



**United Nations  
Environment Programme**



UNEP



**Food and Agriculture Organization  
of the United Nations**

Distr.: General  
9 November 2009

English only

**Advisory committee on the simultaneous extraordinary meetings of the conferences  
of the Parties to the Basel, Rotterdam and Stockholm conventions  
Second meeting**

Bangkok, 24 October 2009

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

1. The second meeting of the advisory committee on the simultaneous extraordinary meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions took place in Bangkok on 24 October 2009.

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

#### **A. Opening remarks**

2. The meeting was opened at 10 a.m. by Mr. Bakary Kante, Director of the United Nations Environment Programme (UNEP) Division of Environmental Law and Conventions, who welcomed the meeting participants. He said that the Executive Director of UNEP, Mr. Achim Steiner, was committed to the success of the simultaneous extraordinary meetings of the conferences of the Parties to 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 and the Stockholm Convention on Persistent Organic Pollutants. He stressed that the current meeting was of critical importance as it would be the last meeting of the committee before the simultaneous extraordinary meetings of the conferences of the Parties, which would take place in Bali, Indonesia, during the week of 22 February 2010.

#### **B. Attendance**

3. The following members of the Bureau of the Basel Convention participated in the meeting: Mr. Osvaldo Álvarez-Pérez (Chile); Ms. Angelina Madete (United Republic of Tanzania). Ms. Mary Harwood (Australia), Mr. Gusti Muhammad Hatta (Indonesia) (President of the Bureau) and Mr. Andrzej Jaguiewicz (Poland) were unable to attend; they were represented by Mr. Barry Reville, Ms. Emma Rachmawaty and Mr. Mohammad K. Koba, and Ms. Magdalena Balilcka, respectively.

4. The following members of the Bureau of the Rotterdam Convention participated in the meeting: Ms. Kerstin Stendahl (Finland); Mr. Hamoud Darwish Salim Al-Hasani (Oman); Ms. Magdalena Balilcka (Poland). Ms. Rocio Wynter Eden (Mexico) and Ms. Judy Beaumont (South Africa) (President of the Bureau) were unable to attend. Ms. Beaumont was represented by Ms. Merlyn von Voore.

5. The following members of the Bureau of the Stockholm Convention participated in the meeting: Mr. Jeffrey Hedley (Barbados); Ms. Carolyn Nyoki Wamai (Kenya); Mr. Franz Perrez (Switzerland). Mr. Karel Blaha (Czech Republic) and Mr. Alireza Moaiyeri (Islamic Republic of Iran) (President of the Bureau) were unable to attend; they were represented by Ms. Katerina Sebkova and Mr. Hassan Rahimi Majd, respectively.

6. The meeting was attended by Mr. Jacob Duer, Senior Advisor and UNEP Multilateral Environmental Agreement Synergies Focal Point in Geneva, Mr. Matthew Gubb, Coordinator of the secretariat for the Strategic Approach to International Chemicals Management, and Mr. Masa Nagai, Senior Legal Adviser, UNEP.

7. The meeting was also attended by 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 (Food and Agriculture Organization of the United Nations (FAO)).

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

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

1. Opening of the meeting.
2. Adoption of the agenda.
3. Scenario note for the conduct of the simultaneous extraordinary meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions.
4. Status of preparation for the issues to be considered by the conference of the Parties at the simultaneous extraordinary meetings:
  - (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. Consultative process on financing options for chemicals and wastes and the simultaneous extraordinary meetings.
6. Voluntary trust fund budget and the simultaneous extraordinary meetings.
7. Other matters and next steps.
8. Closure of the meeting.

## **III. Scenario note for the conduct of the simultaneous extraordinary meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions**

