

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

Thursday, 18 November 2021, 3 pm to 5 pm (CET)

Participants:

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

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

Apologies:

Rapporteur : Ms. Hlobisile Sikhosana (Eswatini)

I. Welcome by the co-chairs

1. The co-chair opened the meeting, noting the replacement of the technical Vice-Chair, Mr. Zaigham Abbas of Pakistan, with Mr. Waleed Khattak. She welcomed Mr. Khattak to the Bureau and expressed appreciation for his predecessor's service.
2. She recalled that the Secretariat had prior to the meeting circulated a paper outlining a proposed way forward for the face-to-face segment of the twelfth meeting of the Open-ended Working Group (see annex). It was her intention to have an exchange of views on the proposal as drafted, but first she invited the Secretariat to outline its main provisions.
3. The Secretariat introduced the paper, highlighting the salient points as follows:
 - (a) The online segment of the BRS COPs (26 to 30 July 2021) had adopted an interim programme of work and budget of the Basel Convention for 2022, including provision to hold a 3-day face-to-face segment of OEWG-12 in Nairobi;
 - (b) Entry into Kenya for international travellers was subject to certain requirements, including a valid COVID-19 negative PCR test certificate. Currently, entry into the UN premises in Nairobi was also subject to requirements, including proof of full COVID-19 vaccination. Additionally, there would be requirements for delegates transiting through countries enroute to Nairobi;
 - (c) Given the prevailing COVID-19 conditions, the proposed way forward was to hold the face-to-face segment of OEWG-12 in April (4–6 April with pre-meetings on 3 April). This would allow more time between the OEWG-12 and meetings of the Conferences of the Parties (scheduled from 6 to 17 June 2022), giving delegates and the Secretariat the opportunity to prepare themselves;
 - (d) The format of the meeting would be face-to-face, with allowance for online participation for those unable to travel to Kenya due to the COVID-19 pandemic.
4. In the ensuing discussion, it was clarified that the UN Office at Nairobi based its entry requirements on the WHO's emergency use authorization of vaccine types, a link to which was provided in the proposal paper. It was noted that some concerns had been expressed in relation to online participation for a meeting whose format was face-to-face, particularly as it had the potential to disrupt discussions. Nevertheless, it was agreed that online participation for delegates unable to travel due to COVID-19 was important in ensuring equitable participation and that a quorum would be reached. Clarification was also sought on the number of delegates permitted to attend the face-to-face meeting, with the Secretariat confirming it was two. She noted this could be subject to changes as the situation would evolve over the coming months.

II. Exchange of views by Bureau members on proposed way forward

5. The co-chair welcomed views on the proposal from each of the regions represented in the online meeting. Starting with the Eastern European Group, the Bureau member had not received feedback from her region, but was of the opinion that the proposal to hold the meeting during the week of 4 April 2022 was a good one as it allowed more time for preparations between OEWG-12 and the COP. The Bureau member for the

Western European and Others Group shared that there was general support for the proposal to hold the meeting in early April, although some questions had been raised with respect to the issues that would be considered by the meeting, with requests from some countries in the region to add extra items. She noted the strong desire of her region to ensure good outcomes arising from OEWG-12, with progress being made on key agenda items that would also be considered by the COP in June. The Bureau members from the Latin American and the Caribbean Group and Asia-Pacific Group requested more time for consultations within their respective regions.

6. In the ensuing discussions, questions were raised on precautions that would be taken with respect to COVID-19 and the importance of equipping all delegates with ample information on travel to and participation in the meeting in light of the pandemic was underscored. A Bureau member enquired as to whether the concept of “floating badges” could be introduced, whereby larger delegations could rotate delegates depending on the agenda item being considered before the meeting. The Secretariat noted that arrangement could be difficult to monitor and may pose concerns for the UN Office, but she assured she would make enquiries as to the viability of that option. Questions were also raised on the format of the meeting, in particular the allocation of time between plenary sessions and contact groups. It was surmised that maximising the time spent in contact groups would offer clear benefits for such a technical meeting.

