

**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.1/3/Add.1

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

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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**

**Comments received on the supplementary report on cooperation and
coordination between these three conventions**

Addendum

Attached is a further EU submission on the supplementary report and the work of the Ad hoc
Joint Working Group.

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

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Annex

Comments on the supplementary report as received by the secretariats



As of 6th March 2007

Further EU submission on the Supplementary Report and the work of the ad hoc Joint Working Group (JWG)

Building upon the first EU submission of 31st January 2007 the EU would like to submit further comments on the supplementary report, and – in preparation for the JWG's first meeting in Finland on 26 – 28 March 2007 - on the work to be carried out by the JWG. The EU hopes that this paper could be distributed as an information paper for the first meeting of the JWG.

According to Stockholm COP decision SC-2/15 (para. 6), Rotterdam COP decision RC-3/8 and Basel COP decision VIII/8 the JWG should consider the supplementary report and prepare joint recommendations on enhanced cooperation and coordination among the three conventions at the administrative and programmatic levels to be forwarded to the next meeting of the Conference of the Parties to each Convention.

The EU strongly supports the position that the JWG bases its considerations on the supplementary report, the submissions thereto and on the previous documents elaborated for the meetings under the Basel, Rotterdam and Stockholm Conventions so as to avoid duplication of work.

General comments

The JWG should bear in mind the technical, legal, financial and institutional implications of its recommendations. It should be respected that not all of the countries involved are Parties to all three Conventions.

In order to facilitate the work of the JWG it would be very useful to develop a table containing the available information on contents, COP decisions, existing structures and procedures common to each of the three conventions. Such a table would indicate where coordinated structures are missing and might distribute to discussions of a further development of the work under the conventions. An incomplete structure for the type of table we envisage is attached. This structure could be worked on and agreed at the first JWG meeting. The three secretariats could be requested to fill in the table before the second meeting of the JWG and use it to make suggestions to increase cooperation and coordination. This would enable the JWG to consider different options before arriving at final recommendations.

The JWG should take account of the roles and the respective mandates of the Conferences of the Parties as decision-making bodies and the role of the secretariats. A possible follow-up of the recommendations of the JWG could include, inter alia, Memorandums of understanding (MoUs) determining the roles of the secretariats and other entities involved.

The EU believes that enhanced cooperation and coordination among the chemicals and waste-related Basel, Rotterdam and Stockholm Conventions should be a model for achieving greater system-wide coherence, efficiency and effectiveness. The JWG should be aware of this broader context and thus take into account the ongoing work at UN level, especially the objective of better International Environment Governance.

The JWG needs to be aware of processes related to the three conventions. The work of the JWG needs to take account of cooperation and coordination that could help the implementation of the Strategic Approach on International Chemicals Management. The JWG should also bear in mind the dialogue on the key future challenges to be

faced by the Montreal Protocol and the process in the ad hoc open-ended working group on mercury as established by the UNEP GC24.

In addition, concerted action by the Secretariats should be considered inter alia in relation to WTO and WCO on trade issues, WHO on health issues and SAICM on chemicals management issues.

Specific comments on the organisation of the meetings

The EU welcomes the fact that GRULAC, as set out in document BC-RC-SC/AHJWG.1/INF3, shares the EU's strong interest in the JWG. The EU also shares GRULAC's concern that the process needs to be as transparent as possible and should give equal weight to all three conventions. However, the EU recalls that the question of participation of observers was discussed during all three COPs and they concluded that a group with a fixed number of participants (45) was mandated to carry out the assigned task in an efficient manner. Thus, in the view of the EU, both from the agreed title of the group (ad hoc not ad hoc open ended) and the decision to nominate 45 members, it follows that there should be no participation of observers. All Parties and others should be informed by the secretariats as rapidly as possible of the outcome of meetings as well as the progress of the JWG's work. All Parties will be able to participate in the negotiations on the recommendations at the meetings of the respective COPs.

Specific comments on the main elements of the work

Considering the challenging task of elaborating joint recommendations for the next round of COPs it seems necessary to avoid recommendations and considerations by the JWG which would lead to micromanaging the work of the secretariats.

1. Programmatic issues

The EU is of the view that the following specific areas referred to in the supplementary report are of a programmatic nature and should, in line with the views put forward in the first EU submission, be tackled first.

- a. Joint development of documentation, especially technical guidelines and standards;
- b. Joint training and capacity-building activities, which may have links to
 - r. Supporting national focal points in coordinating their work and
 - u. Developing common model legislation for national use;
- c. Occasional shared use of some regional offices and s. Deepening coordinated use of regional offices;
- f. Joint project activities at field level and t. Deepening programmatic coordination in the field;
- q. Joint resource mobilisation;
- v. Improving information-sharing between scientific assessments panels;
- x. Pooling information on health and environmental impacts;
- y. Intensifying joint outreach and public awareness campaigns.

