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

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English only



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



**Stockholm Convention on  
Persistent Organic Pollutants**

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

Second meeting

Vienna, 10–13 December 2007

Item 3 of the provisional agenda\*

**Consideration of the intersessional work undertaken by the  
members of the ad hoc joint working group and by the  
Secretariats of the Basel, Rotterdam and Stockholm Convention**

## **Joint input into other processes**

### **Note by the secretariats**

Attached is the thought starter on “Joint input into other processes” prepared by France and Austria for consideration by the meeting. The document has not been formally edited.

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\* UNEP/FAO/CHW/RC/POPS/JWG.2/1.

## Joint input into other processes

**Lead:** France, Austria

The document has also received comments from Denmark, Germany and UK

23 November 2007

### 1. Definition and scope

To expose the contribution of the co-operation and coordination process of the Basel, Stockholm and Rotterdam conventions to other organizations (e.g. UNEP, GEF), including those that are not specifically belonging to the environmental sector but which have close impacts on the environmental sector, such as WTO, WHO, World Customs Organization, ILO and IMO. This definition includes two types of inputs:

- coordinated participation or input on issues of common concern from Parties (states) when participating in other fora or processes (i.e. national coordination);
- coordinated participation or input on issues of common concern by a representative on behalf of the three COPs (e.g. by a secretariat or a COP president); this includes the question on how to coordinate internally between the secretariats or the COPs.

### 2. Obligations in the frame of the three conventions

This section only refers to relevant Articles contained in the three Conventions, and does not, at this stage, include any references to relevant decisions taken by each of the Conferences of the Parties.

#### 2.1 Basel Convention

The Preamble of the Basel Convention on transboundary movements of hazardous wastes and their disposal sets its objectives within a frame which refers to other international and regional agreements related to the environment<sup>1</sup>.

Article 10.4:

- taking into account the needs of developing countries, co-operation between Parties and the competent international organizations is encouraged to promote, inter alia, public awareness, the development of sound management of hazardous wastes and other wastes and the adoption of new low-waste technologies

Article 16(1) – Secretariat

- The functions of the Secretariat shall be: [...]
- (d) To ensure the necessary coordination with international bodies ...;

#### 2.2 Stockholm Convention

The preamble of the Stockholm Convention lays down the frame for this Convention referring to relevant international environmental conventions, especially the Rotterdam Convention and the Basel Convention (including the regional agreements developed under its Article 11), as well as through recognition of the mutual supportiveness of this Convention and other international agreements in the field of trade and environment. Special acknowledgement is made of the broader international sustainable development context through references to the Programme of Action for the Sustainable Development of SIDS, as well as to the Rio Declaration on Environment and Development and Agenda 21.

Further relevant Articles contained in the Convention and referring to the need for cooperating with relevant organizations:

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<sup>1</sup> see recitals 12, 13 and 21 of the Basel Convention

**Article 7(2) – Implementation Plans**

- The Parties shall, where appropriate, cooperate directly or through global, regional and subregional organizations, and consult their national stakeholders, including women’s groups and groups involved in the health of children, in order to facilitate the development, implementation and updating of their implementation plans.

**Article 11(2) – Research, development and monitoring**

- In undertaking action under paragraph 1, the Parties shall, within their capabilities:
- (a) Support and further develop, as appropriate, international programmes, networks and organizations aimed at defining, conducting, assessing and financing research, data collection and monitoring, taking into account the need to minimize duplication of effort;

**Article 19(5) – Conference of the Parties**

- The Conference of the Parties shall keep under continuous review and evaluation the implementation of this Convention. It shall perform the functions assigned to it by the Convention and, to this end, shall: [...]
- (b) Cooperate, where appropriate, with competent international organizations and intergovernmental and non-governmental bodies;

**Article 20(2) – Secretariat**

- The functions of the Secretariat shall be: [...]
- (c) To ensure the necessary coordination with the secretariats of other relevant international bodies;

**2.3 Rotterdam Convention**

The preamble of the Rotterdam Conventions refers to the variety of activities undertaken by UNEP and the FAO thus contributing to the development of this Convention. Again, references is made to the mutual supportiveness with other relevant trade and environment related international agreements.

Further relevant Articles contained in the Convention are as follows:

**Article 13(1) – Information to accompany exported chemicals**

- The Conference of the Parties shall encourage the World Customs Organization to assign specific Harmonized system customs codes to the individual chemicals or groups of chemicals listed in Annex III, as appropriate. Each Party shall require that, whenever a code has been assigned to such a chemical, the shipping document for that chemical bears the code when exported.

