

## **Study on improving cooperation and synergies between the secretariats of the Basel, Rotterdam and Stockholm conventions<sup>1</sup>**

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<sup>1</sup> This document was circulated to the eighth meeting of the Conference of the Parties to the Basel Convention (document UNEP/CHW.8/INF/28), the third meeting of the Conference of the Parties to the Rotterdam Convention (document UNEP/FAO/RC/COP.3/19), and the second meeting of the Conference of the Parties of the Stockholm Convention (document UNEP/POPS/COP.2/INF/12).

# **Report of the study on improving cooperation and synergies between the secretariats of the Basel, Rotterdam and Stockholm conventions**

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## I. Introduction, background and purpose

1. At its first meeting, the Conference of the Parties of the Stockholm Convention on Persistent Organic Pollutants requested the Secretariat to examine how the cooperation and synergies between the secretariats of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention and other relevant programmes could be improved, taking into account the special nature of the Rotterdam Convention Secretariat, which is jointly provided by the Executive Director of the United Nations Environment Programme (UNEP) and the Director-General of the Food and Agriculture Organization of the United Nations (FAO), to ensure maximum coherence, efficiency and effectiveness in the field of chemicals and wastes, including consideration of the role common structures might play.<sup>2</sup> The present document has been prepared by the Stockholm Convention Secretariat in response to this request.

2. The objective of the present study is to identify common elements in the activities and administrative arrangements of the secretariats of the Basel, Rotterdam and Stockholm conventions, as a basis for examining areas in which improved alignment among the secretariats might be beneficial to the Parties to all three conventions. As cooperation with a range of actors and stakeholders is crucial to ensure maximum coherence and the promotion of an integrated approach to chemicals management, other international programmes and organizations are also considered in the present study as appropriate.

3. It is an opportune time to consider longer-term arrangements for the secretariat functions for the Stockholm Convention, largely because the transition from the previous interim secretariat to permanent arrangements is under way and not yet complete. Much the same situation pertains to the Secretariat of the Rotterdam Convention. The Basel Convention Secretariat is, in contrast, fully established and operational. The tripling of the chemical and waste management conventions under UNEP with the conclusion and entry into force of the two most recent conventions, Stockholm and Rotterdam, provides an appropriate opportunity to examine two or three secretariats as a unit.<sup>3</sup> There inevitably exists the possibility of further agreements in the form of conventions addressing additional chemicals or chemical management activities, although these are likely to be longer-term developments now that agreement has been reached on the initiative for a strategic approach to international chemicals management (SAICM).

4. Based on common functions and areas of current or potential cooperation, options are presented for combining various functions of the secretariats into single units. The purpose of this is not to reduce overall costs but to provide an enhanced level of service and support to the Parties to the Conventions concerned. The options presented are also consistent with international aspirations towards the improved integration of chemical and waste management – the so-called “life-cycle” or “cradle-to-grave” approach.

5. Sources of information for the study included available documents, reports, brochures and interviews with the staff of the three convention secretariats and the UNEP Division of Technology, Industry and Economics, including the UNEP Chemicals Branch (UNEP Chemicals).<sup>4</sup>

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<sup>2</sup> Report of the Conference of the Parties of the Stockholm Convention on the work of its first meeting (UNEP/POPS/COP.1/31), annex I, decision SC-1/18.

<sup>3</sup> The present study is limited to the examination of the possible integration of the secretariats of the Basel and Stockholm conventions and the UNEP part of the Secretariat of the Rotterdam Convention. Integration of the FAO part of the Rotterdam Convention Secretariat is excluded.

<sup>4</sup> Although the study was undertaken by the Secretariat of the Stockholm Convention in consultation with the secretariats of the Basel and Rotterdam Conventions, it does not necessarily reflect the views of the secretariats of the Basel or Rotterdam Conventions.

## **II. Additional background**

### **A. Rotterdam Convention decisions**

6. The Parties to the Rotterdam Convention, at their second meeting, while welcoming the decision by the Conference of the Parties of the Stockholm Convention for its secretariat to prepare, in consultation with other relevant secretariats and UNEP, a study on improving cooperation and synergies, considered that:

“...to enable the Conferences of the Parties to the Rotterdam, Stockholm and Basel conventions to take any decisions which they may deem appropriate at their next meetings, they will require in addition to the above-mentioned study a supplementary analysis of financial and administrative arrangements that would be needed to implement any changes that the three convention secretariats and the United Nations Environment Programme may propose. In addition, such supplementary analysis should identify any financial savings that might accrue, as well as any implications for adjustments to secretariat expenditures on United Nations administrative fees; [...]”<sup>5</sup>

### **B. Basel Convention decisions**

7. At its fourth session, the Open-ended Working Group of the Basel Convention requested the Secretariat of the Basel Convention to cooperate with the secretariats of the Rotterdam and the Stockholm conventions, taking into account decision SC-1/18 of the Conference of the Parties to the Stockholm Convention, in exploring cooperation and synergies and to make recommendations to the Conference of the Parties to the Basel Convention at its eighth meeting.<sup>6</sup>

### **C. UNEP Governing Council decisions**

8. The UNEP Governing Council has addressed the issue of enhancing synergies and collaboration between the secretariats of the international chemicals and waste agreements and UNEP Chemicals on several occasions.<sup>7</sup> The Executive Director of UNEP has been requested to promote full cooperation and synergies between those entities.<sup>8</sup>

### **D. 2005 World Summit**

9. The High-level Plenary Meeting of the sixtieth session of the General Assembly (2005 World Summit), recognizing the need for more efficient environmental activities, agreed to explore the possibility of a more coherent institutional framework to address that need, including a more integrated structure, building on existing institutions and internationally agreed instruments, and also on the treaty bodies and the specialized agencies.<sup>9</sup>

### **E. Promotion of the life-cycle (integrated) approach to chemicals management by other agencies**

10. Paragraph 49 of chapter 19 of Agenda 21,<sup>10</sup> adopted at the United Nations Conference on Environment and Development in 1992, emphasized the importance of the life-cycle approach by stating that Governments, through cooperation with relevant international organizations, should consider adopting policies based among other things on the life-cycle approach to chemicals management covering manufacturing, trade, transport, use and disposal and that they should undertake concerted activities to reduce risks from toxic chemicals taking into account the entire life cycle of the chemicals.

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<sup>5</sup> Report of the Conference of the Parties to the Rotterdam Convention on the work of its second meeting (UNEP/FAO/RC/COP.2/19), annex I, decision RC-2/6.

<sup>6</sup> Report of the Open-ended Working Group of the Basel Convention on the work of its fourth session (UNEP/CHW/OEWG/4/18), annex I, decision OEWG-IV/10.

<sup>7</sup> Governing Council decision SS.VII/1 on international environmental governance (February 2002), reproduced in the annex to decision SC-1/18.

<sup>8</sup> Governing Council decision 23/9 on chemicals management (February 2005), paragraph 4, reproduced in the annex to decision SC-1/18.

<sup>9</sup> 2005 World Summit Outcome, paragraph 169, adopted by the General Assembly as resolution 60/1.

<sup>10</sup> Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3(14 June 1992, vol. I, Resolutions adopted by the Conference (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

11. In 2002, representatives at the World Summit on Sustainable Development set a goal of ensuring the sound management of chemicals worldwide by 2020. As an important milestone towards achieving that goal and towards ensuring a coherent approach to chemicals management at all levels, Governments and stakeholders have developed the Strategic Approach to International Chemicals Management (SAICM), which was adopted by the International Conference on Chemicals Management at its first session, in February 2006.

12. The UNEP Division of Trade, Industry and Environment, through its Chemicals Branch (UNEP Chemicals), has provided the secretariat services for the development of SAICM and will service future sessions of the International Conference on Chemicals Management. UNEP Chemicals will also support the implementation of the Strategic Approach in the environmental sector and administer a trust fund intended to support initial capacity-building activities. In promoting an integrated life-cycle approach, UNEP Chemicals is also undertaking training in cross-cutting issues related to the conventions discussed in the present study, such as information management and exchange and many technical issues that pertain to the three conventions. UNEP Chemicals identifies gaps and needs, raises funds, develops programmes and organizes projects, training and workshops to help countries to build their capacity, legal framework and infrastructure for managing chemicals in an environmentally sound manner.

13. Other UNEP entities provide support to the integrated life-cycle approach, such as the Geneva Environment Network, which has organized a number of regional and subregional training workshops on the integrated implementation of the three conventions, and the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities.

14. Other organizations, programmes and forums are relevant to the adoption of an integrated approach to chemicals and waste management. The Intergovernmental Forum on Chemical Safety was created by the International Conference on Chemical Safety at its meeting in Stockholm in April 1994. The Forum is a unique, overarching mechanism for cooperation between Governments and intergovernmental and non-governmental organizations for the promotion of an integrated approach to chemical risk assessment and the environmentally sound management of chemicals. Within the terms of the Forum, representatives of Governments and intergovernmental and non-governmental organizations meet with the aim of integrating and consolidating national and international efforts to promote chemical safety.

