

BRS Conventions COPs Highlights: Thursday 4 May 2023

Much work was continued or completed at the Basel, Rotterdam, and Stockholm (BRS) Conventions COPs. Stockholm Convention (SC) delegates worked to finalize outstanding issues before the SC COP's close on Friday, completing a draft decision on listing chemicals in Annex A (elimination). The Basel Convention (BC) technical work continued, focusing on plastics. The Rotterdam Convention (RC) was unable to reach an agreement on the Co-Chairs for the contact group that will discuss the proposal for a new Annex under the Convention.

Joint Sessions of the COPs

International Cooperation and Coordination: Cooperation and coordination with the Minamata Convention on Mercury: The Secretariat introduced the report (CHW.16/21, INF/36; RC/COP.11/16, INF/19; POPS/COP.11/22, INF 40).

Monika Stankiewicz, Executive Secretary, Minamata Convention, highlighted successful areas of cooperation between the Conventions, including mercury waste management, communicating funding needs to the GEF, and training Chairs.

Several countries welcomed cooperation efforts, with BRAZIL emphasizing the importance of "moving out of a siloed approach." The EU encouraged cooperation in outreach and communication. LESOTHO, CHILE, and MEXICO supported sharing administrative services.

ARGENTINA applauded cooperation between the Conventions leading to mercury waste thresholds, and VENEZUELA called for addressing mercury from a holistic perspective along the whole life cycle.

The decision was adopted pending confirmation by the budget group.

Cooperation and coordination with other organizations: The Secretariat introduced the report and draft decision (CHW.16/22/Rev.1; RC/COP.11/17/Rev.1; POPS/COP.11/23/Rev.1) and related reports (CHW.16/INF/37-40, 52, 58; RC/COP.11/INF/20-23, 36, 38, 41; UNEP/POPS/COP.11/INF/41, 43-45, 56, 59). She noted that the report on the interlinkages between the BRS Conventions and the Montreal Protocol on Substances that Deplete the Ozone Layer (CHW.16/INF/59; RC/COP.11/INF/37; POPS/COP.11/INF/42) is still a draft.

She highlighted developments not yet included in the working documents, including:

- the approval of the BRS Conventions to become a single participating organization in the Inter-Organization Programme for the Sound Management of Chemicals (IOMC);
- the adoption of the UN General Assembly resolution on "promoting zero-waste initiatives";
- the request by the UN Secretary-General to set up a board of eminent persons to promote zero waste globally; and
- the request by UNEA for a proposed agenda item that mirrors the BRS agendas on international cooperation and coordination between BRS and UNEP and other MEAs at UNEA 6.

Many welcomed existing coordination activities, highlighting participation in future meetings of the Intergovernmental Negotiating Committee (INC) to develop an international legally

binding instrument on plastic pollution; the *ad hoc* open-ended working group on a science-policy panel on chemicals, waste and pollution prevention; and the Strategic Approach to International Chemicals Management (SAICM). They underscored that these processes would strengthen the chemicals and waste governance cluster.

KENYA and others welcomed initiatives encouraging interlinkages between BRS and SAICM, Minamata and the Montreal Protocol.

CHILE supported by CANADA, MEXICO, SWITZERLAND, ANTIGUA AND BARBUDA, SRI LANKA, URUGUAY, SEYCHELLES, GUATEMALA, COLUMBIA, EL SALVADOR, and PAKISTAN, proposed text to continue Chairs training by the BRS Secretariat and called for cooperation with other MEAs, Montreal Protocol, SAICM, Minamata and the INC.

BOTSWANA emphasized the need to enhance cooperation with the World Health Organization (WHO) to address the public health and medical issues associated with using hazardous chemicals.

CONGO, MALI, and LIBERIA highlighted cooperation between the BRS Secretariat and the Bamako Convention and called for exploring synergies. ANTIGUA AND BARBUDA suggested formalizing cooperation with the International Atomic Energy Agency.

