

Online meeting of the Bureau of the twelfth meeting of the Open-ended Working Group of the Basel Convention (OEWG-12)

Thursday, 2 July 2020, 6:00– 8:30 p.m. (CEST)

Participants:

Co-Chairs: Ms. Stina Andersson (Sweden) (Technical), Ms. Gillian Guthrie (Jamaica) (Legal)

Vice-Chair: Mr. Zaigham Abbas (Pakistan) (Technical), Ms. Kristine Vardanashvili (Georgia) (Legal)

Absent:

Rapporteur: Ms. Hlobisile Sikhosana (Eswatini)

1. Feedback from the regions on the single approach for organizing OEWG-12 set out in the annex to the report of the OEWG-12 Bureau meeting on 23 June 2020

The Bureau members exchanged feedback from the consultations held with their respective regions on the single approach for organizing OEWG-12 set out in the annex to the report of the 23 June 2020 OEWG-12 Bureau meeting.

One member reported that her region had held an online consultation on 30 June 2020 to discuss the single approach. The region had expressed its general support for this approach. Its preference was for the face to face segment to take place in March, rather than in May 2020, as the meeting could benefit from being held back-to-back with the fifth session of the United Nations Environment Assembly (UNEA-5). The region suggested that the outcome of the meeting, namely the revised products (e.g., draft reports, manuals, technical guidelines, guidance, recommendations, etc.) be translated into all six official languages of the United Nations for consideration by the fifteenth meeting of the Conference of the Parties (COP-15). The region had also sought clarification on whether the venue in Nairobi for OEWG-12 could be secured, considering that no host country agreement had been reached with the Government of Kenya for the holding of the 2021 meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions in Nairobi. Furthermore, it was important to the region that funding would be made available to all eligible participants to attend the face to face segment of OEWG-12 and that the African region was also on board for organizing OEWG-12 as per the single approach.

Another Bureau member explained that most Parties in his region had expressed support for the single approach. One Party had underlined the importance of no substantive decisions being taken during the online segment and that the budget approved by COP-14 for OEWG-12 could not be surpassed. That Party had sought clarification on how the approval of additional funds would proceed and expressed concern about the time schedule between the OEWG-12 face to face segment and the COP-15 which may be too short to prepare COP-15 documents.

The third Bureau member mentioned that there was agreement in her region for holding OEWG-12 as described in the single approach, with an online and a face to face segment. If possible, the region would prefer the March dates for the face to face segment.

The fourth Bureau member reported that her region had provided positive feedback on the single approach. Parties had expressed different preferences for the timing of the face to face segment. A group of Parties in the region had put forward a proposal that the deadlines for submitting comments on the various products following the online segment should be differentiated, in order to allow Parties and observers more time to comment on those products that were less time-sensitive. The region had provided a concrete proposal on which deadlines should apply to which products. It was also suggesting that comments on those products should be preferably submitted in English.

In the ensuing discussion, the Secretariat responded to a number of questions raised above, as well as subsequently by the Bureau members. First, that the translation of products coming out of OEWG-12 for COP-15 consideration would require additional fundraising, as it was not currently foreseen in the amount of additional funds to be raised that the Secretariat had communicated in the report of the Bureau meeting on 23 June 2020. Also, it had to be understood that those documents would unlikely be available 2 months ahead of COP-15, but they would be made available as soon as possible as translated information documents.

On holding OEWG-12 in Nairobi, the Secretariat clarified that it would not be organized through a host country agreement with the host government. Rather but that it would be a meeting organized by the Secretariat on the compound of the United Nations Office at Nairobi, as done previously for OEWG-10. Additional costs of holding the meeting would be sought to be covered by voluntary contributions. Organizing the meeting in this way did not require the conclusion of a host country agreement. In response to a preliminary enquiry, it seemed that the meeting venue would be available for OEWG-12 following UNEA-5.

As outlined in the report of the OEWG-12 Bureau on its meeting on 23 June, the Secretariat expected fundraising requirements for conference services to be in the range of about USD 150,000¹ for the face to face segment. This amount already took into account the possible left-over funds from the Basel Convention general trust fund after the online segment would have taken place. No donor had yet made a pledge to contribute to this purpose. For participants' travel, several donors had come forward to support participants' travel for the OEWG-12 meeting as originally planned to take place in June 2020 in Geneva. The Secretariat would contact those donors to see whether they would agree for their contributions to be used for an OEWG-12 meeting segment in March 2021 in Nairobi. This repurposing of funds was however at their own discretion.