15. The chemicals, waste and environmental governance programme of the United Nations Institute for Training and Research (UNITAR) has a series of capacity-building programmes in the field of chemicals, wastes and environmental governance, building on a multi-sectoral and multi-stakeholder approach at the national level. It involves representatives from all concerned ministries, businesses and sectors of industry, the public sector and labour organizations. UNITAR is therefore assisting developing countries in establishing or strengthening a collaborative framework at the national level to provide a foundation for effective and coordinated action to respond to national chemicals and waste management priorities and also to the implementation of international chemicals- and wastes-related agreements and initiatives. These activities are intended to contribute significantly towards the development of an integrated chemicals and waste management programme at the national level. Other UNITAR programmes also contribute to the adoption and implementation of an integrated approach to chemicals and waste management, including national profile development, the programme on national priority-setting and action plan development. In addition, some of the more specialized training and capacity-building activities address cross-cutting issues, such as pollutant release and transfer registers and the Globally Harmonized System of Classification and Labelling of Chemicals.

16. The Global Environment Facility (GEF) provides grants to developing countries for projects that benefit the global environment and promote sustainable livelihoods in local communities. In accordance with its Instrument, GEF operates on the basis of collaboration and partnership between its implementing agencies, the United Nations Development Programme (UNDP), UNEP, the World Bank and other implementing bodies under the expanded opportunities policy. This offers a mechanism for international cooperation for the purposes of providing new and additional grant and concessional funding to meet the agreed incremental costs of measures to achieve global environmental benefits in the following six focal areas: biodiversity, climate change, international waters, land degradation and persistent organic pollutants (POPs).

17. The Inter-Organization Programme for the Sound Management of Chemicals was established in 1995 to strengthen cooperation and increase coordination in the field of chemical safety. The following seven organizations are members of the Programme: FAO, the International Labour Organization (ILO), the Organisation for Economic Co-operation and Development (OECD), UNEP, the United Nations Industrial Development Organization (UNIDO), UNITAR and the World Health Organization (WHO).

### **III. Summary of the provisions and structures of the Basel, Rotterdam and Stockholm conventions**

#### **A. Basel Convention**

18. The Basel Convention establishes a written prior informed consent (PIC) procedure to control the transboundary movement of hazardous and other wastes. The Convention was adopted in 1989 and entered into force in 1992. As of 2 March 2006, the Convention had 168 contracting Parties. The Basel Convention is exploring opportunities for resource mobilization including through GEF. The Convention provides technical support to help countries manage and dispose of such wastes in an environmentally sound manner and to reduce their generation. In the first decade after its entry into force, work under the Convention focused primarily on developing a global system of control on transboundary movements of hazardous wastes and criteria for their environmentally sound management.

19. The Convention covers not only hazardous chemicals but also other kinds of hazardous wastes grouped into categories based on their intrinsic properties, and also household wastes. Thus, all the hazardous chemicals covered by the Rotterdam and Stockholm conventions fall within the scope of the Basel Convention upon becoming wastes. The Convention also covers wastes that are defined as, or considered to be, hazardous wastes under the domestic legislation of Parties. The work under the Convention is currently focused on priority waste streams identified by its Conference of the Parties. These are POPs wastes, biomedical and healthcare wastes, electronic wastes, end-of-life ship wastes, used oils, used lead-acid batteries and obsolete stocks of pesticides.

20. The obligations of Parties to the Convention are to report specified information to the Secretariat; build the necessary infrastructure and facilities to identify and dispose of wastes in an environmentally sound manner; minimize waste generation and the export of waste; control waste exports on a shipment-by-shipment basis through the PIC procedure; monitor the effects of hazardous waste management on human health and the environment, develop and use low-waste technologies; and – for those with the means to do it – to assist other countries in developing and strengthening their infrastructure and capacity to manage hazardous wastes.

21. At its fifth meeting, in 1999, the Conference of the Parties to the Convention adopted a Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal.<sup>11</sup> The Protocol aims to provide for a comprehensive regime on liability and on adequate and prompt compensation for damage resulting from the transboundary movement of hazardous wastes. The Protocol has not yet entered into force.

22. The Conference of the Parties to the Convention has established the following subsidiary bodies:

(a) The Expanded Bureau, which meets at least once a year to provide, among other things, administrative and general operational directions, guidance and advice to the Secretariat during the inter-sessional period;<sup>12</sup>

(b) The Open-ended Working Group, which meets at least once a year to assist the Conference of the Parties, among other things, in developing and keeping under review the implementation of the Convention's work plan and in considering and providing advice to the Conference of the Parties on issues related to policy, technical, scientific, legal, institutional, administrative, financial, budgetary and other aspects of the implementation of the Convention;<sup>13</sup>

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<sup>11</sup> Report of the Conference of the Parties to the Basel Convention on the work of its fifth meeting (UNEP/CHW.5/29), annex III.

<sup>12</sup> Report of the Conference of the Parties to the Basel Convention on the work of its sixth meeting (UNEP/CHW.6/40), annex I, decision VI/36, on institutional arrangements.

<sup>13</sup> Ibid., decision VI/36.

(c) The Compliance Committee, which administer the mechanism for promoting implementation and compliance, meets at least once a year, receives submissions from Parties or the Secretariat concerning compliance difficulties and reviews general issues of compliance and implementation.<sup>14</sup>

## **B. Rotterdam Convention**

23. The Rotterdam Convention was adopted in September 1998. The objective of the Convention is to promote shared responsibility and cooperative efforts among Parties in the international trade in certain hazardous chemicals in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use by facilitating information exchange about their characteristics, by providing a national decision-making process on their import and export, and by disseminating those decisions to Parties. The key provisions of the Convention include information exchange on any chemicals banned or severely restricted by a Party and the prior informed consent (PIC) procedure for the chemicals listed in Annex III to the Convention (39 chemicals or groups of chemicals, including 28 pesticides or severely hazardous pesticide formulations and 11 industrial chemicals). The Convention also establishes a procedure for adding new chemicals to Annex III.

24. The Convention was developed based on the voluntary PIC procedure established jointly by FAO and UNEP in 1992. The Convention entered into force in February 2004 and, as of 19 January 2006, had 102 Parties. A further 69 countries participated in the interim PIC procedure, initiated in September 1998 and discontinued in February 2006. FAO and UNEP jointly provided the secretariat during the interim PIC procedure and now provide the Secretariat for the Convention. The joint Secretariat was developed to benefit from synergies between the work on pesticides in FAO and that on industrial chemicals in UNEP. The position of Executive Secretary is divided between FAO and UNEP (25 per cent of the post within each organization). Within UNEP the post is shared with that of the Stockholm Convention (75 per cent Stockholm Convention and 25 per cent Rotterdam Convention).

25. The main obligations of the Convention Parties are to notify the Secretariat of their final regulatory actions to ban or severely restrict chemicals; propose severely hazardous pesticide formulations causing problems under the conditions of use in developing countries and countries with economies in transition; provide import decisions for the chemicals listed in Annex III; respect the import decisions of importing Parties for chemicals listed in Annex III; control the export of chemicals that are banned or severely restricted domestically; strengthen national infrastructures and institutions so as to implement the Convention effectively; assist other countries in developing the infrastructure and capacity necessary to manage chemicals and to implement the Convention; promote chemical safety and awareness; and participate in the exchange of information on those chemicals that are banned or severely restricted and also on severely hazardous pesticide formulations.

26. The Conference of the Parties is to meet annually during the first three years following its entry into force. Subsequent to the third meeting of the Conference of the Parties, to be held in Geneva in September 2006, the meetings of the Conference of the Parties will be convened biennially. The Conference of the Parties has established only one subsidiary body, the Chemicals Review Committee. Its function is to review Parties' notifications of bans and restrictions and proposals for hazardous formulations to be listed under the Convention; recommend whether chemicals or formulations should be listed; and prepare decision-guidance documents for chemicals recommended for listing. The Committee meets annually and, as with the Conference of the Parties, it alternates its meetings between Geneva and Rome.

27. The Conference of the Parties established an open-ended ad hoc working group to consider procedures and mechanisms on non-compliance under Article 17 of the Convention. The working group met prior to the second meeting of the Conference of the Parties, in September 2005.

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<sup>14</sup> Ibid., decision VI/12 on establishment of a mechanism for promoting implementation and compliance.

### **C. Stockholm Convention**

28. The Stockholm Convention aims to protect human health and the environment from POPs and to reduce or eliminate production and use of POPs and releases of POPs from unintentional production and from stockpiles and wastes. The Stockholm Convention was adopted in 2001 in response to calls for global action to reduce the dispersal of these chemicals into the environment, sometimes to places far from their source. It came into force in May 2004 and, as of 31 January 2006, had 118 contracting Parties. Moreover, Article 14 of the Convention provides that GEF shall, on an interim basis, be the principal entity entrusted with the operation of its financial mechanism. The Convention currently lists 12 chemicals or groups of chemicals. These comprise pesticides, industrial chemicals and unintentionally produced by-products. Eight of these chemicals are also listed in Annex III to the Rotterdam Convention. The Stockholm Convention establishes criteria and procedures for considering the listing of additional chemicals.

29. The main obligations of the Parties to the Convention are to eliminate or restrict the intentional production, use, import and export of POPs; reduce or eliminate releases of unintentionally produced POPs; reduce or eliminate POPs releases from stockpiles and wastes; report on the measures taken to implement the Convention; provide data on production, import and export of POPs; promote information exchange, awareness and education about the Convention; support research on listed and candidate POPs and their alternatives; exchange information on POPs; support national activities to implement the Convention; and assist other countries in improving their capacity to implement the Convention. Following its third meeting, in 2007, the Conference of the Parties to the Convention will be convened biennially.

