventions could also contribute to the Bali Declaration on Combatting Global Illegal Trade of Mercury adopted by Minamata COP4.

Many developing countries relayed their experiences with the illegal trade in chemicals and waste and called for technical assistance to help identify and combat this problem. Sierra Leone, for the AFRICAN GROUP, cited incidents as recent as December 2020. Saying the African countries are “victims of illegal waste from developed and more prosperous countries,” he called on BC parties to uphold their obligations and to provide technical assistance.

INDIA and INDONESIA reported that the problems are often mixes of hazardous and non-hazardous wastes that are mislabeled as products imported for recycling or recovery. They urged countries to verify that exports are properly labeled. BRAZIL stressed the need for the origin of illegal wastes to be clearly identified.

TRINIDAD AND TOBAGO emphasized the need for technical assistance to collaborate with and enhance the capacities of border control and law enforcement agencies to identify, investigate, and prosecute illegal imports.

PAKISTAN, NEPAL, and BANGLADESH called for strengthened regional and global cooperation, including with other relevant international organizations and regional centres.

CHINA observed that the draft decision requests the Secretariat to collect information on illegal trade and post it online, and said this information should be verified before posting.

The US cautioned against overstepping the mandates of some of the Conventions when undertaking efforts to promote synergies.

IPEN drew attention to the networks of traffickers that falsify documents to facilitate illegal trade in chemicals and waste that endanger health and the environment.

The issue was forwarded to the contact group on joint issues.

Date and Venue of the Next COPs

The Secretariat said that the tentative dates would be 1-13 May 2023 in Geneva, Switzerland, as originally proposed (CHW/15/33; RC/COP.10/29; POPS/COP.10/34).

Vaughn Miller, Minister for the Environment and Natural Resources, the BAHAMAS, offered to host the next BRS COPs, citing his island’s deep concern with the triple planetary crisis, particularly as it affects small island states.

The COPs requested the Secretariat to revise the decision to accept the offer.

Stockholm Convention

Rules of Procedure for the COP

The Secretariat introduced a note on the rules of procedure (UNEP/POPS/COP.10/3), noting that paragraph 1 of Rule 45 on

voting procedures remains in brackets. Delegates agreed to defer this issue to COP11.

Matters Related to the Implementation of the Convention

Measures to Reduce or Eliminate Releases from Intentional Production: Exemptions: SC COP President Kalnins invited delegates to adopt the decision.

After additional time to consult, IRAN requested an exemption for decabromodiphenyl ether, perfluorooctanoic acid (PFOA), its salts and related compounds, and perfluorohexane sulfonic acid (PFHxS), its salts, and related compounds. The Secretariat responded that, according to the SC, IRAN can apply for exemptions of decabromodiphenyl ether and PFOA, its salts, and POFA-related compounds, but the listing of PFHxS, its salts, and PFHxS-related compounds have not been considered for adoption yet.

Parties adopted the draft decision in POPS/COP.10/4/Rev.1.

Brominated diphenyl ethers: SC COP President Kalnins asked Iran if it could accept the EU’s proposal to replace “encourages” with “urges.” Parties adopted the revised draft decision proposed by the EU.

Measures to Reduce or Eliminate Releases from Unintentional Production: The Secretariat introduced the documents (POPS/COP.10/8; INF/16-19, 66/Rev.1, 67).

Sierra Leone, for the AFRICAN GROUP, underscored the need for technical assistance and technology transfer to help countries manage unintentionally produced POPs. NIGERIA supported making available “critical, adequate, and sustainable” resources to developing countries and countries with economies in transition.

COLOMBIA underscored that managing PFOA and perfluorooctanesulfonic acid (PFOS) is a major challenge for developing countries.

IPEN called for reporting on POPs released into the water and through waste, in addition to atmospheric emissions.

The EU suggested deleting a reference to “full and complete” inventories in paragraph 10, emphasizing that parties should draw up inventories even if they are incomplete. BRAZIL expressed concern about requiring parties to develop full and complete release inventories and assessments, noting that it would be difficult for developing countries to fulfill this obligation without financial help.

CHINA proposed revising the text that would replace the references to source inventories and release estimates with “to conduct a review every five years of those strategies and of their success in meeting the obligations of paragraph (a) in Article 5” (action plans).

The EU expressed concern about deleting references to source inventories and release estimates. CHINA underscored that its proposed text is consistent with the wording of the Convention.

NIGERIA asked whether the intention is to encourage parties to develop an inventory system or to conduct an inventory.

SC COP President Kalnins suspended discussion of this item to give parties time to consider their positions.

After consultations, BRAZIL indicated that the original text in paragraph 10 that urges parties to develop full and complete source inventories and release estimates of dioxins and furans was not acceptable, and suggested replacing “urges” with “encourages.” The EU accepted this proposal.

CHINA said the EU’s proposal exceeds the requirements of the Convention. The EU said she was not convinced that the Chinese proposal captures the recommendation by the expert group and proposed to maintain the original text in paragraph 10 and put the text proposed by China in a new paragraph 11.

SC COP President Kalnins requested the Secretariat, in consultation with China and the EU, to prepare a revised draft decision for consideration later in the meeting.