9. Mr. Kante recalled that the committee at its first meeting had advised the Executive Director to prepare a scenario note, in consultation with the UNEP Senior Legal Advisor, describing the manner in which the simultaneous extraordinary meetings would be expected to operate. In accordance with that advice a scenario note had been prepared and circulated to the members of the committee. He highlighted the question of the days on which the simultaneous extraordinary meetings would be held. As had been discussed at the committee's first meeting the original idea had been that the three

conferences of the Parties would meet on Monday, 22 February; that they would decide at that time to establish an open-ended joint working group; that the open-ended joint working group would commence its work immediately after its creation and would conclude its work by the end of the day on Tuesday, 23 February. The draft decisions prepared by the open-ended joint working group would be forwarded to each Conference of the Parties, meeting simultaneously with the other conferences of the Parties, for its consideration and possible adoption. The conferences of the Parties would meet in plenary session on Friday, 26 February, on the last day of the eleventh special session of the UNEP Governing Council/Global Ministerial Environment Forum, to adopt the decisions prepared by the joint working group. He reported that since the committee's first meeting some thought had been given to the question of timing and it had been suggested that it might be better for the conferences of the Parties to adopt their decisions by Tuesday, 23 February or Wednesday, 24 February rather than wait until Friday. He asked for the views of the committee on the question.

10. Mr. Nagai then outlined the scenario note. He explained that a first version had been prepared based on the committee members' comments during their first meeting. He had then reviewed that version from a legal standpoint and produced an amended version, indicating the areas in which he had introduced changes, and both versions had been sent to the members of the committee for consideration.

11. Referring to the amended version of the scenario note, he then highlighted a number of points. The fundamental goal of the arrangements for the simultaneous extraordinary meetings, he said, was to comply with the request of the conferences of the Parties that their extraordinary meetings take place simultaneously while respecting the legal autonomy of the conventions. To that end the three conferences would meet at the same time in the same room and would operate simultaneously rather than jointly. The presidents of all three conferences would be seated on the podium and each would preside over his own conference. Decisions would likewise be simultaneous rather than joint and would be gavelled by each of the three presidents. Further, each conference would be governed by its own rules of procedure and the credentials of the members of each conference would be reviewed by the bureau of that conference. Representatives of Parties to more than one convention, however, would not need to make separate statements for each convention (although they were free to do so) but instead could make a single intervention.

12. He noted that the last agenda item set out in the synergies decisions by which the conferences of the Parties had decided to conduct the simultaneous extraordinary meetings (agenda item (g)),<sup>1</sup> had been unintentionally omitted from the scenario note. That omission would be corrected and additional text would be inserted to provide further information regarding how representatives could intervene during the simultaneous extraordinary meetings. He also noted that an open question was whether the open-ended joint working group to be created by the conferences of the Parties should be presided over by one or three chairs, noting that the question was a political one and that from a legal standpoint either approach was acceptable. The same was true of the question of when the conferences of the Parties should adopt their decisions.

13. In the ensuing discussion there was broad agreement that a scenario note would be very useful for the Parties to the three conventions and that the amended version of the note responded well to the views expressed by the committee at its first meeting, save for the lack of text relating to the omitted agenda item. It was also agreed that the amended version of the note should be used as it provided much useful amplification and detail on the underlying principles and the practical arrangements for the simultaneous extraordinary meetings. Two members noted with satisfaction that the omitted agenda item would be reinstated in the scenario note. They also supported the suggestion to add further detail regarding the mechanics of the meetings. There was general agreement that the agenda for the simultaneous extraordinary meetings had been fixed by the conferences of the Parties in their decisions

Decision IX/10 of the Conference of the Parties to the Basel Convention, decision RC-4/11 of the Conference of the Parties to the Rotterdam Convention and decision SC-4/34 of the Conference of the Parties to the Stockholm Convention 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".

calling for the holding of simultaneous extraordinary meetings. Accordingly, the committee was of the view that, while it was proper to add purely procedural items to the agenda for those meetings (such as on the adoption of the agenda or the adoption of the report of the meeting), an additional “other matters” item that was contemplated in the scenario note should be dropped.

14. There was also general approval for the idea that the Parties to the three conventions would work jointly, and therefore efficiently and effectively, in the open-ended joint working group while carefully guarding the legal autonomy of the three conventions by establishing the open-ended joint working group and adopting decisions separately rather than jointly, with each conference presided over by its own president under its own rules of procedure.

15. With regard to when the conferences should conclude their simultaneous extraordinary meetings, most committee members said that it would be best to conclude as early as possible, preferably on Tuesday or Wednesday. Their reasons included a desire to avoid distracting from the business of the eleventh special session; a desire to present the decisions expected to be adopted by the three conferences of the Parties to the Governing Council/Global Ministerial Environment Forum, which might not be possible if they were only adopted on the last day of the special session; and a desire to ensure that negotiations in the open-ended joint working group were not unnecessarily protracted, which they were more likely to be if decisions were adopted on Friday rather than earlier.