III. Decision-making for scheduling of OEWG-12 face-to-face meeting

7. It was agreed that decision-making for scheduling of the OEWG-12 face-to-face meeting be postponed until all Bureau members had held sufficient consultations with their respective regions. The Secretariat highlighted the importance of deciding on the date for the meeting to facilitate dispatch of invitation letters that would be required in December. Other items of discussion, such as determination of the agenda items to be discussed at the meeting could be resolved early in 2022.

8. Specifically, the Bureau was asked to consider the proposal that the face-to-face segment of the meeting be held the week of 4 April 2022 in Nairobi, Kenya, and that provision be made to allow for online participation for Parties and observers who are not able to travel to the meeting due to COVID-19 related restrictions.

IV. Next steps

9. Summarising the discussions thus far, the co-chair expressed appreciation for the exchange of views and information shared, noting that feedback was still required from some regions. The Bureau agreed to allow an additional two weeks for its members to consult with their respective regions on the proposal referred to in paragraph 8 above, taking into account the proposed way forward paper drafted by the Secretariat. Feedback on the proposal would be sought from Bureau members by Friday, 3 December via electronic means.

10. In the meantime, the Secretariat was requested to continue its work on the scheduling and practicalities for the meeting. The co-chair noted that the selection of proposed prioritized agenda items for consideration by the meeting would be resolved by the co-chairs and Secretariat, taking into account any feedback received from the regions. The co-chair closed the meeting saying that communication between Bureau members would continue via electronic means, with the plan to schedule a further online meeting sometime in early 2022 to further plan for the meeting.

Proposed way forward for the face-to-face segment of the twelfth meeting of the Open-ended Working Group

I. Background

1. During its last meeting on 17 June 2021, the Bureau of the twelfth meeting of the Open-ended Working Group (OEWG-12) agreed in principle for the face-to-face segment to be held as a standalone meeting in Nairobi in April or May 2022 (option 2),¹ subject to the final agreement of one of the regions to be transmitted following the meeting, and the adoption of the interim budget for 2022 by the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions (BRS COPs) during their online segment (26–30 July 2021), together with positive developments in relation to the COVID-19 pandemic.

2. The Bureau further requested that the Secretariat explore options for a hybrid meeting, including options to facilitate regional coordination for those unable to travel to Nairobi, and their associated budget implications. It decided to meet once again in the Autumn months (October or November 2021) to confirm its decision for scheduling of the face-to-face segment, in light of the outcome of the online segment of the BRS COPs and developments in relation to the COVID-19 pandemic.

II. Status update

A. Budget

3. The online segment of the BRS COPs took place from 26 to 30 July 2021, at which time it adopted an interim programme of work and budget of the Basel Convention for 2022, including provision to hold a 3-day face-to-face segment of OEWG-12 in Nairobi.

B. Options for a hybrid meeting

4. Since the last Bureau meeting, the Secretariat consulted with the Secretariat of the UN Framework Convention on Climate Change with regard to the arrangements it had put in place for a hybrid meeting. Such arrangements included, for those unable to travel, either an opportunity to gather in a regional “hub” during preparatory meetings for COP-26, or provision of a communications allowance.

C. COVID-19 restrictions

5. The prevailing conditions in Kenya with respect to international travel as at November 2021 require travellers destined for Kenya to undertake the following:

- (a) Be in possession of a valid COVID-19 negative PCR test certificate conducted within 96 hours before travel;
- (b) Fill in an electronic traveller’s surveillance form;
- (c) Undergo and pass a symptom and temperature screening by port health officials upon arrival to a Kenyan port of entry, and possibly an antigen test, which is currently taken randomly and at no cost to the traveller.

6. There may also be mandatory quarantine requirements put in place for travellers arriving from certain countries. This list is updated periodically and currently only includes a handful of countries.²

7. In addition, those wishing to access the United Nations Gigiri complex (the site of the meeting venue) will require proof of full COVID-19 vaccination.³ Proper wearing of face masks to cover both mouth and nose

¹ Tentative bookings were made at the UN Gigiri complex in Nairobi for the weeks commencing 4 April and 9 May 2022.

