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**Advisory committee on the simultaneous extraordinary meetings of the conferences  
of the Parties to the Basel, Rotterdam and Stockholm conventions**  
**First meeting**  
Geneva, 20 July 2009

## **Report of the first meeting of the advisory committee on the simultaneous extraordinary meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions**

### **Introduction**

1. Decision IX/10 of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, decision RC-4/11 of the Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and decision SC-4/34 of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants are substantially identical decisions by which the conferences of the Parties of the three conventions called for greater cooperation and coordination among the Basel, Rotterdam and Stockholm conventions. In those synergies decisions, the conferences agreed “to convene simultaneous extraordinary meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions” and requested “the Executive Director of the United Nations Environment Programme, in consultation with the Director-General of the Food and Agriculture Organization, to organize the meetings in coordination with the eleventh special session of the Governing Council/Global Ministerial Environment Forum of the United Nations Environment Programme”.

2. The current meeting was held in Geneva on Monday, 20 July 2009, to provide an opportunity for the advisory committee, comprising the members of the bureaux of the three conventions acting in their personal capacities, to provide input to 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) in their preparations for the simultaneous extraordinary meetings of the conferences of the Parties, which are scheduled to take place in Bali, Indonesia, on 22 and 23 February 2010, in conjunction with the eleventh special session of the UNEP Governing Council/Global Ministerial Environment Forum.

### **I. Opening of the meeting**

#### **A. Opening remarks by the Executive Director**

3. The meeting was opened at 9 a.m. by Mr. Achim Steiner, Executive Director of UNEP, who welcomed the meeting participants. He underlined the important role to be played by the committee in the preparations for and during the simultaneous extraordinary meetings. To ensure the success of the meetings the committee’s input was needed on the format of the meetings and the level of expectations. He emphasized the importance of openness and transparency in the period leading up to the meetings and the need to respect the autonomy of each of the three conventions. He noted too that the members of

the advisory committee had an important role to play within their regional groupings to promote consensus at the meetings.

4. He reported that on 15 June 2009 a Synergies Oversight Team had been established to support him and the Director-General of FAO in implementing the synergies decisions and in preparing the simultaneous extraordinary meetings. The team comprised the executive secretaries of the three conventions, a representative of the Executive Director and a representative of the Director-General (the last-mentioned of whom had not yet been nominated). The team aimed to provide the Executive Director, working in consultation with the Director-General, with both recommendations on the simultaneous extraordinary meetings and more strategic, long-term advice and recommendations on synergies among the three conventions. It reported regularly to the Executive Director, both directly and through the UNEP Division of Environmental Law and Conventions. He also informed the advisory committee members that an interim Joint Services Body had been established on 15 June 2009 and had been operational since then. Its role was to provide coordinated services to the three conventions and their Parties in areas such as legal matters, information technology, public awareness and others, as called for by the conferences of the Parties in the synergies decisions.

5. Finally he noted that the synergies process was to be linked with the international environmental governance discussions and the United Nations reform process and could serve as a pilot for similar processes that might be embarked upon in the future, e.g., for the biodiversity cluster.

## **B. Attendance**

6. The following members of the Bureau of the Basel Convention participated in the meeting: Mr. Barry Reville (Australia) (by telephone); Mr. Osvaldo Álvarez-Pérez (Chile); Mr. Mohammad Koba (Indonesia); Mr. Andrzej Jagusiewicz (Poland); Mr. Deusdedit B. Kaganda (United Republic of Tanzania).

7. The following members of the Bureau of the Rotterdam Convention participated in the meeting: Ms. Kerstin Stendahl (Finland); Ms. Rocío Alatorre Eden-Wynter (Mexico); Mr. Hamoud Darwish Salim Al-Hasani (Oman); Ms. Magdalena Balicka (Poland); Ms. Solveig Crompton (South Africa).

8. The following members of the Bureau of the Stockholm Convention participated in the meeting: Mr. François Lengrand (France); Mr. Alireza Tootoonchian (Islamic Republic of Iran); Ms. Carolyne Nyoki Wamai (Kenya).

