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COP3 to the Bamako Convention

Third Conference of the Parties to the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa

Brazzaville, Congo
12 - 14 February 2020

Annotations to the Provisional Agenda

Item 1

Opening of the meeting

1. The third meeting of the Conference of the Parties to the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa will be held at the Centre International de Conférences de Kintélé, Brazzaville, the Republic of Congo, from 12 to 14 February 2020. The meetings will be opened at 9:00 a.m. on Wednesday, 12 February 2020, by the president of the Conference of the Parties.
2. The Outgoing President of the Conference of the Parties, the Minister of Environment and Sustainable Development of Cote d'Ivoire, will preside over the meeting and he will be assisted by the representative from Ethiopia, who will serve as the Rapporteur. The representatives of Burkina Faso, Republic of Congo and Tunisia will serve as Vice-Presidents and will assist the President of the Conference in the general conduct of the meeting.
3. Opening and welcoming statements will be delivered by the Mayor of the City of Kintele, Ms. Mensa SASSOU-N'GUESSO, Ms. Juliette Biao Koudenoukpo, Director and Regional Representative, UNEP, a representative of the African Union Commission, Ms. Arlette Soudan Nonault, Minister of Tourism and Environment of the republic of Congo, and Mr. Joseph Seka SEKA, Outgoing President of the Conference of the Parties, Minister of Environment and sustainable development of the Republic of Cote d'Ivoire.

Item 2

Adoption of the agenda

4. The Conference of the Parties may wish to adopt the agenda for its meeting, pursuant to the rules of procedure, on the basis of the provisional agenda set forth in document UNEP/BC/COP.3/1.

Item 3

Organizational matters

(a) Election of officers

5. The Conference of the Parties has before it a note by the Secretariat on the election of officers (UNEP/BC/COP.3/2). The Conference of the Parties may wish to take note of the information provided in the note and consider the action proposed in document.

(b) Organization of work

6. The Conference of the Parties has before it scenario notes for the third meeting of the Conferences of the Parties to the Bamako Convention (Expert segment: UNEP/BC/COP.3/INF/3; High level segment: UNEP/BC/COP.3/INF/4), a tentative schedule of work for the meeting of the expert

segment (UNEP/BC/COP.3/INF/1) and the high level segment (UNEP/BC/COP.3/INF/5), a provisional agenda of the third meeting of the Conference of the Parties (UNEP/BC/COP.3/1), all prepared by the Secretariat in consultation with the Bureau of the Conference of the Parties.

7. The Conference of the Parties may wish to decide to meet from 9a.m. to 1p.m. and from 3p.m. to 6p.m., subject to adjustment as necessary.

8. The Conference of the Parties may wish to establish contact groups and other groups, as deemed necessary, and to specify their mandates.

(c) **Report on the credentials of representatives to the third meeting of the Conference of the Parties**

9. The Conference of the Parties has before it notes by the Secretariat on the status of ratification of the Bamako Convention (UNEP/BC/COP.3/3). The Conference of the Parties may wish to take note of the information provided therein.

10. Rule 17 of the rules of procedure provides that each Party shall be represented by an accredited representative, who may be accompanied by such alternate representatives and advisers as may be required.

11. Rule 18 of the rules of procedure provides that the credentials of representatives and the names of alternate representatives and advisers shall be submitted to the President before the session. The Bureau of the Conference of the Parties shall examine the credentials and submit its report to the Conference. This rule shall not, however, prevent a Party from changing its representative, alternate representatives, or advisers subsequently, subject to proper submission and examination of credentials, where needed.

12. The credentials should be issued either by a Head of State or by the minister of foreign affairs or, in the case of a regional economic integration organization, by the competent authority of that organization. Please note that the submission of credentials before the meeting would greatly facilitate the advance clearing process by the Secretariat.

13. The Bureau of the Conference of the Parties was consulted during the preparatory meetings held in the side lines of the Seventeenth Regular Session of the African Ministerial Conference on the Environment (AMCEN) in November 2019 and subsequently during regular teleconference preparatory meetings, and agreed on the approach that they would follow when preparing the reports on credentials for the meetings of the Conferences of the Parties in 2020. The bureau agreed that when examining the credentials received, they would accept original credentials in good order as well as copies of credentials in good order, on the understanding in the latter case that original credentials would be submitted as soon as possible.

14. Representatives of Parties may participate in the meeting, provisionally, pending a decision by the Conference of the Parties on their credentials.

15. The Bureau, with the assistance of the Secretariat, will examine the credentials of the representatives of the Parties at the meeting and report thereon to the Conference of the Parties for its consideration.