SAUDI ARABIA and JORDAN proposed developing a joint strategy with the UNFCCC to coordinate overlaps between the BC and the UNFCCC. The UNITED ARAB EMIRATES did not support cooperation with the climate and biodiversity conventions, saying that keeping processes separate is important.

An observer from the US said the BRS Conventions should not advise other Conventions outside the chemicals and waste cluster and should respect the independence of respective processes.

The plenary heard updates from: UNEP on the Executive Director's Report; the SAICM Secretariat on its future meetings and current work; FAO on joint work with WHO on an action plan for highly hazardous pesticides; and WHO on new environmental initiatives as part of their work.

The UNFCCC welcomed the invitation by the BRS Conventions to cooperate, noting that it would be mutually beneficial.

A contact group was established, co-chaired by Ole Thomas Thommesen (Norway) and Jeannelle Kelly (Saint Kitts and Nevis) to revise the draft decision, considering the submissions made by the EU and JORDAN, and the input by CHILE.

Synergies in Preventing and Combating Illegal Traffic and Trade in Hazardous Chemicals and Wastes: The Secretariat introduced the document and draft decision (CHW.16/25, INF/43; RC/COP.11/20, INF/20, 27; POPS/COP.11/26, INF/60, 48). The Secretariat presented three options for consideration in a revised decision by the COP to strengthen arrangements on synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes:

- extend the scope of enforcement to cover efforts related to illegal trade on hazardous chemicals and wastes;
- establish a new multistakeholder platform that covers the SC and RC; and
- strengthening current cooperative arrangements among relevant agencies.

Malawi, for the AFRICAN REGION, underscored the need to reinforce the chosen mechanisms for stronger consequences for illegal traffickers and supported extending the scope of enforcement.

CHILE, supported by EL SALVADOR, PANAMA, and MEXICO, called on the Secretariat to design a feasible workplan to develop synergies in the prevention of illicit chemicals and products to be presented at the next COP and called for a working group to implement the workplan.

The EU supported synergies and encouraged parties to implement the OECD recommendation on countering the illegal trade of pesticides.

PAKISTAN and BAHRAIN called for more support to developing countries in training of customs officers, while PAPUA NEW GUINEA highlighted success stories from the Pacific islands on capacity-building of enforcement authorities. INDONESIA shared her country's experience of a national taskforce on the import of waste, which is comprised of multiple ministries to manage and enforce the illegal trafficking of hazardous chemicals and waste. PALESTINE called for specific procedures to address illegal trafficking with budgetary and technical assistance.

The FAO and United Nations Office on Drugs and Crime highlighted their organizations' actions related to combating illegal traffic and trade in hazardous chemicals and wastes.

The COP referred the matter for further discussion in the contact group on joint issues.

Admission of Observers: The COPs took note of the lists of observers requesting admission (CHW.16/INF/51; RC/COP.11/INF/42; POPS/COP.11/INF/55).

Stockholm Convention

Rules of Procedure for the COP: The Secretariat introduced a note on the rules of procedure (POPS/COP.11/3) that contains brackets around paragraph 1 of Rule 45 on voting procedures.

CHILE suggested informal consultations to resolve the issue, noting that qualified majority voting could be a way forwards when consensus cannot be reached. Many supported the suggestion to consult informally with INDONESIA, the RUSSIAN FEDERATION, and INDIA querying how informal consultations would be carried out. SC President Gardiner suspended the agenda item, saying it will be returned to later.

Rotterdam Convention

Enhancing the Effectiveness of the Convention: RC President Ana Berejiani, suggested that Angela Rivera (Colombia) and Glenn Wigley (New Zealand) co-chair the proposed contact group on enhancing the effectiveness of the RC.

INDONESIA opposed, expressing concern over the process of establishing the contact group and selecting the Co-Chairs. INDONESIA, with support from INDIA, KAZAKHSTAN, SAUDI ARABIA, and the RUSSIAN FEDERATION, nominated Yi Ling Tang (China) as Co-Chair.

COLOMBIA, ANTIGUA AND BARBUDA, and SWITZERLAND supported the original Co-Chairs, with SWITZERLAND reminding parties that all Co-Chairs work impartially to facilitate discussions.