30. The Conference of the Parties has established two subsidiary bodies:

(a) The Persistent Organic Pollutants Review Committee meets annually to consider any proposals made by the Parties to add new chemicals to the Convention;

(b) The Expert Group on Best Available Techniques and Best Environmental Practices (BAT/BEP) was created to further strengthen and enhance the draft guidance document on BAT/BEP. The Group meets annually and will continue to do so until the third meeting of the Conference of the Parties, when its current mandate expires.

31. In addition, the Conference of the Parties at its first meeting decided to convene an open-ended ad hoc working group to consider procedures and mechanisms on non-compliance under Article 17 of the Convention. The working group will meet on 28 and 29 April 2006, prior to the second meeting of the Conference of the Parties.

### **D. Governing structures of the three conventions**

32. The governing structure of the three conventions is similar. Each has a secretariat and independent international legal status as a treaty body, with its own rules of procedures, membership and powers relating to decision-making. The primary organ of each convention is the corresponding Conference of the Parties, comprising the States and organizations that have adhered to the Convention. Each Convention is an independent legal entity and each has a Conference of the Parties that takes its own decisions and is not bound by decisions of other bodies, including decisions of other such conferences of the Parties, the UNEP Governing Council and the United Nations General Assembly. Nevertheless, many countries are Parties to all three conventions and participate in the UNEP Governing Council and the General Assembly.<sup>15</sup> Their political influence would warrant giving their decisions serious consideration. Each Conference of the Parties oversees the implementation of the relevant convention, keeps its provisions under review and may consider amendments to the treaty text. Each Conference of the Parties may also establish subsidiary bodies as appropriate.

33. In keeping with the principle of the primacy of the conferences of the Parties, all subsidiary organs report to their respective Conference of the Parties and have competence only within the parameters established by it. Similarly, the secretariats that are established by the Conventions obtain their mandates from the provisions of the respective Convention and associated Conference of the Parties. Each of the secretariats is responsible for reporting to its Conference of the Parties on activities undertaken in relation to decisions made by the Parties during meetings of the Conference of the Parties.

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<sup>15</sup> There are currently 77 countries which are Parties to all three conventions.

34. Any relationships between the conventions are based on the relevant provisions of the conventions and the direction of the relevant Conference of the Parties, such as decisions relating to cooperation in specific areas.

#### **IV. Substantive or technical mandates and activities of the three secretariats**

35. Each of the three conventions has provisions dealing with the establishment of a secretariat and its responsibilities. For the Basel Convention, in accordance with decision I/7, adopted by the Conference of the Parties at its first meeting, the Executive Director of UNEP provides the secretariat for the Convention. For the Rotterdam Convention, according to paragraph 3 of Article 19, the secretariat functions should be performed jointly by the Executive Director of UNEP and the Director-General of FAO, subject to such arrangements as shall be agreed between them and approved by the Conference of the Parties. For the Stockholm Convention, according to paragraph 3 of Article 20, the secretariat functions for the Convention should be performed by the Executive Director of UNEP, unless the Conference of the Parties decides, by a three-fourths majority of the Parties present and voting, to entrust the secretariat functions to one or more other international organizations. During the interim phases of the Rotterdam and Stockholm conventions, the secretariat of the Stockholm Convention and the UNEP part of the secretariat of the Rotterdam Convention worked with fully integrated structures within UNEP Chemicals.

36. There are many core functions that are common to the three secretariats, although the terms in which they are specified in the three conventions may be worded slightly differently. These core functions include servicing meetings of conferences of Parties and their subsidiary bodies; facilitating assistance to Parties in the implementation of the conventions; ensuring coordination or cooperation with other relevant international bodies; and entering into any necessary administrative and contractual arrangements. The three convention secretariats have crucial roles in the management and exchange of information with, and between, contracting Parties. In addition, the provisions of each convention require the convention secretariats to undertake specific tasks relating to convention implementation. The conferences of Parties may further request convention secretariats to perform other tasks, either as permanent additional duties or to fulfil specific mandates to assist the conferences of the Parties in their work.

37. The secretariats of the Basel, Rotterdam and Stockholm conventions have common responsibility for the following supporting functions:

- (a) Conference services to meetings of the Conferences of Parties and their subsidiary bodies;
- (b) Information management support;
- (b) Legal support and advice;
- (c) Provision or facilitation of technical assistance and capacity-building;
- (d) Ensuring cooperation and coordination;
- (e) Organizational and administrative support;
- (f) Financial management support.

38. Detailed information on the responsibilities and activities of the three secretariats in these seven categories of support is provided in the appendix to the present study.

39. It is clear from the presentation of information in the appendix that there are considerable parallels in the responsibilities and activities in these categories. The largest component of variance results from differing formats, procedures and subject matter. Nevertheless, common themes in the secretariats' responsibilities and activities are: promotion of their respective conventions; assisting their Parties through the provision and exchange of information; training; assistance in capacity-building; and awareness-raising. The subject matter relevant to all three conventions is in the field of hazardous chemicals and other hazardous substances, either on their own or in the form of wastes. Accordingly, an analysis of these elements across the three secretariats strongly suggests that there are opportunities for improvements in efficiency achievable from closer alignment between many, if not all, of the common functions. Such efficiencies offer the opportunity of maximizing the promotion of each of the conventions and increasing the level of service to all Parties. Such closer alignment would also be

entirely concordant with the adoption of integrated and life-cycle approaches to the management of chemicals and associated wastes.

## V. Opportunities and options for increased synergy between the secretariat functions

40. As noted in the introduction to the present study, the baseline for the consideration of opportunities for synergies between the three chemical and wastes conventions for which UNEP has administrative responsibility is one in which the Basel Convention Secretariat is fully established and functioning while the permanent secretariats of the Stockholm and Rotterdam conventions are in the process of establishment. The crucial issue is whether the establishment of additional, completely stand-alone secretariats, along the lines of the Basel Convention Secretariat, is the most appropriate model or whether other options for organizing the functions of the three convention secretariats on more coordinated and integrated lines would constitute a more effective approach.

41. The three secretariats already cooperate in many of the areas of international chemicals and waste management with each other and with a number of other international and regional organizations, and also, in the case of the Basel Convention, with the private sector. The cooperation appears to occur naturally in areas where it is of mutual benefit. Such cooperation takes place on an informal and ad hoc basis unless specifically required either in the provisions of the conventions or by the decisions of conferences of the Parties.

42. The three convention secretariats have similar requirements with regard to the following:

- (a) Management of chemicals, chemical wastes and other wastes;
- (b) Programme and project development and project management;
- (c) Resource mobilization and partnerships;
- (d) Conference and workshop planning, logistics and reporting;
- (e) Budgeting and financial management;
- (f) Provision of technical advice and information relating to the respective conventions;
- (g) Preparation of technical and non-technical documents;
- (h) Outreach and communication;
- (i) Information technology;
- (j) International and national law as they pertain to chemical products and wastes;
- (k) Technical training.

43. All the above functions are already carried out by the existing Basel Convention Secretariat and are requirements for both the Rotterdam and Stockholm convention secretariats, both of which should become fully operational in the coming months.

44. While there are differences in the formats and subject matter dealt with by the three secretariats, all the subject topics remain within the fields of chemicals and wastes. This provides an opportunity to improve synergies between the secretariats to enable the service provided to the Parties to the conventions to be enhanced through increased interaction, outreach and training. The benefits of such increased service to Parties (and, as appropriate, to regions) include improved coherence between chemical and waste management policies and activities at the national and regional levels.

45. Accordingly, two options are presented below for improving cooperation and synergies between the secretariats of the Basel, Rotterdam and Stockholm conventions:

- Option 1: **A common head and common convention support limited to core management functions**, including adoption of initial steps towards exploiting the benefits potentially offered by increased coordination between the three secretariats, namely, the appointment of a single Executive Secretary in charge of the three secretariats and the unification of administrative, legal and financial support into a single unit serving all three secretariats;

Option 2: **Integrated administrative support plus integrated implementation and technical assistance services**, including the partial amalgamation of the secretariats of the Basel, Rotterdam and Stockholm conventions to provide for common management and a single support unit to provide all support functions that are common to the three secretariats.

46. The two options outlined above are presented on the grounds that the three secretariats clearly share such common functions that to deny or delay some increased alignment between them would be both inefficient and uneconomic. Furthermore, it would hinder the possibility of obtaining a level of service to Parties that is inherently possible given the existing and projected allocations to the secretariats in terms of human resources. As an example, the provision of legal advice and support to each of the three convention secretariats would be combined into a common legal service composed of three persons that could provide more effective legal support to each secretariat.

47. If the Conference of the Parties to the Basel Convention does not agree to the integration of the administrative service functions of its Secretariat or those relating to implementation and technical assistance with those of the secretariats of the Stockholm Convention and the UNEP part of the Secretariat of the Rotterdam Convention, then another option would be to integrate the administrative and implementation and technical assistance service functions of the Stockholm Convention and the UNEP part of the Secretariat of the Rotterdam Convention into one unit without their Basel Convention counterparts.

48. The first option is presented as a means of exploiting immediately obvious commonalities while permitting a further examination of additional opportunities for increasing net benefits to the Parties. This option therefore allows for a gradual approach to improved coordination and integration.

49. Figure 1 below shows an organization chart corresponding to the first option, whereby there would be a single executive secretary in charge of all three convention secretariats and a common support unit would be created covering only legal, administrative and financial support activities. The latter embodies the most obvious types of basic support which are common requirements of all three convention secretariats. Establishing a common unit for basic support in this way would provide benefits by allowing a greater devotion of secretariat staff to the most substantive activities, including the promotion of the conventions, communication with the Parties, outreach, capacity-building and other technical assistance.

