

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

Tuesday, 23 June 2020, 5:30– 8:00 p.m. (CEST)

Participants:

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

Vice-Chair: Mr. Zaigham Abbas (Pakistan) (Technical)

Rapporteur: Ms. Hlobisile Sikhosana (Eswatini)

Apologies (with comments sent in advance of the meeting):

Vice-Chair: Ms. Kristine Vardanashvili (Georgia) (Legal)

1. Feedback from the regions on the three options for OEWG-12 set out in the annex to the report of the OEWG-12 Bureau meeting on 10 June 2020

The Bureau members exchanged feedback from the consultations held with their respective regions on the three options for OEWG-12 set out in the annex to the report of the 10 June 2020 OEWG-12 Bureau meeting.

One member reported that her region was flexible and would be open to different solutions. The region was supportive of OEWG-12 as originally agreed by the OEWG-12 Bureau during its 9 April 2020 meeting, composed of an online session and an email correspondence procedure (option 2). The region would also be fine with convening OEWG-12 as an electronic meeting using email correspondence procedure only (option 3). In both cases, some procedural steps would be taken at present in order for the intersessional work to go ahead in the meantime, in particular calling for comments from Parties and observers on the products prepared by the various intersessional processes (e.g. draft reports, manuals, technical guidelines, guidance, recommendations, etc.). The region was not necessarily opposed to convening OEWG-12 as a face to face meeting when this would be possible in light of the evolution of the coronavirus disease (COVID-19) pandemic (option 1), but a few issues would need to be further explored, such as logistical and financial constraints and that the meeting was a meaningful step to prepare for the Conference of the Parties. The region had also discussed some other alternatives for holding OEWG-12, including those presented by individual Parties, and was also open to further considering those.

Another Bureau member reported that he had received diverging feedback from countries in his region on the three options: while -most Parties had expressed preference for option 2, one indicated that option 3 was acceptable, and only one Party was in favour of option 1. This Party still had questions on the rules of procedure in the event of an online meeting, as well as some logistical and technological concerns. The Bureau member had also shared with his region an alternative proposal by the President of the fifteenth meeting of the Conference of the Parties involving a combination of online and face to face sessions, which had been independently circulated to all members of the OEWG Bureau, and had not yet received feedback thereon.

The Secretariat then read out a message from the Bureau member unable to attend the meeting, submitted prior to the meeting. In her region, most Parties supported options 2 and 3; one Party preferred option 1 and one Party option 3. Some Parties were sceptical about the online options, because some regions or countries might not be able to participate in an electronic meeting.

The fourth Bureau member mentioned that her region had not been able to conclude its consultations. Most Parties in her region were in favour of option 1. Two Parties had indicated interest in the alternative option proposed by the COP President referred to above, but were proposing some amendments thereto, in particular that the online sessions of that option would not be considered part of the OEWG-12 meeting, but instead technical briefings without any formal status. The two Parties also were of the view that one session should be held in July, followed by two weeks of consultations, and the second one in August, which would consider revised products of the various intersessional processes based on the input provided during the first online session. Finally, the face to face meeting of the OEWG would follow in December 2020.

The fifth Bureau member then explained that as reported at the last OEWG-12 Bureau meeting on 10 June, her region had held consultations prior to that meeting and expressed preference for option 3, with at least one country indicating that it was still consulting on that option. She had then subsequently to the 10 June 2020 Bureau meeting held consultations with Parties in a sub-region, who had favoured option 2. She had also been informed that her region had held further consultations, to which she had not been invited to participate. She had been informed that the region had not discussed options 1, 2 and 3 during these latest consultations, but focused on the alternative option put forward by the COP President. Based on the consultations held in the region, it was

her understanding that among the three options for OEWG-12 set out in the annex to the report of the 10 June 2020 OEWG-12 Bureau meeting, the region would prefer options 2 or 3.

Taking into account the feedback received from the Bureau members, the chairing co-chair thus concluded that there was still no consensus among the regions on the three options set out in the annex to the report of the 10 June 2020 OEWG-12 Bureau meeting. The Bureau took note of the information provided.