16. Several members, however, said that it would be preferable for the conferences to adopt their decisions on Friday because it would facilitate the participation of ministers, who would be attending the high-level segment of the eleventh special session. One said that any worry about the meetings being too protracted could be addressed by holding them from 24 to 26 February. Their concerns were allayed to some extent, however, by Mr. Kante, who suggested that it could be recommended to the UNEP Executive Director that the opening of the special session be delayed briefly to allow the three conferences of the Parties to adopt their decisions on the morning of Wednesday, 24 October, when, he said, most ministers would be present. One member of the committee sounded a cautionary note regarding possible practical limitations, suggesting that it might be difficult to produce by Tuesday evening or Wednesday morning the decisions adopted by the conferences in the six official languages of the United Nations in time to present them for consideration by the Governing Council/Global Ministerial Environment Forum.

17. There was general support among the members of the committee for having three co-chairs of the open-ended joint working group, one from each of the three conferences of the Parties. It was said that having one chair from each convention would foster a sense of legitimacy and ownership among all Parties and that if there were only one chair he or she should be from a country that was party to all three conventions. Several members supported a proposal that the co-chairs of the Ad Hoc Joint Working Group on Cooperation and Coordination Among the Basel, Rotterdam and Stockholm Conventions should serve as co-chairs of the open-ended joint working group during the simultaneous extraordinary meetings. They said that the knowledge that those co-chairs had of the three-year negotiating process that led to the adoption of the synergies decisions by the three conferences of the Parties would be of great value during the deliberations of the open-ended joint working group. In response to a question it was clarified that if there were three co-chairs they would likely work one at a time and take responsibility for particular issues, as the co-chairs of the Ad Hoc Joint Working Group had done. It was also suggested that having three co-chairs would facilitate the work of any contact groups that might be required as those co-chairs who were not presiding at any given moment would be natural candidates for contact group chairs. One member also suggested, however, that perhaps new co-chairs should be named to allow participation by representatives from the Central and Eastern European and African regions, which had not been represented among the co-chairs of the Ad Hoc Joint Working Group.

18. The committee agreed that it would be useful to consolidate all the decisions to be prepared by the open-ended joint working group into a single omnibus decision or package, as had been done by the Ad Hoc Joint Working Group in its recommendation to the conferences of the Parties to the three conventions. It was said that it would be practical to do so in the light of the number of issues to be considered under the various agenda items and that it would send a message that the three conventions were harmonized and working in the same direction.

19. A practical concern was raised about how one could readily determine which Parties were party to which convention. The committee recommended that simple expedients should be adopted to address the problem. Two suggestions were supported, including the preparation of a chart that would provide

the affiliations of all Parties and the use of color-coded dots or similar symbols on Parties' name plates and on representatives' badges.

20. Responding to questions asked during the discussion Mr. Nagai and Mr. Kante clarified several points. They explained that, as they had done in adopting the synergies decisions, the conferences of the Parties were expected to adopt the decisions at the simultaneous extraordinary meetings sequentially, with the adoption of the decision by each conference premised on its adoption by the other two; in this way it would be clear that each Conference of the Parties was adopting its own decision and the legal distinctness of each convention would be preserved. They also explained that credentials for all three conventions could be issued together in a single document, so long as the document clearly indicated which of the three conventions the issuing country was party to. They clarified too that the open-ended joint working group to be established by the conferences of the Parties would be open to participation by all Parties and observers.

#### **IV. Status of preparation for the issues to be considered by the conference of the Parties at the simultaneous extraordinary meetings**

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

21. Mr. Kenmore outlined a report being prepared by the secretariats for consideration by the conferences of the Parties to the Basel, Rotterdam and Stockholm Conventions during their simultaneous extraordinary meetings. The report would describe progress in efforts by the secretariats to undertake joint activities as requested by the three conferences of the Parties in the synergies decisions. It would also list possible actions that the three conferences might wish to take at the simultaneous meetings.