50. It should be noted that the appointment of a single executive officer, or executive secretary, for all three conventions merely extends the current agreement for a joint executive secretary for the Stockholm Convention Secretariat and the UNEP part of the Rotterdam Convention Secretariat.

51. The second option is presented as offering even greater potential benefits for the implementation of the conventions and service to their Parties. The staffing of the Rotterdam and Stockholm convention secretariats has yet to be completed and so this option offers an opportunity to move smoothly and quickly to a more fully integrated structure in a systematic manner. Furthermore, it represents closer and speedier alignment to the principle of integrated management of chemicals and wastes.

52. There is a broader variety of responsibilities in all three secretariats than those covered by the basic support functions which are amalgamated under the first option. Accordingly, the second option combines the majority of those functions common to each of the secretariats. These include support to convention bodies; legal and technical advice; administration and financial management; resource mobilization; information management; awareness-raising; capacity-building; monitoring; and reporting. By integrating this wider body of functions, existing resources would be used in a more coordinated manner, thereby increasing efficiency and making available improved outreach and service to the Parties to all three conventions.

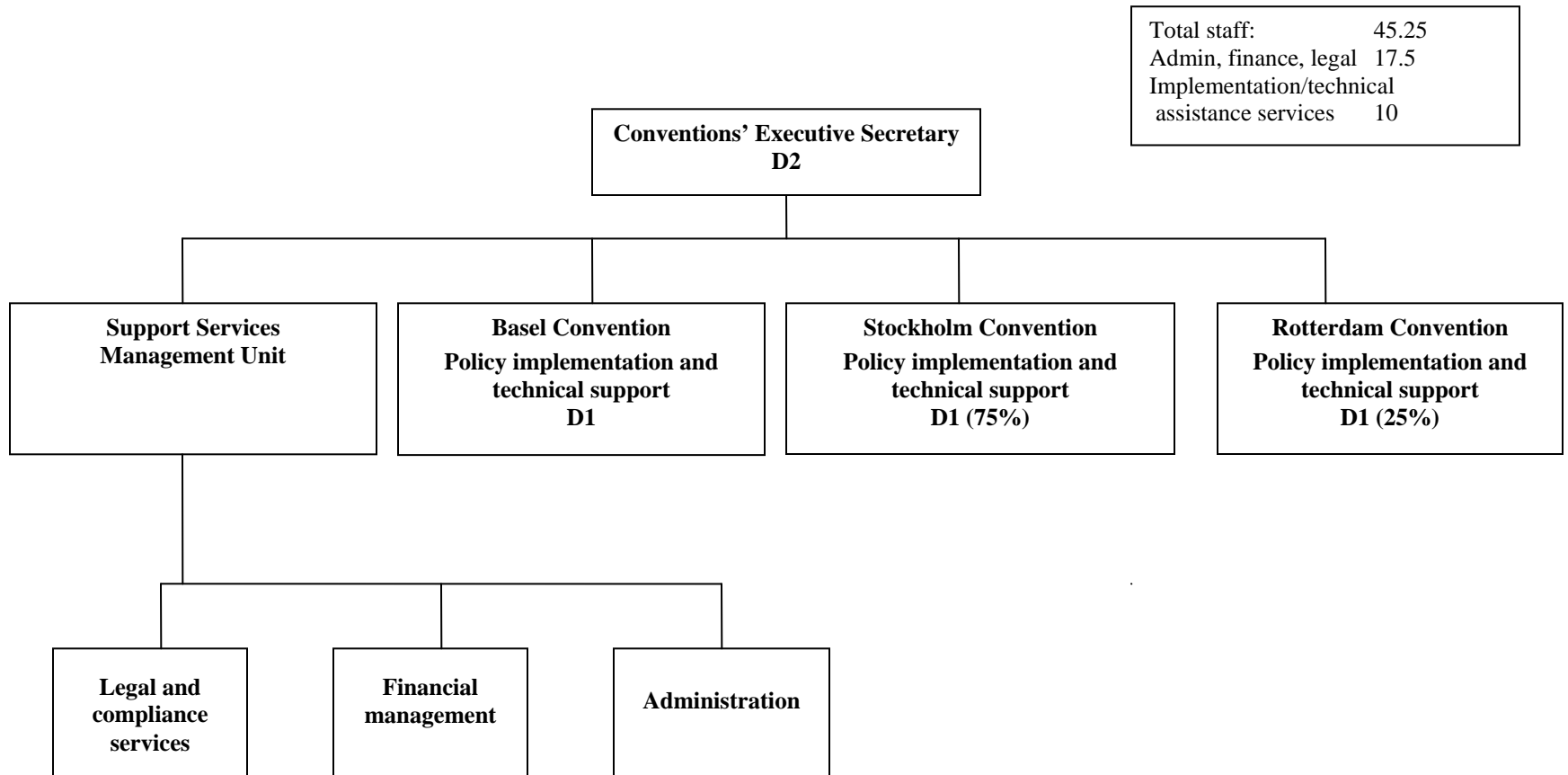
53. Figure 2 below shows an organization chart that corresponds to the second option. It includes a support unit which is more comprehensive in its coverage of common areas of support than the first option. This, in turn, offers considerably more opportunity for improved efficiency and the freeing of resources to increase human resources devoted to the substantive issues of the three conventions, particularly in the areas of policy, technical support and promotion. The level of service potentially available to Parties is inherently greater in this option than in the case of the first.

54. There are several examples of such secretariat integration. The International Maritime Organization (IMO) has a combined secretariat for the International Convention for the Prevention of Pollution from Ships (1973) (MARPOL Convention) and the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1972), which will be extended to cover the 1996 Protocol to the London Convention when it enters into force and will ultimately replace the 1972 Convention. The IMO Marine Environment Division houses this combined secretariat and achieves considerably improved efficiency in the deployment of effort in support of both conventions. Other examples relate more to secretariats created under umbrella or framework conventions. Examples include the Climate Change Secretariat, which services both the United Nations Framework Convention on Climate Change and its Kyoto Protocol. The United Nations Convention on Biological Diversity and its Protocol on Biosafety are also serviced by a joint secretariat. Similarly, the Ozone Secretariat services both the Vienna Convention for the Protection of the Ozone Layer and its Montreal Protocol on Substances that Deplete the Ozone Layer.

55. The Parties to the Stockholm Convention are invited to consider these options in the context of completing the establishment of the permanent Secretariat for the Convention.

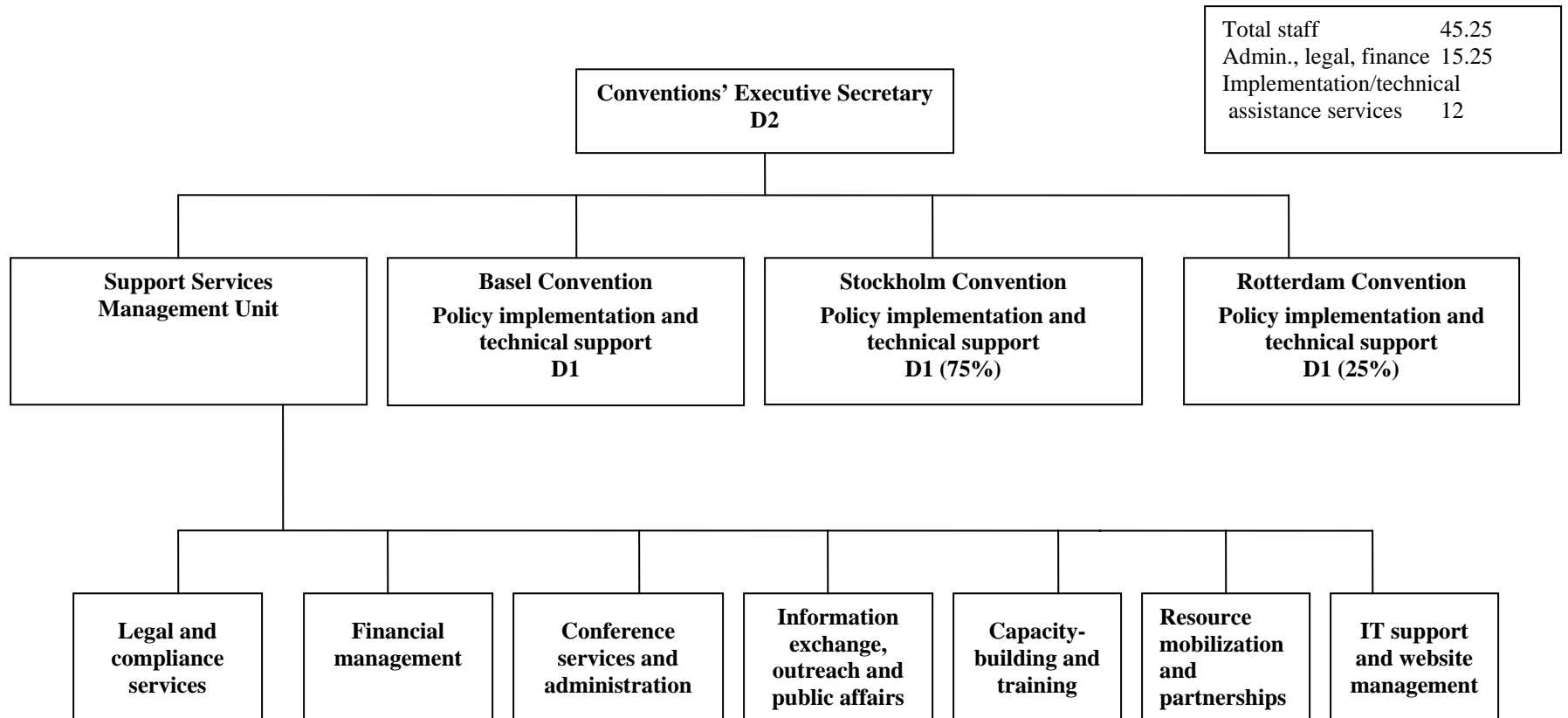
**Figure 1**

**Organization chart for option 1: Common head and common convention support limited to core management functions**



**Figure 2**

**Organization chart for option 2: Integrated administrative support plus integrated implementation and technical assistance services**



## Appendix

1. The present appendix to the note for presentation to the Conference of the Parties of the Stockholm Convention at its second meeting contains detailed material on the responsibilities and functions of the Basel, Rotterdam and Stockholm Convention Secretariats. This material is referred to in chapter IV of the annex.

