

**Basel Convention on the Control of Transboundary Movements
of Hazardous Wastes and Their Disposal**

**Rotterdam Convention on the Prior Informed Consent (PIC)
Procedure for Certain Hazardous Chemicals and Pesticides in
International Trade**

Stockholm Convention on Persistent Organic Pollutants (POPs)

BC-RC-SC /AHJWG.1/2

**Ad hoc joint working
group on enhancing
cooperation and
coordination among
the Basel, Rotterdam and
Stockholm conventions**

Distr.: General
19 February 2007

English only

First meeting

Helsinki, 26-28 March 2007

Item 3 of the provisional agenda*

**Consideration of the supplementary report on
enhancing cooperation and coordination among
the Basel, Rotterdam and Stockholm conventions**

**Supplementary report prepared by the President of the Stockholm
Convention pursuant to decision SC-2/15 of the second meeting of the
Conference of the Parties of the Stockholm Convention**

Note by the secretariats

The annex to the present note contains the supplementary report on cooperation and coordination among the Basel, Rotterdam and Stockholm Conventions prepared by the current President of the Conference of the Parties of the Stockholm Convention, Mr. Nik Kiddle (New Zealand), pursuant to decision SC-2/15 of the Conference of the Parties of the Stockholm Convention. This report was also made available at the last meetings of the Conferences of the Parties of the Basel and Rotterdam Conventions and will be made available to the Conference of the Parties of the Stockholm Convention at its third meeting.

* BC-RC-SC /AHJWG.1/1.

Annex

Supplementary report on cooperation and coordination among the Basel, Rotterdam and Stockholm Convention

I. Introduction

1. This report responds to Decision SC-2/15 of the Second Conference of the Parties to the Stockholm Convention. The decision requested a supplementary report on coordination and cooperation among the Basel, Rotterdam and Stockholm conventions. The report is intended to help inform discussions by an ad hoc joint working group to be comprised of parties to each of the three conventions.

2. The contents of this report build on ideas that have been circulating since the late 1990s. Prior to that, over 1970-1992, governments put in place the main pillars of international environmental governance. From 1992 they began improving and refining them. Specific proposals on cooperation began to be discussed in detail and gathered momentum over 1999-2002 especially during the preparatory process for the World Summit on Sustainable Development.¹ Since 2002 to the present, that momentum has been sustained through national and regional dialogues, academic channels and under the auspices of the UN including through UNEP and the work of the General Assembly.²

3. A modest step en route to the overall goal of improving environmental outcomes through more effective coordinated UN action is the achievement of coordinated activities among a small cluster of secretariats that serve global objectives on the management of hazardous chemicals and wastes. The recent experiences of these three conventions and the potential for further collaboration may point the way to similar opportunities for conventions covering other environmental objectives.

II. Specific areas relevant to cooperation and collaboration

4. A number of papers have been produced on enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions.³ These studies remind us that coordination is a requirement of the treaties themselves. They also remind us that the following coordinated activities already occur:

- a. the joint development of documentation, especially technical guidelines and standards;
- b. joint training and capacity building activities;
- c. occasional shared use of some regional offices;
- d. the sharing of facilities and some services at head office level;
- e. joint participation in UN coordinating groups; and
- f. certain joint project activities at field level.

¹ See for example: UNEP/IGM/1/2 of 4 April 2001.

² At the UN level these initiatives include: UNEP Governing Council Decision SS.VII/1; the Cartagena Process; Paragraph 169 of the September 2005 World Summit Outcome document (resolution 60/1); the 2006 Informal Consultative Process on the Institutional Framework for the UN's Environmental Activities; and the Secretary General's High Level Panel on UN System-wide Coherence in the Areas of Development, Humanitarian Assistance and the Environment.

³ For example: UNEP/IGM/4/INF/1; UNEP/POPS/COP.2/INF/12; UNEP/POPS/COP.2/INF/18; UNEP/POPS/COP.2/INF/19; UNEP/CHW/OEWG/5/2Add.8; UNEP/CHW/OEWG/5/INF/17; UNEP/SBC/BUREAU/7/2/10. Broader analyses are contained in: UNEP/IGM/1/2 and UNEP/DED/040506.