22. As the report would indicate, the secretariats had adopted a "think synergies first" approach to activities, such that prior to implementing a given activity the secretariat of each convention would, in consultation with the other secretariats, first consider the extent to which it might benefit the Parties to the other two conventions and then plan the implementation of the activity accordingly. To facilitate the synergies first approach the three secretariats were communicating frequently with one another, including through a series of joint planning meetings to discuss implementation of the synergies decisions, and had adopted arrangements such as a joint calendar of activities for all three conventions. He outlined specific areas of progress, including identification of opportunities for the planning and delivery of activities in respect of cross-cutting issues; reference to the other conventions in the documents of each convention relating to projects and resource mobilization; joint delivery of technical assistance, including through the participation of national contact points for all three conventions, Basel Convention and Stockholm Convention regional centres, other regional experts and the regional offices of UNEP and FAO; joint representation at meetings of other bodies such as the World Customs Organization; the production of joint public awareness materials; and the preparation of a list of chemicals common to the three conventions as a means of facilitating a life-cycle approach to chemicals management. He also noted that progress had been made in the establishment of a joint clearing-house mechanism, as requested in the synergies decisions, but said that additional funding would be needed to complete the task. He highlighted in particular three workshops on synergies among the conventions, including one that would take place in Pretoria. In the case of the latter, separate workshops for Parties to the Basel and Stockholm Conventions and for Parties to the Rotterdam Convention had been combined when it had become apparent, through the use of the joint calendar of meetings, that portions of the Rotterdam workshop relating to the FAO Africa Stockpiles Programme, among other things, would benefit the Parties to the Basel and Stockholm Conventions.

23. In the ensuing discussion all who spoke praised the progress to date in respect of joint activities, in particular in respect of workshops encompassing issues relevant to more than one of the three conventions.

24. Several members of the committee, however, noted that the term joint activities as used in the synergies decisions meant activities on the ground, that is, cooperative and coordinated activities at the national level by the Parties to the conventions to enhance their implementation of the conventions. In respect of the secretariat the term meant activities that would directly assist the Parties to enhance their implementation of the three conventions through cooperation and coordination at the national level, for

example among the various ministries that might have responsibility for matters implicated by the three conventions. A few members noted that the activities described by the secretariat fell more within the ambit of joint services than that of joint activities, that is, that they related more to administrative arrangements put in place by the secretariat than to joint activities at the national level. They praised the workshop planned for Pretoria as an example of joint activities and said that it was important to keep in mind the distinction between joint services and joint activities along with the overarching goal of the synergies decisions, i.e., the enhancement of the implementation of the three conventions at the national level through the promotion of greater cooperation and coordination. They suggested that the secretariats should bear those points in mind in preparing the report on joint activities for the simultaneous extraordinary meetings and that they should focus the report on joint activities.

25. One member of the committee said that synergies were seen by countries as something that was yet to happen at the national level or as something that would commence at the simultaneous extraordinary meetings. Another member observed that it appeared that Parties were as yet doing little to implement the synergies decisions, which had called on them to establish or strengthen mechanisms for coordinating their activities to implement the three conventions. He suggested that the decision to be adopted by the conferences of the Parties at the simultaneous extraordinary meetings should reiterate the call to Parties to take action at the national level and that the report by the secretariats should include a review of what Parties had done thus far. It was also suggested that the secretariats use the workshops that would take place as opportunities to remind Parties that the synergies decisions had called on them to increase cooperation and coordination at the national level immediately and that it was therefore not in their interest to wait for the simultaneous extraordinary meetings before doing so.

26. Several members of the committee said that it was important that the secretariats should strive to enhance cooperation and coordination not only with one another but also with the secretariat of the Strategic Approach to International Chemicals Management and the broader United Nations family, including through the Bali Strategic Plan for Technology Support and Capacity-building and the Commission on Sustainable Development.

27. Members of the committee also noted that, while they were pleased with the secretariats' efforts to enhance cooperation and coordination and to foster a life-cycle approach through the coordinated implementation of the three conventions, it was important to recognize that some issues might be unique to one convention and that not all could be encompassed by a coordinated approach. It was important too, they said, that such issues should not be neglected and that the specific needs and programmes of work of the individual conventions should be recognized and carried out. A similar point was made with respect to financing, by a member who said that it was not always possible to combine resources for one activity or convention with that of another.