National Implementation Plans (NIPs): The Secretariat introduced the documents (POPS/COP.10/10, INF/21-26, INF/55), noting fewer parties are transmitting NIPs as additional POPs are listed.

PAKISTAN requested the BRS Secretariat to support parties in developing and updating NIPs and to enhance capacity-building activities for developing countries.

The EU called on parties to elaborate and update their plans and proposed changing the submission date from 31 August to 31 October.

CANADA called for urging, rather than encouraging, parties to transmit their NIPs.

NIGERIA stressed the importance of addressing the financial needs of developing countries for NIP update and implementation.

ZAMBIA and PERU reported on having updated their NIPs.

VENEZUELA and SOMALIA reported on their progress in NIP update and NIP development respectively, and cited challenges related to a lack of financial resources, technical resources, and analytical capacity. SOMALIA requested support from the Secretariat to finalize NIP transmission.

The US expressed concern over the significant resources put into updating the NIP guidelines, noting this only should be done upon request from parties.

IPEN urged parties to update their NIPs, noting that eight have not completed NIPs for the original POPs and only 26 NIPs are completed for POPs listed at COP8. He recommended the Secretariat investigate the obstacles countries face in developing and updating their NIPs and offer guidance to ensure inclusive processes to update NIPs.

SC COP President Kalnins proposed to adopt the draft decision with the revisions suggested in the plenary. Parties agreed, and final adoption is pending relevant decisions on listings and budget.

Reporting under Article 15: The Secretariat introduced the update on reporting (POPS/COP.10/16).

The EU, supported by BRAZIL, supported the document, underscoring the importance of reported data, particularly for needs assessment, and proposed to add that national reports should be submitted “on time” as well as “complete.”

SERBIA pointed out the low level and quality of submissions, thanked the Secretariat for webinars on reporting, and underscored the importance of reporting, especially considering their role in the effectiveness evaluation.

SC COP President Kalnins proposed to agree on the draft decision with the EU’s edit, pending relevant decisions on listings and budget, which was accepted by the parties.

Contact Groups

BC Legal Matters: In the contact group, co-chaired by Mari-Liis Ummik (Estonia) and Florisvindo Furtado (Cabo Verde), delegates could not agree on whether to use the proposal from the EU or the CRP submitted by Canada, Argentina, and Japan as the basis of negotiations for Annex IV amendments. Co-Chair Ummik reported that the group’s mandate is to consider the EU proposal, and, as appropriate, the CRP. Without consensus, the EU proposal will be used, with some parties requesting to bring in elements of the CRP when the EU proposal does not reflect all the relevant options.

In a general discussion, parties debated whether to include a “catch-all” option for disposal and recovery operations, which

could provide a broader option to address all e-waste, but others said it reduced clarity, preferring to list specific options. Some questioned the scope of the amendments to include recovery options, saying it expanded the definition of waste under the BC. Discussions will continue.

Technical Assistance and Financial Resources: The contact group, co-chaired by David Kapindula (Zambia) and Premysl Stepanek (Czech Republic), continued work on several draft decisions throughout the day. The delegates completed a second reading of all four proposed decisions and continued work in a bilateral mode to find common solutions to multiple remaining brackets. The most progress was made on the decisions related to regional centres, with the majority of brackets cleared. The technical assistance decision still has a few outstanding issues lacking consensus, including relations between the terms “technical assistance,” “capacity-building” and “technology transfer.” The financial mechanism decision remains challenging, with the majority of proposed edits to paragraphs parked for the next reading.

Joint Issues: In the contact group, co-chaired by Artak Khachatryan (Armenia) and Hassan Azhar (the Maldives), delegates discussed the illegal trade draft decision. Two parties called for the information collected to be verified by the parties involved, which others worried would delay the provision of information, and noted that the Secretariat cannot verify such information. A party and an observer suggested notifying countries and other involved entities, since not all countries are parties to the Conventions and other actors may be involved. Discussion paused to allow time for consultation.

On cooperation and coordination with other international organizations, countries reviewed revisions to the draft decision. An observer noted that several paragraphs call for BRS parties to “ensure” actions made by other bodies, which was supported by parties that suggested alternative wording. Countries debated the e-waste coalition, which is a coalition among UN bodies, and whether to reference collaboration with state and non-state actors. One country, opposed by others, requested deleting the reference to state and non-state actors, owing to the coalition’s UN-based nature.

In the Corridors

On World Ocean Day, delegates were reminded that “plastic is forever.” The Plastics Forum launched a wave of events aimed at raising awareness and exploring options to try to stem the tide of plastic pollution. Posters evocatively documenting the effect of plastic on the environment, livelihoods, and health were quickly snapped up. There were also visions of white beaches and open ocean in plenary, as the Bahamas offered to host the next COPs. One delegate hoped this would come to pass, recalling that sometimes sunny destinations seem on the horizon, but we are often warmly welcomed back in Geneva due to the difficulties of hosting such a large event.

Meanwhile, a few delegates were worried about the pace of work. Despite constructive discussions, they observed some issues were “stalled or stuck” without clear reasons why. One delegate noted that there seemed to be substantial interest taken by countries that are unaffected by the issue under discussion. With all of the procedural items out of the way and the speeches delivered, it’s starting to become clearer where parties might be entering deeper waters.