5. The three conventions also benefit from common arrangements to purchase services from the UN Office in Nairobi and the UN Office in Geneva:

- g. certain financial management and audit functions;
- h. certain legal services; and
- i. the provision of conference services.

6. Earlier papers provided insights into some administrative actions that are not yet subject to fully collaborative approaches, but which were nonetheless identified as possibly lending themselves to deeper cooperation in the near future:

- j. administrative services such as document reproduction, national reports processing, and UN DSA administration;
- k. information technology support - acquisition, installation, maintenance, user support and training, development and management of databases, internet web pages, and national contact details;
- l. legal service arrangements;
- m. formal oversight;
- n. back to back meetings;
- o. regular secretariat coordination meetings; and
- p. the establishment of cross cutting inter-secretariat thematic teams.

7. Looking to the longer term, previous analyses also indicated that further functional and programmatic coordination could be encouraged, such as:

- q. joint resource mobilisation;
- r. supporting national focal points in coordination of their work;
- s. deepening coordinated use of regional offices;
- t. deepening programmatic coordination in the field;
- u. developing common model legislation for national use;
- v. improving information sharing between scientific assessment panels;
- w. sharing resources for compliance and liability and redress;
- x. pooling information on health and environmental impacts; and
- y. intensifying joint outreach and public awareness campaigns.

III. Considerations, advantages and disadvantages

8. The earlier studies highlighted a number of important considerations that need to be taken into account when contemplating consolidating cooperation to date and planning future actions to enhance effectiveness through closer collaboration. Key among these were the need for clearly identifiable benefits and respect for the individual integrity of the conventions and the sovereignty of the conferences of the parties.

9. Additional considerations, advantages and disadvantages relevant to the proposals in subparagraphs (a)–(y) are set out in the earlier papers.⁴ It is worthwhile underlining especially the potential value identified in a conference of executive secretaries and the head of UNEP Chemicals to manage coordination and to decide on programmatic synergies where appropriate. Such meetings could conduct assessments and base decisions on the advantages and disadvantages identified in the background documents, as well as any other considerations that may be relevant, and report back to the COPs and to the UNEP Governing Council. Clustering the treaty secretariats in Geneva maximises this potential.

⁴ See especially: UNEP/POPS/COP.2/INF/12, UNEP/POPS/COP.2/INF/18, and UNEP/POPS/COP.2/INF/19.

IV. Decision making and oversight

10. The experience of the COPs to date shows that they are not well suited to adopting detailed decisions to forge secretariat synergies. Firstly, to achieve truly coordinated decision making, COP decisions have to be made sequentially over a mismatched cycle of annual and biennial meetings. Because of this, final decisions can be delayed for long periods. In addition, some decisions are required at a level of detail that does not fit with the general oversight functions of a COP. There is plenty of anecdotal evidence of COP program and budget discussions bogging down on detailed line items to such an extent that the value of the financial decision taken can be outstripped by the cost of the resources used to make it. Experience also informs us that when COPs engage in highly detailed guidance on secretarial functions they risk substituting COP direction for the core duties and responsibilities of executive staff who have received delegated authority to make those decisions on parties' behalf.

11. This experience suggests that the COPs should concentrate on issuing broad directions on cooperation and coordination and should leave to executive management the task of achieving those goals and reporting back on progress. An arrangement of this sort could contribute to UN system-wide reform and should be a relevant factor in the recruitment of executive staff.