28. In respect of the joint clearing-house mechanism and other activities that might generate calls for additional funding one member of the committee suggested that some Parties might welcome the occasion of the simultaneous extraordinary meetings as an opportunity to pledge financial support for such activities. Another member, however, said that one goal of enhancing cooperation and coordination was to achieve greater cost efficiencies and to ensure that more funds went to activities on the ground; he suggested that the report by the secretariats should include a section demonstrating that that was happening, which, he said, would make donors more willing to contribute financial resources and would increase support for the synergies process across the board.

## **B. Joint managerial functions**

29. Mr. Kante recalled that at the committee's first meeting the Executive Director had announced his intention, in consultation with the Director-General of FAO, to engage a consultant to examine the question of joint managerial functions for the three conventions in response to the synergies decisions. Since that time a consultant had been engaged and had begun working to prepare a report on the question for consideration at the simultaneous extraordinary meetings of the three conferences of the Parties. Based on the consultant's work to date it was anticipated that the report would propose two principal options: joint coordination, which would be similar to the current situation except for the appointment of a head of the new joint services section; or the appointment of a single head of the three secretariats who would report to the UNEP Executive Director. It was expected that the consultant's report would include an analysis of the cost and feasibility of each option.

30. The members of the committee expressed satisfaction at the planned report on management options, saying that as described by the secretariat it would respond well to what the conferences of the

Parties had asked for in the synergies decisions. Several stressed that since it was for the conferences of the Parties to make the final decision the Executive Director's task was to provide an analysis of options. Several also suggested that the consultant and the Executive Director should, in undertaking the analysis, have careful regard for the terms of the three conventions, including any legal implications that they might have for matters such as how a single head of the three conventions would balance demands for resources from each of them, and should include an analysis of the status quo. One member suggested that the Executive Director might wish to consider including a discussion of symbolic or political issues, such as whether a single head of the three conventions could be expected to raise their profile and thereby strengthen the chemicals cluster. Another said that the report should discuss both the disadvantages and the advantages of the proposed options, while another said that it should address the question of to whom the head of the joint services section would be accountable. It was also stressed that the report should be made available well in advance of the simultaneous extraordinary meetings to give Parties sufficient time to assess the various options.

### C. Joint services

31. Ms. Kummer Peiry recalled that the conferences of the Parties had in the synergies decisions requested the Executive Director, in consultation with the Director-General of FAO, to establish on an interim basis joint legal, information technology, information, resource mobilization and financial and administrative support services. She also recalled that the Conference of the Parties to the Stockholm Convention had at its third meeting requested the secretariat of that convention to prepare a work plan for a joint clearing-house mechanism for the three conventions.

32. She reported that the Executive Secretaries of the three conventions had begun to implement a plan to provide the services called for in the synergies decisions with the establishment of a Joint Services Section of the three secretariats in June 2009. Five units had been established within the section: legal services; information technology and information management; public awareness and outreach; administration and finance; and conference services and support. She noted that while the conferences had not requested the establishment of joint conference and support services it had been felt that that it was an area in which joint delivery of services would be useful. She noted too that no resource mobilization unit had been established because none of the conferences of the Parties had provided the funds necessary to fund a resource mobilization officer post and that for the time being resource mobilization support was being provided by UNEP. She then described progress made by the units in the Joint Services Section and reported that a plan for a joint clearing-house mechanism had been elaborated in accordance with the decision of the Conference of the Parties to the Stockholm Convention. She noted that implementation of the latter would require \$240,000 in additional funding and that a further \$80,000 would be needed to implement fully the plan for joint information technology services, as the Basel Convention secretariat employed a different computer platform than did the Rotterdam and Stockholm conventions.

33. Turning to the action to be taken at the simultaneous extraordinary meetings she said that the conferences of the Parties might wish to welcome progress made to date; to request the Executive Director of UNEP and the Director-General of FAO to continue to provide joint services; and to provide funding for the joint work programme and the joint information technology platform.

34. Following Ms. Kummer Peiry's presentation Mr. Kante reported that a UNEP staff member had been assigned to work on resource mobilization for synergies between multilateral environmental agreements.