### **A. Service to the Conference of the Parties and subsidiary bodies**

2. A key function of a convention secretariat is to make all the necessary arrangements for the meetings of the Conference of Parties and its subsidiary bodies. This function can be divided into at least three quite distinct areas of work involving several staff functions: administrative arrangements; logistics; and contributions to the preparations for and follow-up to the meeting. Administrative arrangements include, for example, the preparation of a host Government agreement, where necessary, and travel arrangements for participants.

3. The logistics and practical arrangements differ somewhat depending on whether a meeting is held at the seat of the secretariat. If a meeting is held in the Geneva International Conference Centre or in the Palais des Nations, or in the case of the Rotterdam Convention, in the headquarters of FAO in Rome, the workload with respect to logistics and practical arrangements of the secretariats is considerably less than if a meeting is held elsewhere. This is simply because these facilities have been conceived to receive international meetings and the secretariats are familiar with them. Most meetings are held in these locations but the secretariats still have to book the venue, including the plenary meeting room, rooms for discussions in smaller groups, registration area, document distribution, offices for staff; arrangements for side events; and ensure the technical equipment is provided and working. Conference Services of the United Nations Office at Nairobi (UNON) and the United Nations Office at Geneva (UNOG) provide assistance for meetings of the Conference of the Parties and other meetings.

4. The bulk of the work in this category is related to the substantive issues of the meeting, mainly the preparation of documents before, during and after the meeting. For meetings of the Conference of the Parties, this usually involves most of the professional staff in the secretariats as each staff member prepares documents, oversees the conduct of studies, etc., pertaining to the area of work he or she is responsible for. There is thus a considerable amount of coordination involved, particularly prior to and during a meeting. Some of the documents to be prepared are more or less generic, such as provisional agendas, annotated provisional agendas, future work plans, budgets and reports of meetings.

5. Under the Basel Convention, in addition to the Conference of the Parties which meets biannually, there are three subsidiary bodies to the Conference of the Parties, each meeting at least once annually. In 2005, all three of them met in June or July for two to five days. As the mandate of the Open-ended Working Group is to assist the Conference of the Parties in its work, it addresses issues as directed by the Conference of the Parties. The issues addressed at its meetings in recent years include implementation of the Strategic Plan adopted by the Conference of the Parties at its sixth meeting; dismantling of ships; amendments to the lists of wastes included in Annexes VIII and IX to the Convention; illegal traffic; technical guidelines on environmentally sound management of specific waste streams; partnerships and international cooperation; work programme and financial matters. As the Conference of the Parties and the Open-ended Working Group are meetings of all Parties to the Convention, the workload carried by the Secretariat in making the administrative arrangements for their meetings is heavy.

6. The Expanded Bureau and the Committee for Administering the Mechanism for Promoting the Implementation of and Compliance with the Basel Convention (Compliance Committee) are smaller in size, meet only two days at a time and work in English only. Thus, the workload carried by the Secretariat in making the administrative arrangements for their meetings is lighter.

7. Under the Rotterdam Convention, there is only one subsidiary body, the Chemicals Review Committee that usually meets for a week during February or March. This Committee has taken over from the Interim Chemicals Review Committee and is reviewing notifications by Parties of chemicals for inclusion in the Convention. The workload of the Committee and thus of the Secretariat in relation to the Committee is dependent on the notifications received from Parties. On average, the Secretariat produces 25 to 40 documents for a meeting of the Chemicals Review Committee. The Committee works in English only.

8. The Rotterdam Convention is still in its early stages of implementation and some of the issues considered by the Conference of the Parties at its first two meetings concerned the operational arrangements of the Convention, such as the rules of procedure; secretariat arrangements; non-compliance; settlement of disputes; financial mechanism and the Chemicals Review Committee. For the first and second meetings of the Conference of the Parties, the secretariat produced some 45 and 30 documents.

9. The two subsidiary bodies established by Conference of the Parties to the Stockholm Convention both met for one week in the autumn of 2005. The Persistent Organic Pollutants Review Committee has a mandate similar to that of the Chemicals Review Committee under the Rotterdam Convention but the procedures established by the two Conventions for reviewing the chemicals differ, reflecting the different consequences of inclusion in the instruments. The other subsidiary body under the Stockholm Convention, the Expert Group on Best Available Technology and Best Environmental Practices (BAT/BEP), has a limited mandate until the third meeting of the Conference of the Parties to further enhance the draft Guidance on BAT/BEP. For its first meeting, the Secretariat produced some 11 documents to assist the Expert Group in its work. The experts decided to undertake some intersessional activities prior to its second and last meeting, which is scheduled for late 2006. The Secretariat will have the task of completing the draft guidance document on the basis of the discussions in the Expert Group in advance of third meeting of the Conference of the Parties.

10. The Stockholm Convention Secretariat produced some 60 documents for consideration by the Conference of the Parties at its first meeting. As in the case of the Rotterdam Convention, the issues addressed at the first meeting of the Conference of the Parties reflect the early stages of implementation of the Convention and the establishment of its operational mechanisms, comprising rules of procedure; Persistent Organic Pollutants Review Committee; settlement of disputes; secretariat arrangements; liability and redress; non-compliance; financial rules; work plan and budget. Other issues of a more substantive nature will be described in the following sections.

## **B. Information management**

11. A substantial part of the work of the three secretariats involves the collection, management and distribution of information related to the subject matter of the respective conventions. This function requires the secretariats to distribute and make available information regarding the meetings, such as invitations and practical information for delegates as well as the documents prepared for meetings. More importantly, the three conventions contain provisions that require the secretariats to receive official communications from the Parties, organize or verify their content and, in some cases, make the information publicly available and as widely distributed as possible.

12. The secretariats also have a responsibility to produce explanatory and educational information products for various target groups, including Government officials, non-governmental organizations, the general public and so on. To fulfil this function, the conventions all have official convention websites offering information relevant to these target groups.

13. The Basel Convention Secretariat is required to receive and distribute information, amongst other things, on national definitions of hazardous waste, competent authorities and focal points, Article 11 agreements and arrangements, the implementation of the Convention, statistics on imports and exports; technical assistance and training; technical and scientific knowledge; and sources of advice and expertise. When appropriate, the Secretariat uses official communications to notify the national focal points of the information received using mail and e-mail and places the notifications on its official website. The Secretariat regularly produces the Basel Convention Bulletin, which contains information regarding recent developments under the Convention. The Secretariat also prepares publications containing the guidance

material produced under the Convention as well as other useful information, and has so far produced over 50 such publications.

14. An additional set of information management activities relate to the Basel Convention regional centres. The Secretariat is developing communication tools and distance-learning and information hubs with the regional centres on critical domains of relevance to the implementation of the Basel Convention, such as information on trade in hazardous wastes, best available practices and technologies, facilities, structuring of recycling markets, national experience in the minimization of hazardous and other wastes and transfer of know-how and sound technologies. The Secretariat is also working towards building inter- and intra-regional cooperation between the regional centres to improve the effectiveness of delivery and consolidate networking and the exchange of information and knowledge.

15. The Secretariat to the Rotterdam Convention has a responsibility to manage a substantial body of information on a very broad range of chemicals, i.e., any chemicals that are banned or severely restricted by a Party to the Convention and notified to the Secretariat in addition to those chemicals included in Annex III and subject to the PIC procedure. A key provision of the Rotterdam Convention is the exchange of information on banned or severely restricted chemicals and severely hazardous pesticide formulations. The Secretariat plays a key role in this information exchange as it receives and distributes information, inter alia, on: designated national authorities; national regulatory actions to ban or severely restrict a chemical; proposals for severely hazardous pesticide formulations causing problems under the conditions of use in developing countries or countries with economies in transition; information pertaining to the possible removal of a chemical from the Convention; information on import decisions regarding chemicals subject to the PIC procedure and information on transit movements. To facilitate this work, the Secretariat has developed standard formats for reporting notifications of final regulatory actions, import decisions for chemicals listed in Annex III and report forms to assist in recording human health or environmental incidents involving severely hazardous pesticide formulations.