9. The meeting was also attended by Mr. Achim Steiner, Executive Director of UNEP; Mr. Bakary Kante, Director, UNEP Division of Environmental Law and Conventions; and Mr. Jacob Duer, Senior Adviser and UNEP Multilateral Environmental Agreement Synergies Focal Point in Geneva.

10. The meeting was also attended by the executive secretaries of the Basel, Rotterdam and Stockholm conventions: Ms. Katharina Kummer Peiry, Executive Secretary of the Basel Convention; Mr. Donald Cooper, Co-Executive Secretary of the Rotterdam Convention (UNEP) and Executive Secretary of the Stockholm Convention; and Mr. Peter Kenmore, Co-Executive Secretary of the Rotterdam Convention (FAO).

11. The meeting was also attended by Ms. Laura Meszaros, Programme Officer, Rotterdam Convention; Mr. David Ogden, Coordinator, Stockholm Convention; Mr. Osmany Pereira, Acting Head of the interim Joint Services Body; Mr. Nelson Sabogal, Chief, Convention Services and Governance Unit of the Basel Convention; and Ms. Amélie M. Taoufiq-Cailliau, Legal Officer for the Rotterdam and Stockholm Conventions.

## **II. Adoption of the agenda**

12. The advisory committee adopted the agenda set out below:

1. Opening of the meeting.
2. Adoption of the agenda.
3. Organization of the simultaneous extraordinary meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions.

4. Issues for consideration during the simultaneous extraordinary meetings in accordance with decisions IX/10, RC-4/11 and SC-4/34 of the Basel, Rotterdam and Stockholm conventions:
  - (a) Joint activities;
  - (b) Joint managerial functions;
  - (c) Joint services;
  - (d) Synchronization of budget cycles;
  - (e) Joint audits;
  - (f) Review mechanism and follow-up on the work of enhancing coordination and cooperation processes between the three conventions;
  - (g) Reports from the Executive Director of UNEP and the secretariats of the three conventions.
5. Next steps.
6. Other matters
7. Closure of the meeting.

### **III. Organization of the simultaneous extraordinary meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions**

13. The Executive Director reported that the Synergies Oversight Team, in consultation with UNEP, had discussed various options for the organization of the simultaneous extraordinary meetings, taking into account the synergies decisions and logistical constraints. In line with those discussions the representative of UNEP outlined a proposal, asking the advisory committee members for their views.

14. Under the proposal, on Monday, 22 February 2010, the conferences of the Parties of the Basel, Rotterdam and Stockholm conventions would convene in sequence, each for a maximum of 45 minutes. The objective of the three sessions would be for each conference to agree to the establishment of a joint working group. The joint working group, which would be open to all Parties to the three conventions, would commence its work on Monday and continue the following day. Its aim would be to negotiate draft decisions for adoption by the three conferences.

15. On the afternoon of Thursday, 25 February (the second day of the eleventh special session of the UNEP Governing Council/Global Ministerial Environment Forum), the three conferences would meet for up to one hour and a half to consider adopting the draft decisions negotiated by the joint working group. The high-level segment of the UNEP special session would, subject to approval by the Bureau of the Governing Council/Global Ministerial Environment Forum, adjourn for the time necessary to allow the three conferences to meet and adopt the decisions. That arrangement would facilitate ministerial participation in the conferences' adoption of any decisions. Two options were presented for the form of that session: either the three conferences could meet in sequence, one immediately after the other, considering and possibly adopting the draft decision in series, or they could meet jointly in a single session.

16. In presenting that proposal the Executive Director stressed the importance of establishing a sound decision-making process for the simultaneous extraordinary meetings, noting that both practical and legal considerations had to be taken into account. In that context he said that he wished first to identify what was perceived to be the best approach by the advisory committee, following which he would seek legal guidance on how best to implement the approach to be taken. He noted too that it would be necessary to consider how best to organize the work to be done in the time available to prepare for the simultaneous extraordinary meetings.