35. Members of the committee expressed gratification at the apparent progress made in the joint delivery of services. Several, however, said that they were concerned at the reference to funding for a resource mobilization officer post and the suggestion that the conferences of the Parties should be asked to decide on funding at the simultaneous extraordinary meetings. They pointed out that, while the conferences of the Parties had requested the secretariats to establish a mechanism for providing joint services in respect of resource mobilization, that fact did not necessarily mean that a post in that area was required. One member said that resource mobilization was a core function of UNEP that it should carry out regardless of whether a resource mobilization officer had been funded by the conferences. Further, several members noted, in accordance with the synergies decisions the decision to be taken at the simultaneous extraordinary meetings was limited to whether to continue the interim joint services established by the secretariats in the five areas identified in the synergies decisions. Information on other joint activities was of interest but was not to be the subject of a decision by the conferences. One

member said that in line with the synergies decisions joint resource mobilization services would have to be established and that reports on that and the other four joint services set out in the decisions would have to be provided at the simultaneous extraordinary meetings.

36. In response to the members' comments Ms. Kummer Peiry clarified that while no resource mobilization unit had been created joint resource mobilization work was being carried out, both by staff at UNEP and the secretariats, and that all of the joint services were being provided by existing staff. Mr. Kante clarified that the report to be provided at the simultaneous extraordinary meetings would focus on the joint services being provided in the five areas identified in the synergies decisions. Ms. Kummer Peiry also indicated that the joint conference and support units established on an interim basis was seen by the Secretariats as part of the joint administrative services rather than an additional area of joint services.

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

#### **E. Joint audits**

37. The committee considered items 4 (d) and 4 (e) together.

38. Mr. Cooper recalled the provisions of the synergies decisions by which the conferences of the Parties requested the Executive Secretaries of the three conventions to synchronize their budget cycles and to prepare a proposal for the conduct of joint audits of the accounts of the three secretariats. He recalled too that by decisions adopted at their last meetings the conferences of the Parties to the Rotterdam and Basel conventions had approved on a one-time basis three-year budgets for the purpose of aligning the budget cycles of the three conventions.

39. The committee welcomed the information provided by the secretariat. Several members stressed the need to ensure that audits were made available to Parties on a timely basis, along with all other documents that would aid in the making of informed decisions. One member suggested that inasmuch as budgets, audits and in some cases substantive activities would be undertaken jointly each conference of the Parties should have the budgets of all three conventions before it when taking decisions at regular meetings. With regard to the possible content of a decision on budget cycles and audits, one member said that as the main decisions had already been taken by the conferences of the Parties to the Stockholm and Basel conventions there remained little for the conferences to do at the simultaneous extraordinary meetings save to welcome the progress to date.

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

40. Mr. Kenmore recalled that the synergies decisions had called for the establishment of a mechanism for reviewing the arrangements put in place in response to the decisions. He reported that it was contemplated that a proposal would be put before the conferences of the Parties at the simultaneous extraordinary meetings that the evaluation units of UNEP and FAO would jointly undertake that review. The review would encompass the work of the secretariats along with actions taken by Parties, the latter on the basis of information that Parties would be requested to provide. It was contemplated that responsibility for the review would be apportioned roughly 80/20, with UNEP taking the larger share in accordance with its larger role in the secretariats of the three conventions. The proposed evaluation, which had been approved by the Executive Director of UNEP, was subject to confirmation on the FAO side but it was expected that such approval would be forthcoming. A report on the evaluation would set forth recommendations to the Parties and would be presented at the end of 2012 for consideration by the conferences of the Parties at their regular meetings in 2013.

41. In addition to the review called for in the synergies decisions it was proposed that an assessment of international chemicals management should be undertaken for delivery in 2015. The assessment would look at opportunities for enhancing cooperation between the three conventions and the Strategic Approach, the instrument being negotiated on mercury, the Inter-Organization Programme for the Sound Management of Chemicals, the United Nations Industrial Development Organization, the World Health Organization and others.

42. With regard to the decision to be taken at the simultaneous extraordinary meetings he suggested that the conferences of the Parties might wish to endorse the proposal for the review by UNEP and FAO



and to invite the Executive Director of UNEP to initiate consultations on the proposed 2015 assessment of international chemicals management.