Agenda Item 4

Report by the Secretariat on the implementation of the Bamako Convention

16. The Conference of the Parties has before it a report by the Secretariat with information relating to the status of implementation of the Bamako Convention (UNEP/BC/COP.3/14) The report includes:

- a) Financial issues of the Convention;
- b) Preventing the transfer to Africa of polluting technologies;
- c) Activities carried out by the Secretariat in the implementation of its functions under the Bamako Convention;
- d) Information from Parties regarding:
 - i. Designated Competent authorities, Dumpwatch, and focal points;

- ii. Nomination of experts to the Ad Hoc Working Group on Liabilities and Compensation and to the Legal and Technical Working Group
- iii. Transboundary movements of hazardous wastes in which they have been involved;
- iv. Measures adopted by them in the implementation of the Convention;
- v. Qualified statistics on the effects on human health and the environment of hazardous wastes;
- vi. Accidents occurring during the transboundary movements, treatment and disposal of hazardous wastes and on the measures undertaken to deal with them;
- vii. Treatment and disposal options operated within the area under their national jurisdiction;
- viii. Measures undertaken for the development of clean production methods.

17. The Conference of the Parties may wish to review and take note of the report.

Agenda Item 5

Matters related to the implementation of the Convention

(a) Strategic issues

(i) Status of ratification and/or accession of the convention since the second Conference of Parties

18. The Conference of the Parties has before it a document (UNEP/BC/COP.3/3) on implementation of the Convention since COP2. Parties may wish to take note of the progress made and advise the Conference of Parties to take appropriate action it deems fit.

(ii) Implementation of decisions of the Second Conference of the Parties (including transfer of the of the Secretariat to Mali and other decisions)

19. The second Conference of the Parties adopted decision 2/5 in which it requested the Secretariat, in consultation with the Bureau and the Government of Mali, to develop scenarios for the establishment and staffing of the Secretariat of the Convention in Bamako, Mali.

20. The Conference of the Parties has before it a note and scenarios for the establishment and staffing of the Secretariat of the Convention in Mali (UNEP/BC/COP.3/4). The Conference of the Parties may wish to review and adopt it. The Scenario was developed by the Secretariat, in consultation with the Bureau of the Conference of the Parties and the Government of Mali.

(iii) Update on preparations for the fifth session of the United Nations Environment Assembly (UNEA5)

21. At the fourth session of the United Nations Environment Assembly (UNEA4) member States adopted Decision 4/2 (UNEP/EA.4/2) and decided to hold the fifth session of the United Nations Environment Assembly (UNEA5) at its headquarters in Nairobi from 22 to 26 February 2021.

22. The Conference of the Parties will hear a presentation by the Secretariat providing an update on preparations for the fifth session of the United Nations Environment Assembly (UNEA5).

23. .

The Conference of the Parties may wish to take note of the information provided and consider action proposed in the note.

(iv) Identifying opportunities for enhancing the cooperation, collaboration and synergies with the Basel and other relevant conventions and frameworks

24. The Conference of the Parties has before it a note (UNEP/BC/COP.3/5) by the Secretariat on identifying opportunities for enhancing the cooperation, collaboration and synergies with the Basel and other relevant conventions and frameworks.

25. The Conference of the Parties may wish to take note of the information provided in the note and consider the action proposed in documents.

(v) Identifying opportunities for collaboration with the Secretariat of the Strategic Approach for International Chemicals Management (SAICM) to promote the agenda of SAICM beyond 2020 in Africa

26. The Conference of the Parties has before it a note by the Secretariat on the Identifying opportunities for collaboration with the Secretariat of the Strategic Approach for International Chemicals Management (SAICM) to promote the agenda of SAICM beyond 2020 in Africa (UNEP/BC/COP.3/6). The Conference of the Parties may wish to take note of the information provided in the note and consider the action proposed therein.

(b) Legal, scientific and technical matters

(i) New list of hazardous substances to be considered hazardous waste, and (ii) Recommendation to amend Article 2 of the Bamako convention

27. Article 2 paragraph 1(d) of the Bamako Convention considers hazardous substances, including products, as hazardous waste if they have been banned, cancelled or refused registration by government regulatory action, or voluntarily withdrawn from registration in the country of manufacture, for human health or environmental reasons.

28. The Secretariat shared the new list proposed list of hazardous waste with Parties to the Bamako Convention for their comments, inputs and observations. The list is based on comments by National Focal Points during the teleconference workshop held on 5 and 7 November 2019.

29. The Conference of the Parties has before it, document (UNEP/BC/COP.3/7) prepared by the Secretariat compiling the list of such hazardous substances. The Conference of the parties has before it a submission by a State Party (document UNEP/BC/COP.3/8) related to a proposal of amendment of Article 2 of the Bamako convention. Parties may wish to take note of the information provided therein and advise the Conference of Parties on the action that needs to be taken.

30. The list is not exhaustive and is to be considered as a living a document.

(ii) National reporting

31. The Parties to the Bamako convention are given the opportunity to report on their national activities for the implementation of the convention. The Conference of the Parties may wish to take note of the activities reported by Parties to the Convention on their effort to implement the convention.