As an additional specific area, reporting by Parties should be considered.

In addition, the EU would like to highlight a number of points on some of these specific areas which the JWG could take into consideration:

- With regard to subparagraph a. (joint development of documentation, especially technical guidelines and standards) coordinated activities which already occur may be improved, for instance the cooperation between bodies under the Stockholm and Basel Conventions.

- In the context of subparagraph **b.** (joint training and capacity-building activities), joint technical assistance in general should also be considered.
- Regarding subparagraphs **c.** (shared use of regional offices) and **s.** (deepening coordinated use of regional offices) the term “regional offices” should be clarified since it could refer either to the regional centres for training, capacity building and technology transfer mentioned in the Basel and Stockholm Conventions or to UN regional offices. In addition, the question whether and to what extent regional offices could jointly be used deserves closer attention while noting that currently Basel Convention Regional Centres are financed on a voluntary basis and deployed according to linguistic areas.
- Regarding subparagraphs **s.** (deepening coordinated use of regional offices) and **t.** (deepening programmatic coordination in the field) the JWG might derive some useful ideas from the evaluations of the recently initiated “One UN” pilot programmes the purpose of which is to enhance cooperation and coordination among the UN agencies working at country level.
- In connection with subparagraph **u.** (developing common model legislation for national use) the improvement of information exchange (e.g. on national legislation between countries in order to provide a basis to draft model legislation) and coordination at national level relating to legislation should be examined¹.
- With regard to subparagraph **v.** (improving information-sharing between scientific assessments panels), it should be clarified which bodies are meant.
- In view of limited resources and the need for enhanced capacity-building in support of the overall objective of sound international chemicals and waste management the question whether and how most efficiently joint resource mobilisation (cf. subparagraph **q**) would be useful should be investigated. This should take into account the recent decisions of the Rotterdam COP (decision RC-3/5) and the Basel COP (decision VIII/34) and, within their mandates, the ongoing GEF reform efforts as well as considerations on the Montreal Protocol and its Multilateral Fund. In addition, the EU feels that further coordinated activities on this issue may already be initiated in the short term.

2. Administrative issues

Secondly, the JWG should consider the administrative issues. The EU considers the issues listed below as being such administrative themes. The EU suggests that the JWG should develop recommendations on general guidance to the Conventions’ secretariats on these specific areas. As a basis for developing its guidance, it is useful for the JWG to hear the views of the secretariats on the current state of affairs and the feasibility of different options for strengthening joint administration. It is also pertinent to bear in mind that these tasks are carried out by different entities, in particular secretariats, UNOG and UNON.

- **d.** Sharing of facilities and some services at head office level;
- **e.** Joint participation in UN coordinating groups;
- **g.** Certain financial management and audit functions;
- **h.** Certain legal services, **i.** Legal service arrangements and **w.** Sharing resources for compliance and liability and redress;
- **i.** The provision of conference services;

¹ For instance, a compilation of decisions and obligations of the respective Conventions, and how they relate to each other, along the lines as currently being developed in the UNEP “issue-based modules for coherent implementation of biodiversity conventions” project could be considered, cf. <http://www.svs-unepibmdb.net/>; still under development.

- 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;
- n. Back to back meetings
- o. Regular secretariat coordination meetings;
- p. The establishment of cross cutting inter – secretariat thematic teams.

The EU would like to add the following:

- In the framework of information and technology services (cf. subparagraph k.), an overall agreement with UNEP covering the three Conventions could be considered. In addition, the JWG should also address the issue of an approximation of the internet websites and establishing appropriate links.
- Regarding back to back meetings (cf. subparagraph n.) it should be analysed for which bodies this would make sense.

3. Management issues

The EU notes that the supplementary report contains a specific area **m.** (formal oversight) which should be clarified. In our view it may fall under management issues.

Inter alia the option of a common head for treaty secretariats mentioned in the supplementary report should be investigated under management issues; the EU regards this as a quite separate matter to governance structures. In this context, the role of the FAO branch of the Rotterdam Convention should be clarified.

4. Decision making and oversight

According to the Conventions, the Conferences of the Parties are the only decision-making bodies, while organisation at managerial and day-to-day level is left to the secretariats. Nonetheless, the three secretariats' mandates call for close coordination and cooperation with other secretariats² and, as pointed out in the supplementary report, the three secretariats have already made use of opportunities for joint administrative activities. Against that background and to achieve more effectiveness and efficiency the EU feels that the secretariats could build on these efforts and consider more intensively promoting and expanding their cooperation at the administrative level in line with the Conventions' provisions and approved JWG's recommendations and within the budgetary frameworks agreed and supervised by the COPs. On the basis of these considerations the secretariats should then compile a programme of possible coordinated administrative activities, which, after approval by the COPs, they should implement and on which they should report back to the COPs on progress as to allow monitoring by the COPs. Thus, practical and legal aspects would be reconciled with each other in the process of enhanced cooperation and coordination among the Basel, Rotterdam and Stockholm Conventions.