17. In the discussion following the Executive Director's remarks general support was voiced for the proposal to establish a joint working group to negotiate draft decisions. There was also consensus that it would be best to adopt any decisions at a single session of the three conferences of the Parties rather than three sessions in succession. Out of concern for the legal autonomy of each convention, however, it was felt that the presidents of all three conferences should preside, in preference to designating a single

chair of the session. It was also noted that the rules of procedure of all three conventions had to be considered in structuring the session (given, for example, that only those of the Basel Convention provided for voting on matters of substance), as had the legal autonomy of the three conventions. With regard to the joint working group, it was suggested that a facilitator could be appointed to guide negotiations on draft decisions. There was also discussion, but no consensus, on the level of participation in the simultaneous extraordinary meetings by non-Parties and observers, especially in the light of the fact that not all countries were Parties to all three conventions.

18. The Executive Director confirmed that legal advice would be sought on all of the matters mentioned by the advisory committee members. He also said that caution was in order regarding the legal autonomy of the conventions, suggesting that invocation of that issue could open a Pandora's box. Based on the views expressed by the members of the advisory committee he would prepare a proposal for the simultaneous extraordinary meetings for consideration at the second meeting of the advisory committee.

#### **IV. Issues for consideration during the simultaneous extraordinary meetings in accordance with decisions IX/10, RC-4/11 and SC-4/34 of the Basel, Rotterdam and Stockholm conventions**

19. The Executive Director drew attention to the agenda items to be considered during the simultaneous extraordinary meetings, which were set out in paragraph 3 of section V of the synergies decisions. He also referred to the informal expanded agenda for the meetings that had been agreed by the Ad Hoc Joint Working Group on Enhancing Cooperation and Coordination Among the Basel, Rotterdam and Stockholm Conventions as a means of providing the convention secretariats with additional information in preparing for the meetings, which is set out in annex IV of the report of the Joint Working Group's third meeting (UNEP/FAO/CHW/RC/POPS/JWG.3/3). The executive secretaries then outlined activities undertaken to date to implement the synergies decisions through the planning and implementation of joint activities.

20. The meeting participants then discussed the agenda items for the simultaneous extraordinary meetings set out in the synergies decisions. Those items were as follows:

- (a) Decisions on joint activities;
- (b) Decisions on joint managerial functions;
- (c) Final decisions on joint services established on an interim basis;
- (d) Decisions on synchronization of the budget cycles of the three conventions;
- (e) Decisions on joint audits of the accounts of the secretariats of the three conventions;
- (f) Decisions on a review mechanism and follow up of the work on enhancing coordination and cooperation processes between the three conventions;
- (g) Reports or information received from the Executive Director of UNEP and the secretariats of the three conventions on any other activity or proposed joint institution resulting from the present decision.

##### **A. Joint activities**

21. The Executive Director reported that the secretariats of the three conventions had been working together to take the action required under the synergies decisions and to identify possible areas for joint activities based on the approved programmes of work of the three secretariats. The executive secretaries provided additional information on those activities. The Executive Director stressed the importance of implementing the synergies decisions at the national level, including through networking with industries and regional centers, strengthening capacity, sharing information, for example through what might be termed a "knowledge bank", and appropriate funding and financial initiatives.

22. In the ensuing discussion members of the advisory committee made a number of points under the item regarding areas in which it might be fruitful to pursue joint activities. Several members suggested, for example, that if synergies were to be achieved at the national level then national reporting would be essential to enable countries to learn from one another's experiences; that in turn required the identification of national needs. It was said that a compilation of best practices would help countries to

learn from one another. Several members called for technical assistance and capacity-building activities in building partnerships and developing guidelines and joint programmes and projects, among other matters. One member said that countries needed to develop national chemicals policies that would enable them to integrate their activities under the Basel, Rotterdam and Stockholm conventions, while another said that efforts to improve synergies among the three conventions should include the Strategic Approach to International Chemicals Management and that the Strategic Approach Global Plan of Action should be examined as a source of potential areas for joint activities. Several members said that it was important to define the role of civil society and the Basel and Stockholm Convention regional centres, as both could make important contributions to achieving synergies. One member observed that the simultaneous extraordinary meetings would mark the beginning of a new stage and that action was needed both within and beyond the scope of the three conventions; another, however, noted that the agenda for the extraordinary meetings had been set by the synergies decisions. Another cautioned that not all activities could be coordinated, recalling that the three conventions had separate work programmes that were not co-extensive.