The Secretariat confirmed that the approach as set out in the annex to the report of the Bureau meeting on 23 June foresaw that no substantive decisions would be taken during the online segment of OEWG-12. The timelines for the preparation for an online segment in September 2020 and a face to face segment in March or May 2021 seemed realistic to the Secretariat, if the segments were confirmed by Friday, 10 July 2020, subject to the confirmation of the availability of the meeting venue in Nairobi as well as with the funding caveats mentioned above in relation to the translation of OEWG-12 outcomes and those mentioned in the annex to the report of the Bureau on its meeting on 23 June 2020. The Secretariat furthermore confirmed that it did not anticipate that the proposed differentiated deadlines for providing comments on the various products following the online segment would impact on the ability of the various working groups, subsidiary bodies and the Secretariat to deliver products on time for COP-15.

On the two possible timings of the OEWG-12 face to face segment, the Secretariat explained that the March timing meant that OEWG-12 meeting participants would be working on the basis of advance English versions of products set out in COP-15 documents, but that there might be a possibility for revised products resulting from the OEWG-12 segment to be translated in all six official languages of the United Nations for COP-15 consideration. The May timing however would give participants in the OEWG-12 face to face segment the possibility to consider translated products as presented to COP-15 which may help to facilitate discussions at OEWG-12. The revised products resulting from the OEWG-12 segment would however be made available to COP-15 in information documents in English only.

In response to a suggestion from a Bureau member, the Secretariat clarified that it could facilitate regional consultations ahead of OEWG-12: It could organize online webinar sessions for regions prior to the online segment of OEWG-12 and, subject to the availability of resources, make arrangements for participants to meet on the day prior to the face to face segment in Nairobi, in order to allow for regional consultations.

Following the responses from the Secretariat and the discussion by the Bureau members, the chairing Co-Chair concluded that it seemed that the four regions present at the Bureau meeting were in support of the single approach for organizing OEWG-12 set out in the annex to the report of the OEWG-12 Bureau meeting on 23 June 2020, with a few minor amendments and clarifications, notably related to:

- The use of differentiated deadlines for the submission of comments on products following the online segment².
- The invitation to the Secretariat to seek additional voluntary contributions for the costs as set out in the annex to the report of the 23 June 2020 OEWG-12 Bureau meeting and for the translation of the products coming out of the face to face segment of OEWG-12 for consideration at COP-15.
- The preference for holding the meeting in March 2021, in Nairobi, Kenya, back to back with UNEA-5.
- The request to the Secretariat to support regional preparations ahead of the online and face to face segments of OEWG-12.

2. Decision on the way forward for OEWG-12

The Bureau agreed to the approach for organizing OEWG-12 as set out in the annex to the present report, pending confirmation that the approach was also acceptable to the African region. The Bureau restated its commitment to find a way forward that was agreeable to all regions.

The Bureau furthermore agreed to ask the Secretariat to write an email, on behalf of the Co-Chairs, to the Bureau member who had not been able to attend the meeting, to seek her input on the decision on the way forward for OEWG-12. The email would invite her to submit the feedback on behalf of her region by Monday, 6 July 2020 either by email or telephone.

The Bureau requested the Secretariat to copy the Permanent Mission of the Bureau member's Government to the United Nations Office at Geneva in the email, and to follow up with the Permanent Mission in case no response

¹ This amount does not yet take into account the additional suggestion for translation of products coming out of OEWG-12 for COP-15 consideration.

² See annex for the specific deadlines agreed to.

was received from the Bureau member by the deadline. The Secretariat's Senior Legal Officer clarified that the steps outlined in the rules of procedure of meetings of the Conference of the Parties would need to be followed, should the Bureau member be unable to perform the functions of her office.

If necessary, following the input received from the African region through the Bureau member, another Bureau meeting would be called to reach a decision on the way forward in the course of the week of 6 July 2020. The Bureau expressed its intention to finalize arrangements for OEWG-12 by the end of that week, taking into account the input from the African region.

3. Any other business

No other business was discussed.

Annex

Approach for organizing OEWG-12

The twelfth meeting of the Open-ended Working Group of the Basel Convention (OEWG-12) will be composed of 2 components: an online segment and a face to face segment.

Online segment:

2 online sessions will be held in the first week of September (31 August – 4 September 2020) with a duration of three hours each. The sessions will run through the entire OEWG-12 agenda in a consecutive manner and benefit from interpretation into all six official languages of the United Nations.