12. There remains a question as to whether oversight of cooperative activities beyond the three conventions that are the subject of this paper would be desirable. Given that parties to, and employees of, each of the three conventions owe their first allegiance to their respective COPs, it may prove difficult for individual treaty interests to recognise and to provide for a wider common good. As a minimum, parties to the three conventions may wish to commend, consolidate and endorse cooperative and coordinated activities along the lines of (a)-(y) above, including the option of regular meetings of the secretariats to facilitate agreed objectives. But they may wish to go further than that, and consider whether some form of additional general oversight is desirable to achieve a proper balance of interests. It has been argued elsewhere that an oversight function might also add enhanced political weight, authority and visibility to the treaties and enhance interaction with UNEP and the GEF. Examples where a general oversight function might facilitate an improved balance of interests include: sustainable financing; engagement at the regional level; linkages between scientific assessment panels; and compliance work.⁵

⁵ Longer term sustainable financing remains a challenge. Although the three chemicals and wastes conventions have established themselves with autonomous funding arrangements, the Basel Convention secretariat has noted that collaborative action on resource mobilisation is an option. In part this reflects uneven access among the three conventions to funding through the GEF. It also bears on the possibility of greater crossover between the Stockholm and Basel Conventions and the Montreal Protocol, including the financial resources of the Multilateral Fund, as ozone depleting substances and POPs become wastes. Accordingly, defining, promoting and achieving a more stable sustainable financial platform may be best undertaken by a position whose responsibility includes, but goes beyond, oversight of all three conventions.

The use of regional offices for implementation and outreach may also benefit from the establishment of an oversight function. The creation of 14 Basel Convention Regional Centres has provided an incentive for the Basel Convention secretariat to promote their use for other treaty purposes. Yet parties to the Stockholm Convention are contemplating establishing their own network. In addition, there exist alternatives in the cleaner production centres of UNIDO, capacity building outreach by UNITAR, the 141 ozone officers stationed at national level for the Montreal Protocol, and UNDP's regional resources. Introducing an overseer to the coordination of regional resources could help avoid duplication and provide a sufficiently wide mandate to bring alternative networks into consideration.

Similar considerations apply to linkages between MEA scientific panels. In the chemicals context relevant bodies would include Rotterdam's Chemicals Review Committee, Stockholm's Expert Group on Best Available Technology and Best Environmental Practices and its POPs Review Committee and the Montreal Protocol's Technology Evaluation and Assessment Panel, its various Task Forces, and the UNFCCC's Subsidiary Body for Scientific and Technological Advice.

13. Where additional oversight does make sense, it could be achieved through the engagement of another body such as the UNEP Governing Council, the establishment of a new overseer position, or it might take the form of a common head for treaty secretariats. Numerous considerations associated with the establishment of a new position or the appointment of a common head were set down UNEP/POPS/COP.2/INF/18 and UNEP/POPS/COP.2/INF12. Among them, parties would need to weigh autonomy issues against effectiveness and coherent direction factors and the need to avoid conflicts of interest. If a general oversight role appears warranted, consideration would need to be given to any financial implications.

V. Conclusions

14. It is clear that a number of activities involving joint cooperation and coordination between the three conventions are already underway. Some additional administrative functions have been identified and foreseen for future collaborative work. Further reflection and planning appears warranted with respect to more visionary possibilities identified for longer term action.

15. Past experience also informs us that COPs may not be the best vehicle to take forward an exercise in convention cooperation at the level of detail that it requires. Instead it may be better for COPs to concentrate on defining broad objectives for cooperation, to be issued as high level strategic directions.

16. Broadly defined objectives necessary to consolidate and deepen cooperation and coordination have been well documented since the late 1990s. They are summarised in subparagraphs (a)-(y) above. In order to consolidate progress and to build momentum on their implementation, parties would now need to confirm those objectives, or any others, and to request executive secretaries to strive to achieve them and to report back on progress.

17. Finally, there appears to be merit in further discussions, not necessarily confined to the three chemicals and wastes conventions, on whether improved implementation of the conventions could be facilitated by strengthening coordination with other relevant international bodies, perhaps through a general oversight function or body. A number of issues which are not the exclusive domain of the chemicals and wastes conventions appear well suited to such an approach. Recommendations could be developed to maximise opportunities with respect to those issues with a view to delivering increased benefits to parties to the Stockholm, Rotterdam and Basel Conventions.

Nik Kiddle, President
Conference of the Parties of the Stockholm Convention
25 September 2006