## **B. Joint managerial functions**

23. The Executive Director reported that UNEP would examine options for joint managerial functions in line with what was requested in the synergies decisions and aimed to do so by October 2009. He anticipated that a consultant would be requested to conduct a cost and feasibility study and to present it to the Executive Director with options. He also anticipated that a brief report on the subject would be prepared for the simultaneous extraordinary meetings. He expressed the view, however, that Parties to the conventions would need to agree on the scope of joint management before specific proposals were made as to its structure.

24. Members of the advisory committee indicated that the report to be prepared for the simultaneous extraordinary meetings should investigate the legal, technical and political implications of joint management.

## **C. Joint services**

25. The Executive Director recalled that an interim Joint Services Body had been established on 15 June 2009 and suggested that the parties should in the decision to be taken at the simultaneous extraordinary meetings entrust the secretariats with the management of the body. He reported that UNEP was considering whether it could fund the position of head of the Joint Services Body through the programme support fee paid by the conventions.

26. The executive secretaries reported on the arrangements and the functioning of the Joint Services Body and the provision of joint services to the three conventions to date, indicating that all aspects of joint services were well under way except for resource mobilization, with respect to which none of the three secretariats had the necessary funds and none of the three conferences of the Parties had approved the post of Resource Mobilization Officer. The secretariats would report on progress in the area of joint services at the simultaneous extraordinary meetings.

27. There was general approval among the advisory committee members of the implementation of the joint services aspects of the synergies decisions thus far. Some concern was expressed, however, that the resource mobilization unit had not yet been established and it was asked whether resource mobilization was an area that could be funded by UNEP through the programme support cost fees paid by the conventions. There was general agreement that a decision on joint services should be taken at the simultaneous extraordinary meetings and that an assessment of the performance of the Joint Services Body would be essential. One member said that the Joint Services Body needed clear rules and that it should not be micromanaged by the Parties. Another suggested that joint resource mobilization efforts should be based in Geneva and that the Synergies Oversight Team should review progress in the area.

28. In response the Executive Director suggested that a review of joint services could be undertaken in 2012, in time for the 2013 round of meetings of the conferences of the Parties, but noted that clear indicators against which to measure performance would need to be adopted in a decision at the simultaneous extraordinary meetings. The executive secretaries noted that it would be necessary to clarify the role of the review mechanism (see section F below) in any assessment of performance by the Joint Services Body.

## **D. Synchronization of budget cycles**

29. The Executive Director reported that the budget cycles of the three conventions had already been synchronized and that no further action was required. It was agreed that the decision to be taken at the simultaneous extraordinary meetings should therefore indicate that the three conventions should continue to employ synchronized budget cycles.

## **E. Joint audits**

30. The Executive Director reported that joint audits of the conventions had already taken place in connection with the audit of UNEP and indicated that the reports on those audits contained in the UNEP audit report would be made available to the respective conferences of the Parties.

## **F. Review mechanism and follow-up on the work of enhancing coordination and cooperation processes between the three conventions**

31. The Executive Director reported that the Synergies Oversight Team was currently discussing the question of reviewing and following up on efforts to enhance cooperation and coordination among the three conventions. The Executive Director recommended that an evaluation should be conducted in 2010, in time for the meetings of the conferences of the Parties in 2011. He stressed that any evaluation should be broad and not be limited to administrative matters. Mr. Donald Cooper, Co-Executive Secretary of the Rotterdam Convention and Executive Secretary of the Stockholm Convention, suggested that the evaluation should assess the impact of the synergies decisions and the decisions to be taken at the simultaneous extraordinary meetings in 2010. Ms. Katharina Kummer Peiry, Executive Secretary of the Basel Convention, stressed that there would be a need for consultation in the interim period.