The Secretariat, as well as the chairs of intersessional working groups and subsidiary bodies, will provide oral reports on the progress of their work. Parties and observers will be able to provide oral or written statements and/or comments on topics and products of the intersessional processes (e.g., draft reports, manuals, technical guidelines, guidance, recommendations, etc.) in front of OEWG-12 during the online segment in any of the six official languages of the United Nations. Also, Parties and observers will be able to provide written comments on the products, in any of the six official languages of the United Nations, preferably in English, after the meeting as follows:

- by 10 September 2020 at the latest on documents UNEP/CHW/OEWG.12/INF/4, UNEP/CHW/OEWG.12/INF/7-9, UNEP/CHW/OEWG.12/INF/10, annex III, UNEP/CHW/OEWG.12/INF/11-17, UNEP/CHW/OEWG.12/INF/23-26, UNEP/CHW/OEWG.12/INF/28 and UNEP/CHW/OEWG.12/14;
- by 30 September 2020 at the latest on documents UNEP/CHW/OEWG.12/INF/20, UNEP/CHW/OEWG.12/INF/29 and UNEP/CHW/OEWG.12/INF/32, annexes I and II.;
- by 30 October 2020 at the latest on document UNEP/CHW/OEWG.12/INF/5 and on the use and testing of the technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, as well as the results of such use and testing,
- by 30 November 2020 at the latest on documents UNEP/CHW/OEWG.12/INF/18, UNEP/CHW/OEWG.12/11 and UNEP/CHW/OEWG.12/INF/19, as well as on whether the technical guidelines on hazardous waste physico-chemical treatment (D9) and biological treatment (D8) and the technical guidelines for the environmentally sound management of waste lead-acid batteries should be updated; as well as on further information concerning activities aimed at addressing issues related to waste containing nanomaterials, including case studies about and best practices pertaining to the management of waste containing nanomaterials.

The Secretariat will compile those comments and submit them for consideration by the various intersessional working groups, subsidiary bodies, or the Secretariat, as applicable. No substantive decisions will be adopted during the online sessions.

OEWG-12 will be suspended at the end of the three-hour session on 4 September 2020 and reconvene during face to face sessions in 2021, subject to the availability of resources, a positive development of the COVID-19 situation, as well as the availability of a suitable meeting venue.

Face to face segment:

An up to 4-day face to face meeting of the OEWG-12 will be held in March 2021, in Nairobi, Kenya, back to back with UNEA-5, subject to the availability of resources, a positive development of the COVID-19 situation, as well as the availability of the meeting venue.

The meeting will have in front of it the same products prepared by the various intersessional working groups, subsidiary bodies and the Secretariat, as finalized and submitted to the fifteenth meeting of the Conference of the Parties (COP-15) as advance English versions³. During the face to face segment, the OEWG will consider the various products, and, on this occasion, work on negotiating and revising them (including in contact groups).

The outcomes of the deliberations of the OEWG, including possible revised versions of products, will be transmitted by OEWG to COP-15 for its possible consideration. The Secretariat is invited to raise funds in order to allow for those revised products to be made available to COP-15 in the six languages of the United Nations, as applicable. It has to be understood that these documents will unlikely be available 2 months ahead of COP-15, but they will be made available as soon as possible as translated information documents.

³ This is the usual arrangements for products being considered by OEWG, as they are not considered for adoption by the OEWG but by the COP.

COP-15 will thus have in front of it one set of working documents in all six official languages of the United Nations for its consideration, as well as additional versions of products, reflecting the suggested changes coming out of the OEWG-12, which will be set out in information documents.

At its face to face segment, the OEWG-12 could furthermore adopt decisions within its remit, for example decisions forwarding the revised products to the COP-15 for information and, if so decided by the COP, consideration; and a decision adopting the terms of reference and work programme of the follow-up partnership to the Partnership for Action on Computing Equipment.

Funding:

As per decision BC-13/17, two days of plenary sessions are to be provided for the OEWG-12 meeting with simultaneous interpretation, plus one additional day of plenary sessions with interpretation provided subject to the availability of resources, to be applied flexibly by the Executive Secretary. The funding approved by COP-15 for the OEWG-12 meeting applies to the entire meeting, namely both its online and face to face segments, and in relation to a meeting convened in Geneva.

Financial resources as approved by COP-15 for OEWG-12, including core funding, are sufficient to cover the online segment of OEWG-12. Additional funds needed are roughly estimated around USD 190,000 and will need to be raised to cover Conference Service costs of the face to face segment (interpretation, translation, report writing, meeting venue, etc.). The Secretariat will be contacting potential donors to seek their interest in providing financial support.

It could also be expected that additional fund raising efforts may be needed to fully secure participants' travel costs for the face to face segment which are estimated at USD 475,728 for Nairobi, Kenya).

The additional financial implications to cover the travelling costs of Secretariat's staff are estimated roughly at USD 80,000.