RC COP President Berejiani proposed three Co-Chairs for the contact group.

INDONESIA queried why there would be three Co-Chairs, with two of them as proponents of the proposal for a new Annex.

After a lengthy suspension for informal discussions, RC COP President Berejiani reported that consensus was not reached and said parties will reconvene on Friday to address the matter. She reiterated the need to trust the process established by parties in selecting Co-Chairs. She reminded that Co-Chairs are impartial in performing their duties and selected based on their experience rather than their country positions.

Contact Groups

SC Compliance: Co-Chairs Tuulia Toikka (Finland) and Sam Adu-Kumi (Ghana) convened the group throughout the day. After

lengthy debate, delegates settled on a package proposal related to the actions the compliance committee could recommend to the COP. The compromise proposal was to delete the actions for the COP to consider: issuing statements of concern in cases of repeated non-compliance; making public cases of non-compliance; and suspending some rights and privileges. The proposal would also delete a paragraph that would only allow the committee to recommend that the COP provide advice on access to financial, technical, and technological support and on future compliance for countries found to be non-compliant due to a lack of support. The actions proposed for deletion were punitive for a few developing countries, while several others had differing views. With the addition that any other potential actions by the COP would be facilitative, the package was acceptable, pending work on the entire document. Subsequent discussions included whether the scope of the Committee trigger should include Articles 12 and 13 (technical assistance and financial resources).

BC Technical Matters: The contact group, co-chaired by Patrick McKell (UK) and Magda Gosk (Poland), continued working on the plastics waste technical guidelines. On international linkages, one country noted the potential inclusion of UV-328 to the SC as relevant for plastics waste, while unclarity remained about the relevance of Dechlorane Plus for plastics waste.

On guidance concerning the environmentally sound management (ESM) of plastic wastes, a lengthy exchange of views arose on the concept of Extended Producer Responsibility (EPR). One country proposed a definition of EPR encompassing "the whole value chain" and suggested a "bottom-up approach," which would involve local communities as relevant actors in EPR. Other countries deemed the proposal inappropriate, questioning the feasibility of its wide scope and noted that an agreed definition of EPR is contained in the ESM toolkit. There were many questions about what a "bottom-up approach" means in this context.

Several delegates clarified that EPR policies are determined nationally and that these systems must be adapted to national circumstances. Bracketed text on EPR remained for further consideration.

SC Listing: In the contact group, co-chaired by Rikke Holmberg (Denmark) and Patience Nambalirwa Nsereko (Uganda), Co-Chair Holmberg presented a way forward on the issue of labelling. She suggested a new decision for delegates to consider, which tasks the POPRC to study the issue further. Delegates backed the chosen way forward and discussed the details of the POPRC's assignment and its timing. They worked, for instance, on defining exactly what the POPRC will be considering, what kind of experts should be consulted, while avoiding duplication and keeping the workload manageable. They agreed to the new decision on labelling. Delegates then reviewed and agreed to the revised draft decisions for Dechlorane Plus and UV-328.

In the Corridors

It was a day to hurry up... and wait. The SC listing contact group waited to convene, then smoothly finished its work. The SC Compliance contact group room was more of a convening hub for small group discussions, occasionally punctuated with appeals from the Chairs for progress. Some was made, but many termed the emerging compromises as "fragile." A delegate broke from one of these huddles to run to the plenary. She is one of the proposed Co-Chairs of the RC effectiveness contact group that will consider the proposal to add a new Annex to the Convention.

After no solution was found, plenary took a break for countries to speak among themselves. The wait was lengthy. People were, as an observer put it, "working the room." But to no avail. Several were frustrated, wondering about a "delay tactic," especially since Co-Chairs are agreed by the Bureau well in advance of the COP.

Some used the wait to brush up on the decision-making rules under the RC. In particular, one was "having a quick look" at the possibilities around voting to add an Annex to the Convention, saying "it might be our first go at getting a 3/4 majority vote."