(iii) Review of the status of waste management in Africa

32. The Conference of the Parties has before it a note by the Secretariat on review of the status of waste management in Africa (UNEP/BC/COP.3/9) that looks at the continent's trends in waste management and calls for action for improvements in the sector in an effort to enhance the implementation of the Bamako Convention. The Conference of the Parties may wish to take note of the information provided in the note and consider the action proposed in document UNEP/BC/COP.3/12.

(iv) Technical assistance and capacity building activities

33. The Conference of the Parties has before it notes (UNEP/BC/COP.3/14) submitted by the Secretariat on capacity building activities organized by the Secretariat pursuant to decisions taken at the second meeting of the Convention of Parties.

34. The Conference of the Parties may wish to take note of the information provided in the notes, and consider the action proposed in document (UNEP/BC/COP.3/14).

(c) Financial matters

(i) New scale of contributions of parties

35. The second Conference of Parties adopted decision 2/7 setting up the scale of assessed contributions for the years 2018 and 2019 for the implementation of the Bamako Convention. However, some Parties to the Bamako Convention were of the view that this scale should be reconsidered as most of the biggest contributors of the African Union are not Parties to the Bamako Convention. A consensus was reached to continue using the scale of assessment of the

African Union for the biennium 2018 and 2019, while tasking the Secretariat to develop a new scale of assessment reflecting balanced contributions among Parties, to communicate the new proposed scale to Parties for comments and inputs, and to submit the new scale to the third session of the Conference of the Parties for consideration.

36. The Conference of the Parties has before it, document (UNEP/BC/COP.3/10) presenting a draft new scale of assessed contributions prepared by the Secretariat. The proposed new scale of assessed contribution is based on the scale of assessment of the United Nations. The Contact Groups may wish to review the new scale and advise the Conference of Parties on the action that needs to be taken.

(ii) Approaches to increase financial resources for implementation of the Convention

37. At the second Conference of the Parties member States adopted decisions 2/1 and 2/9 that requests the Secretariat of the Convention, in cooperation with parties, to develop a fundraising strategy to be used by the Secretariat and the Parties to raise funds for national and regional activities necessary for the effective implementation of the Bamako Convention.

38. The Conference of the Parties has before it the report by the Secretariat (UNEP/BC/COP.3/14) submitted by the Secretariat containing approaches to increase financial resources for implementation of the Convention. Parties may wish to review it, and consider the action proposed in the document (UNEP/BC/COP.3/12).

Agenda Item 6

Programme of work and budget for the biennium 2020-2021

39. Article 14 paragraph 1 of the Bamako Convention provides that the regular budget of the Conference of Parties, as required in Articles 15 and 16 of the Convention, shall be prepared by the Secretariat and approved by the Conference of Parties.

40. By decision 2/7, the second Conference of Parties adopted the workplan and budget for the biennium 2018-2019. Based on this decision, the Secretariat has prepared an updated programme of work and budget for the biennium 2020–2021, set out in document (UNEP/BC/COP.3/11). The Contact Groups may wish to finalize their deliberations on the programme of work and budget for the period 2020-2021 and submit a decision in that regard to the Conference of Parties for adoption.

Agenda Item 7

Venue and date of the fourth meeting of the Conference of the Parties

41. The Conference of the Parties has before it a note by the Secretariat on information on hosting meetings of the conferences of the Parties outside the seat of the Secretariat (UNEP/BC/COP.3/INF/6) and an offer by the Government of XXX to host the 2022 meetings of the Conferences of the Parties.

42. Other potential host countries are encouraged to announce their offers to host the fourth Conference of Parties.

43. The Conference of the Parties may wish to take note of the information provided in the note, the offer by the Government XXX and consider adopting the draft decision contained in document UNEP/BC/COP.3/13 on the date and venue of its fourth meeting, taking into account rules 2, 3, 4 and 5 of the rules of procedure of the Conference of the Parties

Agenda Item 8

Other matters

44. The Conference of the Parties may wish to discuss major issues of interest not included in the agenda.

45. It is proposed that any Party that introduces any other matter should provide the Secretariat with a copy of a background document for circulation during the session. An English version of any such text must be made available. Any draft decisions submitted by Parties should also be made available in English.

Item 9

Adoption of the report

46. At the last separate session of its meeting, the Conference of the Parties will be invited to consider and adopt the draft report and the outcome of the third meeting of the Conference of Parties to the Bamako Convention, prepared by the Rapporteur at a plenary on 14 February 2020, with any amendments that may be necessary. Consistent with standard United Nations practice, the meeting may wish to agree that the section of the report pertaining to the plenary meetings that take place on the last day of the meeting will be prepared by the rapporteur, with the support of the Secretariat, and incorporated into the report of the meeting under the authority of the Representative of the President of the Conference of the Parties. The final report of the meeting will be circulated after the closure of the meeting.

Item 10

Closure of the meeting

47. It is expected that the meeting will be closed by the President by 5 p.m. on Thursday, 13 February 2020.