43. In the ensuing discussion one member of the committee noted that, owing to a lack of time, the Ad Hoc Joint Working Group had not been able to provide much detail in that part of its recommendation relating to a mechanism for reviewing implementation of the synergies decisions. Seconded by others, he therefore welcomed the detailed proposal of the Executive Director and the Director-General. One member added that, while she welcomed the proposal and thought that the timeline it laid down was good, the details and terms of reference of the review should be put before the conferences of the Parties at the simultaneous extraordinary meetings for discussion and decision.

44. Several members of the committee noted, however, that the proposal to assess international chemicals management went well beyond the scope of the synergies decisions and therefore the remit of the committee. Bearing that in mind one member, seconded by several others, said that it would nevertheless be useful to design the review called for the synergies decisions in such a way that it could if desired in the future be adapted to the larger chemicals management picture. In that context she suggested that those undertaking the evaluation should consider as points of comparison any existing joint structures or activities of other relevant bodies. Another member said that, while it was meant to assess the arrangements put in place in response to the synergies decisions, the review should nevertheless be forward looking because all reviews were implicitly intended to address the question of what could be done better and because some issues discussed by the Ad Hoc Joint Working Group were not reflected in the synergies decisions for the simple reason that the Group had not had sufficient time to discuss them fully.

45. One member of the committee suggested that the review mechanism should feature an outline of various options on such matters as merged and back-to-back meetings or high-level segments and procedures for joint decision-making on joint activities. Responding to the point about back-to-back meetings another member noted that the synergies decisions had deliberately referred to meetings conducted in a coordinated manner rather than back-to-back meetings; that, he said, was attributable to the concerns of developing countries, many of whose delegations were too small to permit them to participate effectively in back-to-back meetings, especially when they lasted for several weeks or longer.

46. One member said that there was a need for decision-making on joint activities pending completion of the review so that Parties could comment on progress in the implementation of the synergies decisions and perhaps take decisions on joint activities while the review was under way. Following discussion on this point it was generally agreed that at their 2011 meetings the Parties could, as a matter apart from the formal review called for in the synergies decisions, assess progress on implementation of the decisions and take decisions accordingly.

47. One member expressed satisfaction that the proposed review would be carried out by specialist evaluation units, saying that it would be no easy task. Seconded by others, he said that it would be critical to work out both exactly what to review and the period of review, bearing in mind that what the synergies decisions called for was a review of the mechanisms put in place in response to the decisions themselves. In that context he said that as much information as possible on indicators and other details of how the review would work should be presented at the simultaneous extraordinary meetings.

48. There was considerable discussion of the terms of reference for the proposed evaluation. Several members of the committee said that the three conferences of the Parties should adopt such terms of reference at the simultaneous extraordinary meetings. They said that doing so was contemplated by the synergies decisions and in any event was crucial to ensuring that the evaluation was effective; approval of the terms of reference by the three conferences of the Parties at their regular meetings in 2011 was not a viable alternative as it would not allow for a long enough review period if the conferences, as proposed, were to consider the results of the review at their 2013 meetings.

49. Summing up the discussions Mr. Kenmore said that the Executive Director and the Director-General would present a paper at the simultaneous extraordinary meetings that presented specific options and was linked to continuing international efforts in the field of chemicals management but did not explicitly call for the 2015 review of international chemicals management that had been suggested. With regard to terms of reference for the evaluation he said that the paper would include possible elements but not complete proposed terms of reference. Saying that there was simply not enough time to complete terms of reference prior to the simultaneous extraordinary meetings, he suggested that the synergies decisions arguably did not require the adoption of terms of references at the simultaneous

meetings; the conferences of the Parties could instead, for example, agree on certain elements of terms of reference along with a mechanism for their finalization.

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

50. Mr. Kante reported that the Executive Director would be preparing a report on financing for the chemicals and waste cluster and a report on chemicals management and synergies at the national level. One item to be treated in the former was the consultative process on financing options for chemicals and wastes, which the committee discussed under agenda item 5. An account of that discussion is set out below in chapter V.

## **V. Consultative process on financing options for chemicals and wastes and the simultaneous extraordinary meetings**

51. Mr. Kante recalled that in the context of intensive negotiations on compliance and financing during the fourth meeting of the Conference of the Parties to the Stockholm Convention the Executive Director of UNEP had announced his intention to convene a consultative process on financing for chemicals and wastes management. That process had commenced with a meeting in Nairobi, one result of which was a request to the Executive Director that he commission a desk study on financing options. The process would continue with a second meeting that would start the next day, at which the financing options presented in the desk study would be discussed. He suggested that a progress report on the preparation of the desk study could be presented at the simultaneous extraordinary meetings and that the conferences of the Parties to the three conventions could adopt a decision in which they welcomed the desk study and provided the Executive Director of UNEP with a formal mandate to continue the consultative process.