**Article 15(3) – Implementation of the Convention**

- The Parties agree to cooperate, directly or, where appropriate, through competent international organizations, in the implementation of this Convention at the subregional, regional and global levels.

**Article 18(5) – Conference of the Parties**

- The Conference of the Parties shall keep under continuous review and evaluation the implementation of this Convention. It shall perform the functions assigned to it by the Convention and, to this end, shall: [...]
- (b) Cooperate, where appropriate, with competent international organizations and intergovernmental and non-governmental bodies;

**Article 19(2) – Secretariat**

- The functions of the Secretariat shall be: [...]
- (c) To ensure the necessary coordination with the secretariats of other relevant international bodies;

**3. Analysis**

The question of the contribution of the co-operation and coordination process of the Basel, Stockholm and Rotterdam conventions to other international processes with impacts on the environment raises two points, which both are partly complementary and opposite:

- a) There is a real need to coordinate in the best possible way the results of the works underway under each of the three conventions, considering that every process brings its own contribution to the protection of the environment. The common objective is to create a common added value, which would benefit to all three processes.
- b) It is necessary not to lose the technical substance of each process and not to deprive any instrument of its expertise capacity and own added-value.

The first point is in line with the common wish of the Parties to support the objective of improving the international governance of the environment through the process of co-operation and coordination. It also takes into account the growing influence of the environment upon a large number of international issues, the environmental issues themselves becoming a major topic within the international debate.

The second point raises the question point of the efficiency of the work done under the frame of each convention. The coordination and co-operation process has been set up inter alia to help draw up a more coherent strategic approach. However, it is also important to remain vigilant to ensure the whole process does not generate either losses of substance or duplications of actions.

A better coordination of the national authorities in charge of these aspects might help to set up a efficient and rational joint follow-up of these issues. Among the aspects which are important to take into account at the national level, it could be useful to tackle:

- the respective efficiency of the different administrative services in charge of the environmental conventions and their national implementation;
- the national human resources available: the capacity of the national levels to appoint appropriate available expertise among the personnel in charge of the follow-up of the existing MEAs is an important issue, considering that the joint process issue constitutes an additional task for the existing teams (with constraints in terms of possible heavier participation to additional meetings, travels, etc).

A question also to consider is how to deal with meetings with limited participation (e.g. closed meetings) or where application for observer status<sup>2</sup> is required, such as in the WTO?

## **4. Propositions**

### **4.1 Coordinated participation or input on issues of common concern from Parties (states) when participating in other fora or processes**

Each Party has a sovereign right to decide on ways of national coordination for coordinated participation or input on issues of common concern from Parties (states) when participating in other fora or processes. There are several options to ensure such national coordination. One option may be the coordination between the national delegate(s) in charge of the respective forum with inter alia the experts in charge of the three conventions according to the need. Another option might be the designation of one common delegate, in addition to the national delegate(s) in charge of the respective forum, to represent the three conventions. This delegate would receive a mandate from the national authority or authorities on each of the three conventions. This measure might however require to rely on available experts with good knowledge of the aspects of the three (or more) conventions, but might be solved by detailed instructions.

### **4.2 Coordinated participation or input on issues of common concern by a representative on behalf of the three COPs**

#### **4.2.1 Input levels:**

Technical level through e.g. Secretariat representatives, designated experts (e.g. Bureau members, WG chairs).

Political level through e.g. Executive Secretaries, COP Presidents

Joint input is not necessarily limited to representation at meetings, but could also involve transmission of documents for information purposes

#### **4.2.2 Organizational /Institutional aspects:**

There is a need to differentiate between

- representation of interests
- mere information exchanges which would involve a different level of coordination/cooperation.

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<sup>2</sup> E.g. observer status of MEAs in relevant WTO committees (UNEP granted observer status in Committee on Trade and Environment; pending application by the Basel Convention; so far agreement by committee to invite organizations on an ad-hoc, meeting by meeting basis)

**4.2.2.1 Representation of Interests**

A clear designation of who/what group of representatives would be responsible for providing joint input and coordination of joint input (e.g through a COP decision or formalizing standardized procedures) could be a possible approach, even already on the short term. Such as designation could also take place on an ad hoc basis.

**4.2.2.2 Mere information exchange**

Since the mandates of all of the Secretariats include the coordination with other fora, we could imagine a key role for the Secretariats in these matters. This already happens to a certain degree and on an informal basis. Short-term measures could include the formalization thereof.

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