As noted in the EU's submission of 31 January 2007 we see the wider questions of decision making and oversight as the most challenging facing the JWG. The supplementary report suggests three possible approaches on the basis of current experience with COPs:

² cf. Art. 16 para. 1 (d) of the Basel Convention, Art. 19 para. 2 (c) of the Rotterdam Convention and Art. 20 para. 2 (c) of the Stockholm Convention.

- keeping the current structure of COPs but delegating executive management to secretariats,
- creating a general oversight body possibly going beyond the conventions and giving this task to the UNEP GC or another body,
- giving general oversight to a common head for the treaty secretariats.

Like others who have commented on the supplementary report the EU considers that COPs must remain the decision making body. However, we would like to explore governance for a situation with greater cooperation and coordination.

In addition to the options mentioned in the supplementary report on oversight joint meetings of the COP Bureaus of the three conventions may also be discussed.

Annex

Comparison of selected activities/structures under the Basel, Rotterdam and Stockholm Conventions³

Staff category level and costs	Basel ¹ Convention		Rotterdam ² Convention	Stockholm ⁴ Convention
	2007	2008	2007	2007
A. Professional category				
D-2 level	0.33	-	-	-
D-1 level	1.00	1.00	0.5 (0.5) ³	0.75
P-5 level	2.33	3.00	2.0 (1.0) ³	2.00
P-4 level	3.00	3.00	4.0 (1.0) ³	4.00
P-3 level	2.50	3.00	5.0 (3.0) ³	3.50
P-2 level	1.00	1.00	2.0 (2.0) ³	
Sub-total	10.17	11.0	13.5 (7.5) ³	10.25
B. General Service Category				
GS	9.00	8.08	5.25 (4.75) ³	7.50
Total A + B	19.17	19.08	18.75 (12.25)³	17.75

¹ for 2007 and 2008, cf. decision VIII/33, Table 3

² UNEP/FAO/RC/COP.2/19, Oct. 2005

³ actual staff as of 31st May 2006, UNEP/FAO/RC/COP.3/23, June 2006

⁴ UNEP/POPs/COP.2/30, May 2006

³ A complete table would include inter alia

- a description of the existing activities/resources for all three Conventions
- the respective actors
- a recommendation for each activity how it might benefit from cooperation and coordination of the three Conventions together with the advantages and disadvantages

In preparing this table, document UNEP/IGM/4/INF/1 may be taken into account (is also Appendix II to doc. UNEP/CHW/OEWG/5/2/Add.8)

Comparison of the Conventions – Reporting in 2006

	Basel Convention	Rotterdam Convention	Stockholm Convention
Reporting by parties to the convention to the Secretariats	Report by the end of 2006 Article 13(3): Annual report on previous calendar year due by the end of each calendar year <u>Reporting format:</u> see decision VI/27 and document UNEP/CHW.6/29	none	First report by Dec. 2006 Subsequent reports every four years Part A, Part B (UNEP/POPS/COP.1/31, Annex to decision SC-1/22 Part C UNEP/POPS/COP.2/30, Annex to decision SC-2/18
	Reporting in case of: <ul style="list-style-type: none"> - an accident occurring during the transboundary movement of hazardous wastes or other wastes or their disposal, cf. Article 13(1) - issues listed in Article 13(2) 		Reporting on DDT (for producer and user of DDT) Report by 30. Sept. 2006 Subsequent reports every three years http://www.pops.int/ddt_info/default.htm

Comparison of the Conventions – Websites

	Basel Convention	Rotterdam Convention	Stockholm Convention
Convention websites	<i>approximation useful</i>		
general	a lot of information available clear structure of meeting documents and links	additionally to the meeting documents no new information is available most information copied from articles of the convention structures not clear	many single subjects on the homepage structures not clear
contents	high	low most information copied from the convention	mid
news/latest additions	homepage “latest additions”	1. level ⁴ “latest news”	homepage “new”
meeting documents	1. level “meetings” excellent, search options for previous meetings and working groups	2. level ⁵ “meetings and documents”	1. level “meetings”

⁴ 1. Level corresponds to one link.

	Basel Convention	Rotterdam Convention	Stockholm Convention
secretariat	1. level "secretariat" contact, structure available	1. level "secretariat" contact, structure missing	1. level "contact" contact, structure missing
reporting	1. level "national reporting" reporting database with search options	1. level "information exchange" PIC circular	homepage Article 5 e-reporting system DDT reporting instructions
links	available, excellent structure	missing	available
calendar of events	missing	missing	available

⁵ 2. Level corresponds to two links.