16. The Secretariat also supports the work of the Chemical Review Committee by verifying the notifications of national regulatory actions and, as appropriate, forwarding the valid notifications and the relevant supporting documentation to the Chemical Review Committee. Similarly, it is responsible for collecting additional information (as set forth in part 2 of Annex IV) relevant to the consideration by the Chemicals Review Committee of proposals for listing a severely hazardous pesticide formulation. The Secretariat also facilitates communications between members of the Committee and assists in the preparation of decision guidance documents. Further, the Secretariat is responsible for the preparation and dissemination of the decision guidance documents, in the six official United Nations languages, for those chemicals subject to the PIC procedure as approved by the Conference of the Parties. Every six months, the Secretariat prepares, publishes and distributes, in three languages, the PIC Circular, which includes, inter alia, summaries of notifications of final regulatory actions to ban or severely restrict chemicals, proposals for severely hazardous pesticide formulations and a running list of the decisions on the import of chemicals subject to the PIC procedure (listed in Annex III), together with a list of those Parties which have failed to provide an import response. The PIC Circular is a key document for ensuring adherence to the PIC procedure.

17. The Stockholm Convention contains a number of provisions pertaining to the Secretariat's responsibility for receiving and distributing information. The Secretariat serves as a clearing house for information on persistent organic pollutants (POPs) and manages information relevant to the reduction and elimination of the production, use and release of POPs and to alternatives to them. The Secretariat also receives and distributes information, inter alia on specific exemptions and notifications regarding notes (ii) and (iii) in Annexes A and B, national implementation plans, national reports on implementation and so on. In the latter context, the Secretariat is also required to prepare and make available periodic reports on the information contained in national reports. Currently the Secretariat is developing an electronic format for submission of such information to increase its usefulness. The Secretariat is also developing a reporting format for PCBs. The Secretariat has been requested by the Conference of the Parties to develop a reporting and evaluation process for DDT in cooperation with WHO and to study ways to collect information to evaluate the continued need for the use of DDT. The support provided by the Secretariat to the Persistent Organic Pollutants Review Committee consists in facilitating the exchange of information pertaining to the chemicals under consideration by the Committee.

## **C. Legal support and advice**

18. The legal functions of the convention secretariats fall roughly into three main categories: legal advice on administrative issues; legal issues required to be addressed or being addressed by the respective conventions for which the secretariats provide advice and support; and legal advice and support to Parties in the implementation of the conventions.

19. The legal advice on administrative issues covers advice pertaining, inter alia, to negotiation of host Government agreements and memorandums of understanding; ensuring consistency with United Nations rules and regulations (copyright, administrative and financial matters); and advice on personnel-related matters.

20. Many of the issues relating to international treaty law which must be addressed by the conventions and for which the Secretariats are providing support are common to the three conventions. For example, all secretariats are required to maintain contact with the Depository regarding amendments to the conventions and their related instruments.

21. The issue of liability and redress or compensation has been addressed by the Basel Convention through the adoption of a Protocol to the Convention on the issue and by the enlargement of the Basel Convention Technical Cooperation Trust Fund on an interim basis to address situations of emergency. The Basel Convention Secretariat is assisting countries in ratifying the Protocol by developing manuals, conducting regional workshops to identify difficulties in ratification and analysing and making corresponding recommendations to the Parties. The Stockholm Convention Conference of the Parties will be addressing the issue of liability and compensation at its second meeting. To date, the activities of the Secretariat of the Stockholm Convention have been limited to providing meeting support, i.e., preparing a document for consideration by the Conference of the Parties.

22. As mentioned above, a mechanism for promoting implementation and compliance was adopted by the Conference of the Parties to the Basel Convention at its sixth meeting. The Secretariat is providing legal support to the committee established to administer that mechanism. Under the Rotterdam and Stockholm Conventions, a similar type of mechanism is called for by the conventions and is being discussed by Parties to those conventions with the support of their secretariats.

23. In addition, the secretariats are providing legal advice to the conferences of the Parties and their subsidiary bodies on matters addressed by the conferences of the Parties. In that context it should be noted that the Stockholm Convention Secretariat benefits from the legal support of the Senior Legal Officer of UNEP and the Rotterdam Convention from legal expertise available within FAO. The staff of the Basel Convention Secretariat includes one senior legal officer.

24. The secretariats are all providing guidance to Parties on ratification, implementation and enforcement issues through general information materials as well as through workshops on the requirements of the conventions or specific provisions. This also includes assistance in developing or strengthening arrangements, including the role of customs, for ensuring enforcement and compliance at national level. Furthermore, as directed by the Conference of the Parties, the Basel Convention Secretariat works with other multilateral environmental agreements and intergovernmental organizations (such as the World Customs Organization (WCO)) to promote harmonized approaches to the detection of illegal traffic.

25. The Secretariat of the Basel Convention provides additional legal advice to, or in connection with, the regional centres with respect to contractual arrangements, framework agreements and memorandums of understanding. It also provides, on request, assistance to Parties in resolving differences regarding the implementation of the Convention, and assists them, on request, in the development of national legislation. Finally, the Secretariat assists the Parties in addressing the legal aspects of ship dismantling, and works with other relevant intergovernmental organizations to promote a harmonized approach to ship dismantling.

## **D. Technical assistance and capacity-building**

26. General technical guidance tools comprise technical guidelines, training material and manuals and also various other tools developed to assist Parties in their implementation of the conventions. This type of guidance is often developed jointly by the secretariats and Parties to the conventions.

27. Specific technical assistance is destined for developing country Parties and Parties with economies in transition. For most conventions, technical assistance is delivered through a variety of agents, including Parties, international and regional organizations and programmes, non-governmental organizations and so on. The roles of the secretariats vary from convention to convention, from the actual implementation of projects to providing assistance and tendering advice.

28. The Secretariat of the Basel Convention undertakes activities in both of the above categories. In respect to technical guidance, the Secretariat develops methodological and decision tools for the environmentally sound management of priority wastes, such as PCBs and used lead-acid batteries. It also develops training manuals for the implementation of technical guidelines and training curricula on environmentally sound management. The Secretariat also assists in the development of regional strategic programmes for the environmentally sound management of priority hazardous and other waste streams, such as electronic and electrical wastes, used lead-acid batteries, used oils, PCBs, obsolete stocks of pesticides, and biomedical and healthcare wastes. The Secretariat has, currently, a mandate to undertake the following activities in the field of technical guidance to Parties:

- (a) To complete technical guidelines on environmentally sound management of POP wastes and waste resulting from surface treatment of metals and plastics;
- (b) To continue work on destruction of POPs;
- (c) To review and update general guidelines and guidelines on PCBs, PCTs and PBBs;
- (d) To review and update existing technical guidelines in relevant areas, such as incineration on land, engineered landfills and household wastes;
- (e) To assess the implementation of existing technical guidelines;
- (f) To promote the environmentally sound management of electronic and electrical waste; PCBs and other POP wastes; obsolete stocks of pesticides; biomedical and health care wastes; used oils; used lead-acid batteries; and the by-products of ship dismantling;
- (g) To promote the life-cycle approach to and integrated management of wastes in cooperation with national and local governments and municipalities;
- (h) To continue work on ship dismantling taking into account the work of the International Maritime Organization and information on the abandonment of ships;
- (i) To refine the guidance on hazard characteristic H11 (Toxic (Delayed or chronic)) to include work towards defining appropriate de minimis levels.

29. Technical assistance, training and technology transfer in relation to environmentally sound management of hazardous and other wastes are mainly delivered by the 14 Basel Convention regional and coordinating centres. The main functions of the centres include technology transfer, information, consulting and awareness-raising. Their activities are planned through business plans, which are dynamic instruments, open to donor countries, institutions and other international organizations for comment and input. They are updated biannually. The Secretariat provides technical support to the centres on environmentally sound management issues together with guidance to the centres to assist them in programme design, reporting, financial accounting, project development and resource mobilization.

30. The Secretariat of the Basel Convention also facilitates a number of capacity-building projects, which are implemented by Parties and the 14 regional centres in cooperation with partner organizations, including GEF, World Bank, FAO, UNEP, UNDP, UNIDO, Stockholm Convention, the Regional Seas conventions and programmes such as the Mediterranean Action Plan, and the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention), the Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes Within Africa (Bamako Convention) and the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes Within the South Pacific Region (Waigani Convention).

31. The Secretariat of the Rotterdam Convention has developed a resource kit for the implementation of the Convention, containing guidance, training and reference materials for the effective implementation of the Convention. The Parties to the Convention have adopted a strategy for the regional delivery of technical assistance. According to that strategy, the basic structure of regional delivery is built upon cooperation between the Secretariat and regional organizations, mainly the regional offices of UNEP and FAO that are capable of delivering technical assistance. The role of the Secretariat is to provide information, training and materials to those regional organizations and to facilitate the coordination of activities. In addition, the Secretariat continues to convene subregional meetings and workshops to address specific elements of the Convention and further enhance its implementation.

32. The Secretariat of the Stockholm Convention is assisting Parties in developing Guidelines on BAT/BEP and has been requested to promote the use of those guidelines. The Secretariat also promotes the UNEP toolkit for identifying and quantifying dioxin and furan releases. The Secretariat has also prepared guidance for developing national implementation plans for implementation of the Convention. This guidance is being updated and revised to incorporate guidance relevant to the Rotterdam Convention and the intended review and updating of national implementation plans consistent with the provisions of the Convention.

33. The Convention also foresees the establishment of regional and subregional centres for capacity-building and technology transfer to assist developing country Parties and Parties with economies in transition to fulfil their obligations under the Convention. The Secretariat was mandated by the Conference of the Parties at its first meeting to develop draft terms of reference for the centres and criteria for evaluating their performance. The terms will be discussed by the Conference of the Parties at its second meeting. The Secretariat provides advice and assistance to GEF, which is, on an interim basis, the principal entity entrusted with the operations of the financial mechanism of the Convention. The Secretariat also assists countries in building their capacities to implement, monitor and assess the impact of the use of DDT and alternatives in disease vector control through guidance and the convening of regional workshops.