2. Way forward for OEWG-12

In looking at the way forward for OEWG-12, the co-chair noted that some regions had already looked at additional options to the three options, including the alternative option as proposed by the President of the Conference of the Parties. She invited the Bureau to work towards agreeing on one possible approach that could be presented to the regions. In response to a question from a Bureau member the option proposed by the President of the Conference of the Parties, the Secretariat summarized that this option was based on the model used for the 42nd Meeting of the Open-ended Working Group of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. It foresaw convening the Basel Convention's OEWG-12 in two parts: first, an online technical meeting no later than the beginning of September 2020, which would be held as three identical online sessions of three hours each with simultaneous interpretation in all six official languages of the United Nations. Each of those three sessions would deal with the same agenda and Parties could choose whether to attend one or more of these sessions. During the sessions, intersessional working groups and the Secretariat would report on the progress made on the work and then there would be an opportunity for questions and answers. The online sessions would be complemented with a web-based online forum for submitting comments and questions. Second, a face to face meeting would be held no later than January 2021 in order to discuss and adopt decisions arising from the OEWG-12 agenda items that were introduced online or to discuss any relevant items the Parties decide.

The Bureau then discussed this two-part proposal. One Bureau member indicated that her region was open to look into the details of such a hybrid solution. She commented that her region felt that it was most important to first take some procedural steps to allow Parties and observers to submit comments on the products prepared by the various intersessional processes in order not to delay the intersessional work. Additionally, if an online session was supposed to take place by beginning of September 2020, information on the timing and agenda of the online session would need to be circulated very soon. For the face to face session, the region requested that logistical and financial constraints be duly taken into account, and that the meeting could happen at a time where it could provide meaningful input to the Conference of the Parties. While there were issues that needed further discussion, it was also important that the Secretariat could take necessary logistical steps soon to secure a venue, etc.

In response to questions from Bureau members, the Secretariat provided a number of clarifications about its understanding of the feasibility of the alternative option proposed by the President of the Conference of the Parties. During its online sessions, the Montreal Protocol Open-ended Working Group (MP OEWG) was dealing with a reduced, technical agenda, while the Basel Convention OEWG-12 was looking at dealing with its entire work programme for 2020-2021. It was questionable whether the OEWG-12 would manage to run through its entire agenda, including questions and answers, in a three hours session as was the case proposed by the MP OEWG. To enable consideration of the entire OEWG work programme, the Bureau might wish to consider consecutive rather than three repetitive online sessions. This approach would however use up the interpretation budget for OEWG-12 as approved by the fourteenth meeting of the Conference of the Parties for OEWG-12. It is to be noted that holding both the online sessions and a face to face meeting would require additional fundraising, as the approved budget would not suffice for both.

Answering a question about the possible outcomes of online sessions of the OEWG-12 meeting, the Secretariat clarified that these could be a compilation of the comments and statements made by Parties and observers on the various items, which would be submitted in September or available to the various intersessional processes when revising their products.

Under none of the options before the Bureau was it foreseen that there would be substantive decision-making during online sessions, or negotiations of the products under consideration.

In response to a question about the timing of the online sessions, the Secretariat said that if the intention was for the outcomes of the online sessions to be taken into account by the intersessional processes before the finalization of their products, by the end of 2020, for consideration by the fifteenth meeting of the Conference of the Parties, then these outcomes needed to be available at the latest the first week of September 2020.

