

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

Thursday, 9 April 2020, 3:30– 4:30 p.m. (CEST)

### **Participants:**

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

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

Rapporteur: Ms. Hlobisile Sikhosana (Eswatini)

The Bureau of the twelfth meeting of the Open-ended Working Group (OEWG-12) of the Basel Convention met by electronic means on 9 April 2020 to discuss an alternative approach for organizing the upcoming meeting of the Working Group as a result of the COVID-19 pandemic. It had in front of it a proposal developed by the Secretariat and shared with the Bureau members prior to the meeting, which is set out in the annex to the present report. The Secretariat introduced the proposal, which foresaw that OEWG-12 would be conducted by electronic means, namely an online session for procedural matters, followed by the adoption of substantive decisions by correspondence, i.e., email.

In the ensuing discussion, the Bureau members asked clarifying questions and exchanged views on the Secretariat's proposal. Among others, the Bureau discussed: the possibility of postponing the meeting rather than holding it by electronic means; whether the meeting could fully accomplish the set objectives of OEWG-12; the duration of each commenting round; the maximum total duration of the meeting; the use of English only during the online session and correspondence procedure; transparency in the process; communication with Parties and observers; and practical arrangements such as registration and the organization of online side events.

Some members pointed to the technological challenges related to conducting meetings by electronic means and suggested the meeting rather be postponed and conducted face-to-face at a later stage. The Secretariat explained that it was not possible to postpone the face-to-face meeting, as there was no suitable meeting venue available in late 2020 and early 2021, and as the intersessional work had to continue after OEWG-12 with several meetings of intersessional working groups already scheduled for end of 2020 and early 2021. It reiterated that substantive decisions would not be taken during the online session, but during the correspondence procedure by email, allowing for maximum participation by delegates, even those with less performant internet connections.

In response to a question, the Secretariat reiterated that the proposal foresaw that OEWG-12 would not adopt full-fledged decisions as it would usually do, but only simple process decisions, calling for comments on various documents (e.g., technical guidelines, guidance documents, draft reports, etc.) during the intersessional period. These documents would therefore not be discussed and revised directly at the meeting, and revisions made after. The Bureau expressed concern that this meant that the Basel Convention work would be less advanced at the time of the closing of OEWG-12, which could impact the adoption of the concerned documents by the Conference of the Parties. Mitigating options included, on one hand, for intersessional processes to have additional time and resources to complete their work subsequently to OEWG-12 and, on the other hand, allocating more time to Basel Convention matters during the 2021 meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions. The Secretariat responded that it would bring the latter information to the attention of the Presidents and bureaux of the conferences of the Parties, who were to agree on the organization of work of the 2021 meetings of the conferences of the Parties. The Secretariat's current proposal on the schedule of work of the meetings foresaw more time within the two-week period to be allocated to Basel Convention work, due to the high workload under the Convention and because OEWG-12 could not take place as planned. Furthermore, the two Co-Chairs of the OEWG were ex-officio members of the Bureau of the Conference of the Parties to the Basel Convention and were thus invited to participate in the meeting of the Bureau of the Conference of the Parties, where they could ensure this message was brought to the Bureau's attention.

The Bureau noted that the draft decisions to be adopted by OEWG-12 would be available at least one month prior to the meeting and that they would be simple process decisions, which were not expected to require intensive consultations during the correspondence procedure. Following an exchange of views, the Bureau agreed that draft decisions would be circulated for comments for 48 hours during the correspondence procedure and that the maximum duration of the meeting would be 2 weeks, i.e. from 22 June to up to 5 July 2020, including week-ends.

On the issue of using English only, the Secretariat advised that the current technologies were not sufficiently developed to ensure reliable simultaneous interpretation during the online session. Comments on the draft

decisions would be invited in English only. The draft decisions would however be available in all six UN languages at least one month prior to the meeting and the adopted decisions would be translated following the meeting as part of the meeting report.

In relation to transparency, the Secretariat clarified that all statements, objections and proposals received during the correspondence procedure would be posted on a password protected internet page, available to all registered meeting delegates. Additionally, any decision adopted during OEWG-12 and any comment received in response thereto on the various documents, would also be made publicly available on the Basel Convention website.

In response to a question the Secretariat clarified that if the Bureau agreed to the proposal, the Secretariat would prepare a communication to Parties and observers to inform them about the new approach for OEWG-12 as quickly as possible. Webinars would also be a very important means of sharing information with delegates. They would be conducted in English, French and Spanish during various time frames in order to take into account time differences among Parties and observers. The Secretariat sought the Bureau's support in communicating the new approach in their regions.

On registration, in response to a question, the Secretariat explained that it would ask Parties and observers that had already registered to the meeting whether there was any change in their delegation due to the online nature of the OEWG-12 meeting. All delegates duly registered to the meeting would remain so, unless Parties and observers wished to change their delegations. Additionally, the Secretariat would invite further registrations from Parties and observers that had not yet registered. The requirements for registration, namely an official nomination letter for Party delegates, would remain the same.

A Co-Chair enquired whether the Secretariat was foreseeing to conduct side events electronically during the meeting. The Secretariat was tasked to explore this option and get back to the Bureau with further information.