## **E. Cooperation and partnerships**

34. The Secretariat of the Basel Convention develops or strengthens public/private partnerships for the environmentally sound management of priority waste streams, such as the Mobile Phone Partnership Initiative. The Secretariat also develops regional and national programmes on integrated waste management in partnership with national Governments, municipalities, industry and civil society. As directed by the Conference of the Parties, the Basel Convention Secretariat collaborates, among others, with:

(a) The secretariats of the Stockholm Convention, UNEP and FAO on environmentally sound management of wastes consisting of, containing or contaminated with POPs;

(b) The Secretariat of the Rotterdam Convention regarding joint efforts in training and capacity-building, involving the Basel Convention regional centres, with a view to enhancing implementation;

(c) UNEP and other intergovernmental organizations or bodies such as the Inter-Organization Programme for the Sound Management of Chemicals, the Intergovernmental Forum on Chemical Safety and the OSPAR Commission of the Convention for the Protection of the Marine Environment of the North-East Atlantic, with a view to enhancing synergies and complementarities between chemicals and waste issues;

(d) UNEP, WCO, the International Criminal Police Organization (Interpol), relevant multilateral environmental agreements such as the Montreal Protocol on Substances that Deplete the Ozone Layer to the Vienna Convention for the Protection of the Ozone Layer, the Convention on International Trade in Endangered Species of Wild Flora and Fauna and biosafety-related conventions and protocols;

(e) The United Nations Committee of Experts on the Transport of Dangerous Goods, that committee's Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals and WHO regarding the development of criteria for the hazard characteristics in Annex III to the Convention generally and also the transport of infectious substances;

(f) The Secretariat, the Harmonized System Committee and Subcommittee and the Scientific Subcommittee of WCO on the identification of wastes in the WCO Harmonized Commodity Description and Coding System;

(g) The secretariats of IMO, ILO, the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (London Convention, 1972) and the United Nations Convention on the Law of the Sea on dismantling of ships;

35. The Basel Convention Secretariat also cooperates, as instructed by the Conference of the Parties, on critical areas for the effective implementation of the Basel Convention, its protocol and amendments with relevant organizations, including the following:

- (a) World Bank;
- (b) GEF;
- (c) United Nations Commission on Sustainable Development;
- (d) The United Nations Conference on Trade and Development;
- (e) The United Nations Office for the Coordination of Humanitarian Affairs;
- (f) UNITAR;
- (g) The Office of the United Nations High Commissioner for Human Rights;
- (h) United Nations regional economic commissions;
- (i) The United Nations Office of Legal Affairs, Division for Ocean Affairs and the Law of the Sea;
- (j) The World Trade Organization;
- (k) The International Lead and Zinc Study Group, and also other study groups on copper and nickel;
- (l) The Organisation for the Prohibition of Chemical Weapons;
- (m) The regional seas conventions and action plans;
- (n) The African Union, as secretariat of the Bamako Convention;
- (o) The African Ministerial Conference on the Environment (AMCEN);
- (p) The New Partnership for Africa's Development (NEPAD);
- (q) The South Pacific Regional Environment Programme, as secretariat of the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes Within the South Pacific Region (Waigani Convention);
- (r) OECD;
- (s) The International Energy Agency.

36. The Secretariat of the Rotterdam Convention collaborates with the following:

- (a) UNITAR on a joint programme on action plan development;
- (b) The Pesticide Action Network (PAN) on severely hazardous pesticide formulations;
- (c) WHO on severely hazardous pesticide formulations;
- (d) WCO, to include chemicals listed in the Convention in the Harmonized Commodity Description and Coding System and to include coverage of chemicals in the training of customs officers;
- (e) FAO, on alternative agricultural practices including the use of alternative chemicals;

(f) The regional offices of FAO and UNEP and the Basel Convention regional centres on technical assistance and capacity-building.

37. The Secretariat of the Stockholm Convention collaborates with the following:

(a) The Secretariat of the Basel Convention;

(b) WHO, to develop partnerships on long-term strategies for developing and deploying alternatives to DDT;

(c) FAO, on POPs pesticides;

(d) GEF, on implementation of the memorandum of understanding and the financial mechanism;

(e) UNEP Chemicals on various issues, including the UNEP toolkit on dioxins and furans and on PCBs;

(f) UNITAR, on national programmes for chemicals management.

38. When invited to participate, all three secretariats send representatives to observe special sessions of the Committee on Trade and Environment under the World Trade Organization. The secretariats promote synergies through the conduct of joint training workshops and seminars on information and reporting, enforcement, on classification, *etc.* They also participate in technical and science-based working groups on wastes, chemicals and associated technologies.

## **F. Organizational and administrative matters**

39. For the purposes of this study, all organizational and administrative issues are described separately from the substantive and technical activities. The issues are interlinked, however, and administrative personnel closely follow the activities within the various programmes and are involved in the development of the work plans and budgets of the respective conventions. The following subsections discuss organizational considerations; administrative arrangements; information technology services and financial matters.

### **1. Organizational considerations**

40. The organizational and programmatic aspects of the secretariats of the Basel, Rotterdam and Stockholm Conventions are relevant to determining opportunities for increasing the delivery of the respective responsibilities through synergy. The Rotterdam and Stockholm Convention secretariats are still in the process of being established. The subunits have not yet been fully created and the secretariats are not fully staffed. In the interim, the functions of the secretariats are being provided by UNEP Chemicals; in the case of the Rotterdam Convention, jointly with FAO.

41. The Basel Convention Secretariat is divided into six main programmes of various sizes, reflecting the activities which the Secretariat carries out at the instruction of the Conference of the Parties: executive direction; legal and compliance; partnerships and resource mobilization; outreach and public affairs; technical support and capacity-building; and fund management, conference services and administration. A total of 20 staff members work in the Secretariat, including 10 professionals and four programme assistants.

42. The Secretariat of the Rotterdam Convention is provided jointly by FAO in Rome and UNEP in Geneva. The FAO part of the Secretariat focuses on policy, implementation and technical support with respect to pesticides. This part was not considered in the study as far as integration with the other secretariats was concerned and is not expected to be impacted by decisions taken as a result of the study by the conferences of the Parties of the chemicals and wastes conventions. The UNEP part of the Secretariat of the Rotterdam Convention deals with policy, implementation and technical support in respect of industrial chemicals, administration, secretariat operations and meeting coordination and support. When fully staffed, the complete Secretariat would comprise 12 professionals and four support staff (including a finance officer shared with the Stockholm Convention Secretariat and UNEP Chemicals).

43. The Secretariat of the Stockholm Convention is divided into two main units, a policy, capacity assistance and administration unit and a scientific issues unit. Each of these units are headed by a

P-5 reporting to the shared Executive Secretary. When fully staffed, the Secretariat is intended to comprise 11 professionals, including the Executive Secretary, and seven support staff.

44. For administrative and management purposes, the executive secretaries of the Basel and Stockholm Conventions and the Co-Executive Secretary of the Rotterdam Convention (in the UNEP part) report to the Executive Director of UNEP through the Deputy Executive Director. The Co-Executive Secretary of the Rotterdam Convention (in the FAO part) reports to the Director-General of FAO. However, for policy, financial, budgeting and programmatic matters, the executive secretaries of the conventions report to their respective conferences of the Parties.

45. For administrative and management purposes, the executive secretaries of the Basel and Stockholm Conventions and the Co-Executive Secretary of the Rotterdam Convention (in the UNEP part) report to the Executive Director of UNEP through the Deputy Executive Director. The Co-Executive Secretary of the Rotterdam Convention (in the FAO part) reports to the Deputy Director General of FAO. However, for policy, financial, budgeting and programmatic matters, the Executive Secretaries of the Conventions report to their respective Conferences of Parties.

## **2. Administrative arrangements**

46. The administrative arrangements (including management of finances; budget; administration; contracts; memorandums of understanding; consultancies; space, utilities and equipment; personnel; and travel) for the Stockholm Convention and the UNEP part of the Rotterdam Convention secretariats are the same. The contemporary arrangements reflect the transition from interim secretariats to the structures approved by the two conferences of Parties. In March 2004, the Executive Director of UNEP decided to separate the Rotterdam and Stockholm Convention secretariats from the UNEP Chemicals Branch to avoid potential conflicts of interest in connection with UNEP being an implementing agency of GEF.

47. Contracts and other administrative arrangements for the Secretariat of the Stockholm Convention and for the UNEP part of the Secretariat of the Rotterdam Convention were, until recently, approved and processed by UNOG. However, as of 2005, such arrangements are being processed through a newly established Administrative Services Centre and approved by UNON. Actions to be processed by the Administrative Services Centre must first be approved by the Director of the UNEP Division of Technology, Industry and Economics, who also serves as the UNEP Officer-in-Charge of the Stockholm Convention Secretariat and the UNEP part of the Rotterdam Convention Secretariat. Personnel matters of the two secretariats are dealt with in accordance with the rules and procedures of FAO and UNEP, respectively.

48. The Secretariat of the Basel Convention manages its administrative arrangements with support from UNON and UNOG, with its administrative officer, administrative assistant and budget and finance assistant provided by UNON from the 13 per cent programme support costs paid to UNON from contributions to the Basel Convention Trust Fund. The Convention also has its own meetings and documents assistant, personnel assistant and reproduction and filing clerk (paid directly from the Convention Trust Fund). The Basel Convention continues to use UNOG to approve contracts, travel arrangements, salary payments, training, IT services and the like, and UNON for other administrative and fund management services.

