

**STATEMENT BY THE AFRICA GROUP BASEL CONVENTION FOCAL POINTS ON THE PROPOSED  
OEWG12 ELECTRONIC MEETING:- 28<sup>TH</sup> MAY 2020**

The African Group believes in transparency and multilateralism and thus the need to share the correct position and also to dispel the wrong information peddled around purported to be Africa's position on the proposed OEWG12 meeting. The Africa Group has communicated with the BRS Executive Secretariat, the Co-Chairs of the OEWG12 and the Bureau at large; indicated reasons for not accepting the planned electronic and in English-only Basel Convention OEWG12 meeting and requested a postponement of the meeting to next year, 2021. The reasons hereunder underpin Africa's position:

Legally, holding an electronic OEWG meeting and in English only contravenes several Rules of Procedure of the Basel Convention; changes to which can only be made by the Parties seated in a public meeting, and also agreed to in consensus. The following Rules of Procedure of the Basel Convention COP and its subsidiary bodies, would be contravened by holding an electronic and in English only OEWG12 meeting: Rules: 3; 26.5; 26.6; 29; 34; 52; 53; 55, and 56. Furthermore, multilateralism is essential and at the core of decisions adopted by consensus by Parties. While understanding why the e-OEWG 12 meeting was suggested in light of the Covid-19 global pandemic, there are serious challenges unique to the African region that will effectively preclude or significantly compromise Africa's full effective participation in the planned OEWG12 e-meeting.

1. The use of the 6 UN language and the advantage of direct interpretation (i.e. Rule 52 and 53) that attempts to bridge the language divide inherent in Africa would not be possible during the planned OEWG12 meeting as it would be conducted in English only. Furthermore, decision (BC-VI/36: all 6 UN languages), and decision (BC-13/17: 2 days all 6 UN languages, plus one additional day of plenary session with interpretation provided subject to the availability of resources, to be applied flexibly by the Executive Secretary) are incomparable with the language format of the planned electronic 12<sup>th</sup> OEWG that is meant to be in English only throughout the meeting. The availability of meeting documents in the six official languages of the United Nations six weeks in advance of the meeting, is in line with the rules of procedure; it is acknowledged. In Africa, more than 70% of the countries are non-English speaking, not to mention the real challenge of non-English speakers that would have to try and comprehend and use the English language during the planned e-meeting, a meeting of importance technically and for negotiating issues probably more pertinent to Africa than any other developing country region since Africa continues to this day to be on the receiving end of dumping of hazardous waste.

2. It is a well-known fact that there still exists a digital divide between developed and developing nations; in this particular case, the quality and access of the digital telecommunications between the developed nations and Africa are neither the same nor are they comparable. Most African countries do not yet have the infrastructure and thus access to the envisaged digital communication channels that require high internet speed and uninterrupted connectivity for practical and effective meetings. The issue that we are raising about poor internet connectivity and continuity is real in Africa; and to assume that participants in Africa, worse under lockdown conditions at home, would certainly have good and regular access to internet and emails within 48 hours, is being unrealistic in light of the prevailing conditions in Africa. Even in our offices, that are supposed to have better internet connection than our homes, from time to time, most of us either struggle or find it impossible to be continuously and effectively connected throughout the course of the smaller intersessional BRS webinar e-meetings that we have had to be part of. Therefore, having to peruse other region's positions, whilst not being able to engage with colleagues on such documents, compounded by the lack of direct translation yet expected to be able to communicate regional positions within a 48hr time, would certainly effectively preclude or significantly compromise Africa's full effective participation in the planned OEWG12 e-meeting.
  
3. The Basel OEWG meeting is very technical in nature thus inviting our respective Permanent Missions in Geneva so as to prevent any possible participation issues that Africa may face during the planned electronic OEWG session, as if they are technical experts or scientists, gives an impression as if the Secretariat would do whatever to get this planned electronic OEWG 12 meeting to go ahead, even if it means having officials that do not have the necessary expertise, experience and understanding. With due respect, it is common knowledge that most officials or country representatives posted to Geneva at our various missions are mostly diplomats that are politicians rather than are scientists in their competences, hence they would not be able to articulate all the issues on the agenda of the Basel OEWG 12.
  
4. The African Group is cognisant of the importance of intersessional work and in particular ensuring that the work towards the fifteenth meeting of the Conference of the Parties progresses as much as possible albeit the extraordinary circumstances of Covid-19 the world finds itself having to deal with. There is indication by the Secretariat that the draft decisions for consideration by OEWG-12 do not aim at reflecting agreement by Parties on the various draft reports, manuals, technical guidelines, guidance or recommendations that are before the meeting but rather are process-oriented to enable as much progress as possible in an inclusive manner, then achieving such an objective would not be

possible through hosting an electronic and in English only meeting that contravenes several rules of procedures and that would certainly also be mired with serious connectivity problems for Africa in particular, thereby making the region's participation ineffective. The objective at hand can be achieved by sending an email to all Focal Points and observers, inviting comments from Parties and observers seeking support for the continuation of the intersessional work in preparation and possible consideration by the fifteenth meeting of the Conference of the Parties. The Africa Group supports that the intersessional working Groups should continue with their ongoing work, thus extending the initial COP given mandate in terms of period of the intersessional Groups.

5. The Africa Group is aware that many intergovernmental meetings have been postponed to the next northern hemisphere Fall and early 2021 which may raise conflicts in schedules. The Africa Group does not request the cancellation of the Basel OEWG12 meeting but rather a postponement of the meeting to 2021. With due respect, the Africa Group further suggests that the possible dates should be negotiated in close consultation with other relevant UNEP sections as the stakeholders and Parties to all these MEAs are the same. With regards to additional possible venues for the 12<sup>th</sup> OEWG, the Africa Group suggests that the Swiss Government, and UNEP Nairobi Kenya, should also be approached to assist the BRS Secretariat. As parties to the different Multilateral Environmental Agreements (MEAs), we are all affected by the postponement of meetings to next year, with due respect, postponing meetings without consultation leads to unnecessary clashes and not heeding warnings of possible clashes, only frustrates us as the Parties.

In summary, the African Group hereby reiterates its position that the 12<sup>th</sup> OEWG meeting of the Basel Convention should be postponed to 2021 rather than to go ahead with an e-meeting conducted in English only thus contravening the Rules of Procedure and also effectively eliminating participation of non-English speaking countries in Africa. Furthermore, in Africa, the reality of the lack of good infrastructure needed for high internet speed and uninterrupted good connectivity for practical and effective meetings compounds the challenge, all of which effectively preclude or significantly compromise Africa's full effective participation in the planned OEWG12 e-meeting.

The Africa Group remains hopeful that the Basel Convention Secretariat, the Basel Convention OEWG12 Bureau, would acknowledge the reality of the challenges the Africa region has presented and also faces, and thus in consultation with other regions, would agree to the proposed postponement of the Basel Convention OEWG12 meeting to next year 2021.

**MAY 28, 2020**