² https://www.kcaa.or.ke/sites/default/files/covid-19/documents/exempted_states_2.pdf

³ This will be based on WHO emergency use authorization of the vaccine type, or recognition of the vaccine type by stringent regulatory authorities, or vaccine type duly authorized by the issuing Member State, in accordance with guidance provided by the UN Office at Nairobi. The following vaccines have been approved for emergency use by

when in public areas and in the conference rooms at all times is also required. There may also be a limit to the number of representatives permitted to attend in person on behalf of a delegation.⁴

III. Proposal for a way forward

8. Taking into account the information provided in the previous section, the co-chairs have asked the Secretariat to elaborate a proposal for a way forward to be discussed at the Bureau meeting. The following elements are therefore proposed:

(a) To hold the face-to-face segment of OEWG-12 in April (4–6 April with pre-meetings on 3 April) as opposed to May 2022 (9 to 11 May with pre-meetings on 8 May). The April scheduling has the following benefits:

- (i) It allows more time for delegations to prepare themselves in between OEWG-12 and the face-to-face segment of COP-15 (6 to 17 June 2022);
- (ii) It allows more time for the Secretariat to transmit the outcomes of OEWG-12 to the face-to-face segment of COP-15;
- (iii) There may be the possibility of holding the regional preparatory meeting for the Africa region for the 2022 BRS COPs directly following the face-to-face segment of OEWG-12 in Nairobi, thus achieving cost and time savings for delegates' travel. This option would not be available if the meeting were to be held in May.

(b) The format of the meeting is face-to-face, with the possibility for online participation in accordance with the rules of procedure. Eligible Party representatives unable to attend would be offered the option of a communications allowance to facilitate their online participation. The Secretariat could also, upon request, liaise with Resident Coordinator Offices (RCOs) to seek possible access by eligible Party representatives to local UN premises and their IT set up for the duration of the meeting.

(c) On the basis of a Secretariat analysis of agenda items for which progress could be made during the face-to-face segment of OEWG-12, items that could be prioritized for consideration are included in the appendix to the present document.

9. The Bureau is invited to consider the abovementioned proposal and the information set out in the annex to this note with a view to confirming its decision for scheduling of the face-to-face segment of OEWG-12 in Nairobi, and to agreeing on the prioritized agenda items that could be proposed for consideration during that segment.

WHO: AstraZeneca, Janssen (Johnson & Johnson), Moderna, Pfizer/BioNTech, Sinopharm and Sinovac. For more information, please see: <https://extranet.who.int/pqweb/vaccines/vaccinescovid-19-vaccine-eul-issued>.

⁴ At the time of drafting, this is limited to two representatives per delegation but it will depend on the size of the meeting.

Appendix

Possible prioritized agenda items for consideration during the face-to-face segment of the twelfth meeting of the Open-ended Working Group¹

1. Organizational matters:
 1. Organization of work.
3. Matters related to the work programme of the Open-ended Working Group for the biennium 2020–2021:
 - (a) Strategic issues:
 - (i) Strategic framework;
 - (ii) Development of guidelines for environmentally sound management;
 - (b) Scientific and technical matters:
 - (i) Technical guidelines:
 - a. Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants;
 - b. Technical guidelines on incineration on land and on specially engineered landfill;
 - c. Technical guidelines for the identification and environmentally sound management of plastic wastes and for their disposal;
 - e. Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with mercury or mercury compounds;
 - (ii) National reporting;
 - (iv) Plastic waste;
 - (c) Legal, governance and enforcement matters:
 - (i) Consultation with the Committee Administering the Mechanism for Promoting Implementation and Compliance;
 - (d) International cooperation and coordination:
 - (i) Basel Convention Partnership Programme;

¹ It is not proposed to re-open the following agenda items during the face-to-face segment:
3(b)(i)(d). Technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention;
3(b)(i)(f). Consideration of whether to update the technical guidelines on the physico-chemical treatment and the biological treatment of hazardous waste;
3(b)(i)(g). Consideration of whether to update the technical guidelines for the environmentally sound management of waste lead-acid batteries;
3(b)(iii). Electronic approaches to the notification and movement documents;
3(b)(v). Waste containing nanomaterials;
3(c)(ii). Providing further legal clarity;
3(c)(iii). National legislation, notifications, enforcement of the Convention and efforts to combat illegal traffic;
3(d)(ii). Cooperation with the World Customs Organization on the Harmonized Commodity Description and Coding System;
4. Work programme of the Open-ended Working Group for the biennium 2022–2023.

5. Adoption of the report.
 6. Closure of the meeting.
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