When asked about the feasibility of a face to face meeting before the end of January 2021, the Secretariat responded that it would be very difficult to organize from a logistical and uncertainty point of view, in particular related to the procurement of a meeting venue as per UN rules, the high uncertainty related to travel and border restrictions due to COVID-19, and the need for additional fund raising since there was insufficient funding

available in the core budget for both the online and face to face meetings.. Additionally, it was not clear what versions of the products of the various intersessional processes the OEWG-12 would be considering when meeting before the end of January 2021: if it was the products currently available, then no further intersessional work would be expected to be undertaken by the time of the face to face meeting, which did not appear to be in line with the workplans of several groups; if it was the outcomes of the intersessional work building on the input from the online sessions, these would not necessarily be finalized in time to be submitted two months in advance of that meeting, as per the rules of procedure. There is the possibility for the face to face meeting to be held in the March, April and May 2021, however, it is difficult at this stage for the Secretariat to confirm anything as there was already a very packed calendar of UN meetings which had to be postponed and other constraints as explained before. Options could include back-to-back meetings to regional preparatory meetings if funding for those become available.

When asked about a slightly earlier timeframe, e.g., February or March 2020, the Secretariat responded that by March the final products from the intersessional working groups would most likely already be publicly available in advance English versions, which would then be sent for translation into final versions in the six official languages of the United Nations in time for the fifteenth meeting of the Conference of the Parties.

The Secretariat emphasized that financial resources as currently available would be sufficient for the online sessions; however, additional funds would need to be raised for face to face sessions.

In terms of timing, the Secretariat could no longer complete procurement activities for an online session to take place during the month of July, but August and September were still possible. For a possible face to face meeting, it was, as highlighted before, dependent on the availability of additional financial resources; the availability of a meeting venue; as well as the development of the COVID-19 situation. One Bureau member commented that her region was not in favour of sessions during the month of August.

Following these discussions, one Bureau member concluded that the alternative proposed by the COP President was not responding to all the requirements of OEWG-12 and suggested, however, that a similar model, combining online with face to face sessions, could be explored. Another Bureau member agreed that the alternative proposal did not sound viable.

The Bureau members then discussed the way forward for OEWG-12. It was agreed that the three options had not found consensus in the regions; and that it was necessary to narrow down the options for further consultation. The Bureau thus agreed by consensus on one approach for OEWG-12 to be consulted with the regions, taking into account the discussions held so far. It was felt that an approach combining online sessions with face to face sessions was most likely to satisfy the expectations from all regions. This approach is set out in the annex to the meeting report. The Co-Chair reminded the Bureau of the importance and urgency of finding a solution for OEWG-12 that was acceptable to all regions in order to progress with the work and be able to hold an OEWG prior to the next meeting of the Conference of the Parties.

Concerning the procedure for Parties and observers to comment on the various products of the intersessional processes, one Bureau member asked if the Secretariat could already issue a call for comments at present. The Secretariat responded that it might be confusing for Parties and observers if comments would be called for now, and in addition during OEWG-12. In the approach put forward by the Bureau and as set out in the annex to the present report, comments would be submitted only during and a few days after OEWG-12. This implied that comments on some topics would be submitted later than originally planned.¹ The Secretariat would make every effort to schedule the intersessional work in a way to be able to accommodate this late feedback and for all groups to submit revised products incorporating comments from OEWG-12 to the fifteenth meeting of the Conference of the Parties.

The Bureau members agreed to hold its next meeting on 2 July 2020, at 6:00 p.m. (CEST) in order to take a final decision on the dates and format for OEWG-12. The Secretariat would inform the Bureau members of available slots for conducting regional or other consultations online either among Parties or among Parties and the Secretariat. The Bureau members would inform the Secretariat if they wished to make use of any such slot.

3. Issuance of a statement by the OEWG Bureau about arrangements for OEWG-12

The Bureau agreed to issue a statement on the arrangements for OEWG-12 as follows:

Recalling the mandate of the OEWG as outlined in decision VI/36 (institutional arrangements) and the rules of procedure applicable to its Bureau, the Co-Chairs, Vice-Chairs and Rapporteur of the OEWG-12 meeting express their sincere appreciation to all the Parties and observers to the Basel Convention that are constructively engaging with them in the preparations towards the OEWG-12 meeting despite the challenges posed by the COVID-19 pandemic extraordinary circumstances.

¹ See document UNEP/CHW/OEWG.12/15, some comments were proposed to be submitted by the end of July or August 2020.