32. In response to questions the Executive Director explained that such an evaluation could be carried out by the evaluation entities of UNEP and FAO and ideally would be a joint evaluation. The evaluating entities of UNEP and FAO would themselves identify the documents to be examined and the evaluation would be distinct from the evaluations of the effectiveness of the conventions overall. He also suggested that a decision would have to be taken during the simultaneous extraordinary meetings on draft terms of reference for such an evaluation.

## **G. Reports from the Executive Director of UNEP and the secretariats of the three conventions**

33. There was agreement among the members of the advisory committee that a report on the joint activities of the three convention secretariats thus far should be presented at the simultaneous extraordinary meetings. The Executive Director said that in addition the Synergies Oversight Team would discuss measures that might be employed to showcase such activities at the simultaneous extraordinary meetings, including posters, leaflets and other devices. He also reported that he was contemplating the preparation of reports on financing activities in the chemicals and wastes cluster and the implications of the synergies process in that cluster for other clusters and for the wider efforts to enhance international environmental governance. The Synergies Oversight Team would also discuss what further reports or information might be provided for the simultaneous extraordinary meetings.

## **V. Next steps**

### **A. Further meetings**

34. The advisory committee members agreed with the Executive Director's suggestion that a second meeting of the advisory committee be held in Bangkok back-to-back with the first meeting of the ad hoc open-ended working group to prepare for the intergovernmental negotiating committee on mercury, which would take place from 19 to 23 October 2009.

35. It was suggested that a meeting of the bureaux of the three conventions would be needed just prior to the simultaneous extraordinary meetings.

36. It was agreed that a representative of the Strategic Approach secretariat should be invited to the next meeting of the advisory committee.

#### **B. Bureau focal points**

37. It was agreed that each bureau would appoint a focal point in order to ensure regular contact between the Executive Director and the advisory committee between meetings of the advisory committee.

#### **C. Fundraising**

38. The Executive Director reported that to date approximately \$600,000 had been raised to defray the costs of the simultaneous extraordinary meetings. That amount included 250,000 euros from the European Commission, \$140,000 from Sweden and \$100,000 from Switzerland. The Executive Director indicated that while the original estimated cost of the meetings of \$1.5 million might be too high it would be necessary to raise at least an additional \$400,000. That amount assumed that the level of participation at the simultaneous extraordinary meetings would be equivalent to that of the regular meetings of the conferences of the Parties. It was agreed that the Executive Director and the executive secretaries would play an essential role in raising the needed funds.

#### **D. Documents**

39. It was agreed that further work was needed to identify the documents that would need to be produced for the simultaneous extraordinary meetings and it was stressed that they would have to be prepared in a timely fashion.

#### **E. Outreach**

40. It was agreed that outreach efforts in the period leading up to the simultaneous extraordinary meetings would be important to ensure that Parties to the three conventions were in the best possible position to reach consensus on the decisions that would need to be taken at the meetings. To that end it was agreed that UNEP and the convention secretariats would reach out to the permanent missions in Geneva and New York and to the Committee of Permanent Representatives to UNEP in Nairobi. It was also agreed that outreach should be carried out through briefings during forthcoming meetings, starting with the meeting of the ad hoc open-ended working group to prepare for the intergovernmental negotiating committee on mercury in Bangkok in October 2009. It was suggested that briefing of permanent missions in Geneva should commence in September.

### **VI. Other matters**

41. There was some discussion whether the conferences of the Parties should take up at the simultaneous extraordinary meetings the question whether future such meetings should be held and if so what the mode of decision-making might be. While some members suggested that the item should be on the agenda of the simultaneous extraordinary meetings others expressed strong opposition.

### **VII. Closure of the meeting**

42. The meeting was declared closed at 4.30 p.m. on Monday, 20 July 2009.

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