52. All who spoke welcomed both the consultative process and the desk study as steps towards grappling with the difficult issue of how to improve financing for chemicals and waste management. There was general agreement, however, that the simultaneous extraordinary meetings did not constitute an appropriate forum for considering the desk study. One member noted in that context that the scope of the study went beyond the Basel, Rotterdam and Stockholm conventions and suggested that the right forum was therefore the UNEP Governing Council/Global Ministerial Environment Forum. Several members reiterated that the agenda for the simultaneous extraordinary meetings had been set in the synergies decisions and did not encompass the subject of the desk study. Concern was also expressed that as the simultaneous extraordinary meetings were expected to last only two days and perhaps part of a third adding another item for consideration by the open-ended joint working group might prevent the conferences of the Parties from completing their business during the time set aside. There was agreement, however, that while the consultative process and the desk study should not be the subject of discussion during the simultaneous extraordinary meetings it would be apt for the Executive Director of UNEP to refer to them briefly in his remarks to the conferences and for that reference to be captured in the report of the meetings.

## **VI. Voluntary trust fund budget and the simultaneous extraordinary meetings**

53. Mr. Cooper indicated that the secretariats, in presenting draft decisions to the Parties to the three conventions, would present information on any cost implications arising from existing or contemplated joint services or activities. He noted, however, that all activities to date had been accomplished by redeploying existing staff and had not had resulted in any additional costs.

54. In the discussion that followed one member of the committee asked that the secretariats endeavour to make any such information available as far in advance of the simultaneous extraordinary meetings as possible. Another member said that implementation of the synergies decisions was meant to be cost-neutral; he therefore questioned the notion of presenting information on its cost implications.

55. Responding to the comments from members Mr. Cooper said that it was expected that documentation for the simultaneous extraordinary meetings, including information on any cost implications of contemplated activities, would be sent to the Parties as early as December 2009. With

regard to cost implications, he and Ms. Kummer Peiry explained that, as had been noted earlier, while overall implementation of the synergies decisions had been cost-neutral some activities would entail additional costs, including in particular the harmonization of the information technology platforms of the three conventions and the creation of a joint clearing-house mechanism. They stressed, however, that their intention was simply to present information on those costs to the Parties, underlining that it was for the Parties to decide whether to provide the funds that would be needed to defray those costs.

## **VII. Other matters and next steps**

### **A. Funding for the simultaneous extraordinary meetings**

56. Under the item Mr. Duer provided an update on the funds that had been raised to date to defray the costs of the simultaneous extraordinary meetings, reporting that approximately \$600,000 had been raised. That amount included 250,000 euros from the European Commission, \$140,000 from Sweden and \$100,000 from Switzerland. The target was \$1 million, which it was believed would be sufficient to fund the participation of one representative of each eligible Party for each of the conventions to which it was party. No new funding had been forthcoming since the first meeting of the committee and there was considerable concern among developing country Parties about the impact on participation by such countries if the target of \$1 million was not met. The Executive Director, however, remained confident of reaching the target. The UNEP resource mobilization section was in contact with donor countries and while it had not yet obtained any firm commitments several Governments had indicated their willingness to contribute.

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

57. It was recalled that while the bureaus of the Basel and Rotterdam conventions had nominated focal points to communicate with the office of the Executive Director on matters relevant to the work of the advisory committee no focal point had been named for the bureau of the Stockholm Convention. The committee was informed that members of the Stockholm Convention bureau would meet following the current meeting to discuss the matter.

### **C. Outreach**

58. The members of the committee agreed that it was up to all of them to communicate with stakeholders in their regions, both to raise awareness of the upcoming simultaneous extraordinary meetings and the importance of enhancing cooperation and coordination and to uncover potential difficulties that could be resolved in advance of the meetings.

## **VIII. Closure of the meeting**

59. The meeting was declared closed at 5.30 p.m.

---



---