## **3. Information technology services**

49. There are two broad categories of IT support that a convention secretariat requires to carry out its functions: basic IT services and IT services to support projects.

50. The basic IT services comprise management, policies and coordination of services, including licences; server and workstation monitoring and maintenance; monitoring and maintenance of printers and other peripherals; network monitoring, maintenance and administration, including security and virus issues; user support, training and troubleshooting (helpdesk); e-mail administration; backup and disaster recovery; procurement support and technological survey.

51. For the Rotterdam (UNEP part) and the Stockholm Convention secretariats, these basic services are provided by UNEP Chemicals. For the Basel Convention Secretariat, such basic services are provided by its own IT officer and by UNOG.

52. The IT services in support to projects cover a different range of activities, including management, policies and coordination; website design and maintenance; database development, administration and support; clearing-house development and support; application design and development; and IT support to conferences and meetings. These services are linked to the activities of the respective conventions and frequent interaction with the professional staff is a prerequisite for delivering support. Accordingly, knowledge of the specific provisions of the conventions as well as of the past and current activities undertaken by the Secretariat is essential to providing those services. This specific IT support is therefore available within the respective convention secretariats through information managers and webmasters. In the Basel Convention Secretariat, all these functions are performed by its IT officer.

#### **4. Financing**

53. The three conventions have adopted comparable approaches to the financing of activities under their auspices in that all three distinguish between financing the operational work of the secretariats (covering most of the core activities) and additional activities (such as travel of participants to meetings, hiring consultants and, to some extent, technical cooperation programmes).

#### **5. Financing the operations of the secretariats**

54. The Basel Convention has established the Basel Convention Trust Fund to support the work of the Secretariat and the organization of meetings under the Convention. At each meeting, the Conference of the Parties adopts a budget for the Trust Fund which covers Secretariat operations and also organization of meetings and some travel of participants to meetings of the Convention bodies. The Fund consists of contributions provided by the Parties in accordance with agreed scales of assessment. For 2006, the operational budget of the Basel Convention was \$4,404,740. The premises of the Secretariat of the Basel Convention are provided rent free by the Government of the host country, whereas office maintenance and utilities costs are charged directly to the Basel Convention Trust Fund. The costs of security services have been covered from the programme support costs charged by UNEP. Otherwise, the Convention does not receive any in-kind or financial support from UNEP or other programmes or organizations, although some Governments from time to time fund the appointment of junior professional officers.

55. The Rotterdam Convention has also established a general trust fund for the operational budget of the Convention and the Conference of the Parties adopts the operational budget, which covers the Secretariat operations, at each meeting. The fund consists of contributions provided by the Parties in accordance with agreed scales of assessment. The budget for 2006 was \$3,710,224. In addition, the host Governments (Italy and Switzerland) provide an annual contribution of \$1.5 million towards the operational budget. Finally, the Rotterdam Convention receives in-kind support in the form of staff and services from UNEP and FAO which covers:

(a) Office facilities etc. for the Rotterdam Convention Secretariat in Rome provided by FAO and the use of UNEP and FAO conference facilities and services in Geneva, Rome, and the FAO regions;

(b) An administrative/financial officer, financial assistant, administrative assistant, and information technology and internet support officer shared with the Stockholm Convention and UNEP Chemicals (three positions are financed from the project support costs charged to the trust funds administered by UNON);

(c) Staff to the Rotterdam Convention Secretariat (FAO part) paid directly by FAO (approximately \$855,000) and also other administrative and legal support from FAO;

(d) FAO and UNEP assistance in the development of legislation for the Rotterdam Convention.

56. The Stockholm Convention has also established a general trust fund to provide financial support to the work of the Secretariat. The fund consists of contributions provided by the Parties in accordance with agreed scales of assessment. The operational budget is adopted by the Conference of the Parties at each meeting. For 2006, the budget was \$5,366,136. In addition, the host Government (Switzerland) provides an annual contribution of \$1.6 million towards the operational budget. Finally, the Convention receives some in-kind support from the host Governments and UNEP, as follows:

(a) Office facilities for the Stockholm Convention Secretariat provided by the host country and the use of conference facilities and services in Geneva;

(b) An administrative/financial officer, financial assistant, administrative assistant, and information technology/internet support officer shared with the Rotterdam Convention and UNEP Chemicals (three positions are financed from the project support costs charged to the trust funds administered by UNON).

## **6. Financing implementation and other activities**

57. The Basel Convention has established a Technical Cooperation Trust Fund for the receipt of voluntary contributions by Parties in addition to their regular contributions, from non-Party Governments, intergovernmental and non-governmental organizations and the private sector. This trust fund serves to finance the travel of participants from developing country Parties and Parties with economies in transition as well as the Convention's technical cooperation programme. In the case of technical cooperation trust funds, the Convention's Conference of the Parties adopts an indicative budget taking note of the funding estimates provided by the Secretariat. For 2006, the estimates for the Basel Convention Technical Trust Fund were \$12,300,000 to cover items such as consultants, staff, subcontracts on projects for the implementation of the Strategic Plan (2002–2010), training workshops and travel of participants to meetings.

58. These estimates, however, are not matched by voluntary contributions to the Trust Fund, particularly as many such contributions are earmarked, which creates problems of sustainability for the implementation of the Strategic Plan to 2010 and capacity-building activities. Lack of sustainable funding also prevents a large number of developing countries and countries with economies in transition that are Parties from attending the Conference of the Parties and the meetings of its subsidiary bodies, and the participation of the regional/coordinating centres in relevant meetings of the Convention. To overcome the lack of predictable and sustained sources of funding for legal and technical assistance activities, the Secretariat is proactive in seizing opportunities to develop projects jointly with other public and private partners. In this context, it is actively pursuing strategic partnerships such as the Africa Stockpiles Programme. Through the concentration of activities and development of larger-scale projects, the Secretariat is attracting new sources of funding, albeit on a limited scale.

59. Recognizing that the lack of sustainable funding is a real obstacle to the implementation of the objectives of the Convention, the Conference of the Parties to the Basel Convention, at its seventh meeting, requested that a study be carried out to determine the legal and institutional feasibility of appropriate and predictable financial mechanisms, focusing in particular on GEF. Currently, the Basel Convention has the opportunity to access GEF funds through linkages to conventions for which the GEF is the financing mechanism. Such linkages exist with certain types of capacity-building projects such as the regional seas conventions, the Stockholm Convention (through its Article 6) and the carbon dioxide initiative under the World Bank. If GEF were to be adopted as the financial mechanism for the Basel Convention, the Basel Convention Conference of the Parties would need to agree to include GEF as one of its funding mechanisms. To secure GEF as a direct funding mechanism may be a longer-term process of action. After preliminary work and review of the Convention within the context of GEF, the Executive Secretary would need to make a formal request, on behalf of the Basel Convention Conference of the Parties, to the Chief Executive Officer of GEF and the GEF Council would have to take an affirmative decision.

60. The Rotterdam Convention has established a voluntary Special Trust Fund for the receipt of voluntary contributions made by Parties in addition to their regular contributions, and from non-Party Governments. This trust fund serves to finance the travel of participants from developing country Parties and Parties with economies in transition as well as the convention's technical cooperation programme. In the case of this Special Trust Fund, the Rotterdam Convention Conference of the Parties takes note of funding estimates provided by the Secretariat. For 2006, the funding estimates for activities under the voluntary fund was \$950,000 to cover technical assistance activities, printed material, website maintenance and the travel of participants. The Rotterdam Convention Conference of the Parties is studying possible options for sustainable financing. At its second meeting, the Conference of the Parties considered a number of options that had been identified by the Secretariat. The Conference of the Parties was, however, unable to reach a consensus and requested the Secretariat to examine in greater detail the various options for the Conference of the Parties to reconsider at its third meeting.

61. The Stockholm Convention has established a Special Trust Fund for the receipt of voluntary contributions made by Parties in addition to their regular contributions and by non-Party Governments, intergovernmental and non-governmental organizations and the private sector. This trust fund has been

established particularly to support facilitation and promotion of technical assistance, training and capacity-building and appropriate participation of representatives of developing country Parties and Parties with economies in transition. At each meeting, the Convention's Conference of the Parties takes note of the funding estimates for activities to be financed from this trust fund. For 2006, the estimates were as \$1,000,000, mainly to cover consultants and the travel of participants to meetings.

62. The Stockholm Convention establishes a financial mechanism to provide "adequate and sustainable" financial resources for developing country Parties and Parties with economies in transition. The Convention has designated GEF as its financial mechanism on an interim basis. For its part, GEF has established a POPs focal area and drafted an operational programme for funding POPs projects. It has already funded over 120 projects relating to implementation of the Stockholm Convention. This funding is not channelled through the Convention Secretariat and this partly explains the considerable differences between the sizes of the budgets of the voluntary trust funds of the three conventions.

63. For all three conventions, the funds are administered by UNON. The costs of this administration are covered by the overhead (programme support costs, 13 per cent) charged to the respective trust funds. However, administrative support positions in the secretariats are typically funded from this overhead too. The Secretariat of the Basel Convention has three positions funded directly by UNON, while UNEP Chemicals has three positions funded by the overheads of the Rotterdam and Stockholm Convention trust funds.

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