Following discussion, the Bureau agreed to the Secretariat's proposal to hold the OEWG-12 meeting by electronic means through an online session and subsequent correspondence procedure, taking into account the exceptional circumstances, and that it was not to be considered as a precedent for future OEWG meetings. The Bureau tasked the Secretariat to proceed with the arrangements and to inform the Co-Chairs if another meeting of the Bureau was deemed necessary ahead of OEWG-12.

## Annex

### Proposal by the Secretariat for holding the OEWG-12 meeting by electronic means (7 April 2020)

Due to the COVID-19 pandemic situation in Switzerland as well as globally, it will not be feasible to organize OEWG-12 as initially planned as a face-to-face meeting in Geneva, from 22 to 25 June 2020. In addition to our duty to protect the health and safety of all participants, existing travel and event organization restrictions imposed by many countries, including Switzerland, are now excluding this option. Postponing the meeting is furthermore not envisaged due to the lack of meeting venues available towards the end of the year and the fact that intersessional processes need to continue and many meetings are already scheduled towards the end of the year. The Secretariat has researched and evaluated a number of alternatives for holding OEWG-12, taking into account, among other considerations, recent experiences from other UN agencies.

We see as most important for the Basel Convention that progress can be achieved in the intersessional period ahead of COP-15. We are also mindful of the impact on the capacities of Parties and observers to participate in the work of the OEWG-12 caused by the ongoing COVID-19 pandemic (e.g., many offices and schools are closed world-wide), as well as other types of restrictions, for example related to strong and stable internet connectivity in many countries. The below proposal takes these special circumstances into account and must be understood as an exceptional measure to make the best possible use of the intersessional period ahead of COP/15.

We thus suggest that OEWG-12 focus on considering simple draft decisions aimed at allowing the continuation of intersessional work. Under most of the agenda items, the proposed decisions will include a call to Parties and observers to provide comments on the various documents/reports/products, and a request for the intersessional working groups/expert working groups/the Secretariat to take these comments into account in further revising the document/reports/products for consideration by COP-15. This means that OEWG-12 itself would not discuss or negotiate the documents/reports/products in substance. For those few items where more substantive decision making was initially expected from OEWG-12, the draft decisions will suggest postponing the decision to COP-15.

In order to achieve this, rather than preparing detailed draft decisions for each agenda item, as done under normal circumstances, the Secretariat will be proposing streamlined draft decisions<sup>1</sup>, focusing only on the intersessional work between the OEWG-12 and COP-15. These decisions would be expected to not be controversial and thus allow for prompt decision-making.

The suggested approach for OEWG-12 by electronic means is as follows:

- An **online session** would be held to open the OEWG-12 meeting and to consider procedural matters: adoption of the agenda and agreement on organization of work. Substantive agenda items would subsequently be introduced during the online session,
- Following the introduction of items, the co-chairs would invite Parties and observers wishing to make a statement to submit their statement by email, within 48 hours (which would be made available to all via a password protected internet page). The co-chairs would also invite Parties to adopt each draft decision through an email **correspondence procedure**.
- During the correspondence procedure, Parties would have 48 hours to provide by email proposals on and/or objections to the proposed draft decisions.
- All decisions for which no proposals are made and no objections are raised within 48 hours are considered adopted.
- If Parties make proposals or raise objections (which would be made available to all via a password protected internet page), the Secretariat would revise the draft decision/s, in consultation with the co-chairs.
- The revised versions would then be circulated by email again (and made available on the password protected internet page) with an invitation to adopt them within 48 hours. These steps would be

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<sup>1</sup> These draft decisions would most likely not be included in the main meeting documents, but compiled in one separate meeting document. The reason is that it will most likely not be possible to revise all meeting documents in all 6 official languages and post them on the Convention's website 2 months prior to the meeting. With doing only one revised decisions document, we aim at ensuring that at least the other meeting documents are made available two months prior to the meeting.

repeated until agreement is reached or, if it is not possible to reach agreement, the issue would be postponed to COP-15.

- The meeting would be closed by the co-chairs by email. It is to be noted that the duration of the meeting could be longer than the initially planned 4 days.

Under these special circumstances, it would not be possible to fully conduct OEWG-12 in all six UN languages. While all meeting documents will be translated into the six UN languages (including the document containing all draft decisions), the online meeting (online session and correspondence procedure) would be held in English only. Parties and observers would be invited to submit comments on the draft decisions, if any, in English only. Revised draft decisions would be circulated in English only and translated after the meeting as part of the meeting report.

The OEWG Bureau could meet online as necessary during the duration of the meeting to discuss any issues coming up and take stock of the progress.

In order to support Parties and observers to effectively participate in the online meeting, a series of webinars in several UN languages and various time zones would be organized. These webinars would be recorded and posted on the OEWG website, along with a video presentation explaining the process and other awareness raising activities.

Registrations would be required from Parties and observers to participate in the online OEWG-12 process, with the same formal requirements as before (e.g., an official nomination letter for Parties). Parties and observers already registered would need to reconfirm which registered delegates would represent them during this new process (e.g., online meeting/email correspondence procedure). Parties and observers that have not yet registered for the meeting will be invited to do so.

A short meeting report, covering the online session, the correspondence procedure as well as the decisions adopted, to be cleared by the Rapporteur, would be prepared by the Secretariat.

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