Recalling also the work programme of the OEWG for the biennium 2020 – 2021 as reflected in the annex to decision BC-14/20.

The Co-Chairs of the OEWG-12 meeting continue to be committed to deliver on their unique responsibilities while remaining under the authority of the OEWG, in line with the rules of procedure and within the parameters set by the Conference of the Parties. In fulfilling their important mandate, the Co-Chairs are guided by the objective of identifying a format for the OEWG-12 meeting that will lead to its best possible outcome and therefore contribute to a successful fifteenth meeting of the Conference of the Parties.

The Co-Chairs would like to highlight that a number of steps taken since April 2020 were done in consultation with the regions and other stakeholders, as per the remit of each member of the OEWG-12 Bureau. In the light of changing conditions related to the COVID-19 pandemic, the OEWG-12 Bureau continues to provide opportunities for the regions to consult and support the way forward. The Co-Chairs would like to highlight the importance that all communications by Parties in regards to the organization of the OEWG that fall within the remit of the Bureau be communicated to the respective members of the OEWG-12 Bureau.

The Co-Chairs of the OEWG-12 meeting are also grateful for the efforts of the members of the OEWG-12 Bureau to support their work and for their efforts to play their pivotal role in ensuring good communication within regions.

In conclusion, the OEWG-12 Bureau remains optimistic that a way forward has been identified that will deliver a successful OEWG-12 meeting despite the special circumstances.

4. Any other business

No other business was discussed.

Annex

Approach for organizing OEWG-12 to be consulted by Bureau members with the regional groups

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

Online segment:

2 online sessions would be held in the first week of September (31 August – 4 September 2020) with a duration of three hours each. The sessions would 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, would provide oral reports on the progress of their work. Parties and observers would be able to provide 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 session, as well as 4 days after the meeting (i.e. at the latest by Thursday, 10 September 2020), in any of the six official languages of the United Nations. The Secretariat would compile those comments and submit them for consideration by the various intersessional working groups, subsidiary bodies, or the Secretariat, as applicable. No substantive decisions would be adopted during the online sessions.

OEWG-12 would then be suspended and reconvene during face to face sessions in 2021, if possible.

Face to face segment:

An up to 4-day face to face meeting of the OEWG-12 would be held either in March or May 2021. The meeting would 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). During the face to face segment, the OEWG would 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, would be transmitted by OEWG to COP-15 for its consideration.

The COP would thus have in front of it one set of working documents in languages for its consideration, as well as additional versions of products in English only, in track changes, showing the suggested changes coming out of the OEWG-12, which would be set out in information documents.

At its face to face meeting, 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.

The two possible timings of the face to face OEWG-12 have the following implications:

- March 2021: OEWG-12 could consider products from the intersessional working groups, subsidiary bodies and the Secretariat as submitted to COP-15 as advance English versions only. The meeting could be standalone, or could be considered to be held back to back with the fifth session of the United Nations Environment Assembly (UNEA-5, 22-26 February 2021). The outcome of the meeting will be transmitted to the COP in English version only.
- May 2021: OEWG-12 could consider products from the intersessional working groups, subsidiary bodies and the Secretariat as submitted to COP-15 as translated in the six official languages of the United Nations. The meeting could be held back to back with one of the regional preparatory meetings for the 2021 meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions. The outcome of the meeting will be transmitted to the COP in English version only.

Funding:

Financial resources as approved by COP-15 for OEWG-12 are sufficient to cover the online segment of OEWG-12. Additional funds needed are roughly estimated around USD 150,000 and would need to be raised to cover Conference Service costs of the face to face segment (interpretation, translation, report writing, meeting venue, etc.). It could also be expected that additional fund raising efforts may be needed to fully secure the required participants' travel costs of a face to face meeting (estimate as per COP-14 approved budget: USD 579,360 to allow for full participation from Parties, based on a Geneva venue). Should the venue be in a different location, additional funds would be required to cover the travelling costs of Secretariat's staff (estimated roughly at USD 80,000). It is anticipated that no venue could be secured in Geneva during the first half of 2021.