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INTERGOVERNMENTAL NEGOTIATING COMMITTEE  
FOR AN INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR  
THE APPLICATION OF THE PRIOR INFORMED CONSENT  
PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND  
PESTICIDES IN INTERNATIONAL TRADE

Ninth session

Bonn, 30 September - 4 October 2002

Item 8 of the provisional agenda\*

OTHER MATTERS

Clustering of multilateral environmental agreements on chemicals and wastes

Note by the secretariat

1. The Secretariat has the honour to submit to the Intergovernmental Negotiating Committee, annexed to the present note, the issues paper (UNEP/IGM/4/INF/1) on clustering of chemicals/wastes multilateral environmental agreements as presented to the fourth meeting of the Open-ended Intergovernmental Group of Ministers and Their Representatives on International Environmental Governance held from 30 November to 1 December 2001 in Montreal. The paper was drafted jointly by the secretariats of the Basel Convention on 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 to assist the Group's discussion of this issue.
2. On the issues addressed in the above paper, the Open-ended Intergovernmental Group concluded in its report, which was adopted by the UNEP Governing Council at its seventh special session, in February 2002, under its decision SS.VII/1, that:

“One approach that has emerged from the debate is that of enhancing synergies and linkages between multilateral environmental agreements with comparable areas of focus or of a regional character with due regard to their respective mandates. In particular, there is support for enhancing collaboration among multilateral environmental agreement secretariats in specific areas where common issues arise, such as current work among the chemicals and waste multilateral environmental agreement secretariats and including the interim secretariats ... The initiation of pilot projects should be further pursued. In this regard the study<sup>1</sup> on chemicals-and wastes-related conventions ... [is a step] in the

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\* UNEP/FAO/PIC/INC.9/1.

<sup>1</sup> Issue paper UNEP/IGM/4/INF/1, reproduced in annex.

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right direction. More consideration should be given to the proposed measures suggested by the study. Such synergies and linkages must be promoted in close consultation and with the full agreement of the Conference of the Parties. UNEP should continue, in close cooperation with the secretariats of the multilateral environmental agreements, to enhance such synergies and linkages including on issues related to scientific assessments on matters of common concern.”<sup>2</sup>

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See document UNE P/GCSS.VII/6, annex I, appendix, para.27.

Annex**ADVANCE UNEDITED COPY**Distr.  
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OPEN-ENDED INTERGOVERNMENTAL  
GROUP OF MINISTERS OR THEIR REPRESENTATIVES  
ON INTERNATIONAL ENVIRONMENTAL GOVERNANCE  
Fourth meeting  
Montreal, 30 November - 1 December 2001

CLUSTERING OF CHEMICALS/WASTES MULTILATERAL  
ENVIRONMENTAL AGREEMENTS

Issues paper**Background**

The possibility of clustering certain Multilateral Environmental Agreements (MEAs) to enhance coherence and effectiveness in their implementation has been discussed at each meeting of the Open-ended Intergovernmental Group on International Environmental Governance since the Group was established pursuant to Governing Council Decision 21/21 in February 2001. At the Group's third meeting, in Algiers in September 2001, the idea of a pilot programmatic (issue) clustering of MEAs in the area of hazardous chemicals and wastes was raised. It was suggested that this pilot phase should be ready for review at the WSSD, at which time other possibilities to further the clustering approach, such as functional clustering should be considered. The present paper explores the practicalities and ramifications of such an approach for the further consideration of the Group at its fourth meeting, in Montreal in December 2001.

**The chemicals/wastes MEAs**

The paper focuses on collaboration between the Stockholm<sup>a</sup> and Rotterdam<sup>b</sup> Conventions dealing with hazardous chemicals and the Basel Convention on hazardous and other wastes.<sup>c</sup> Together, the three Conventions provide a coherent legal framework to support environmentally sound management of hazardous chemicals and wastes through their whole life-cycle, including production, use, trade and disposal. The possible inclusion of the Vienna Convention and Montreal Protocol on ozone-depleting substances in a chemicals/wastes cluster is set aside for the time being, as are potential links to regional conventions and other relevant programmes. UNEP's Chemicals Unit provides the Interim Secretariat of the Stockholm Convention and part of the Joint UNEP/FAO Interim Secretariat of the Rotterdam Convention, as

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<sup>a</sup> The Stockholm Convention on Persistent Organic Pollutants was adopted in 2001 and will enter into force after the submission of 50 instruments of ratification. As of 26 October 2001 there had been 2 ratifications.

<sup>b</sup> The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade was adopted in 1998 and will enter into force after the submission of 50 instruments of ratification. As of 26 October 2001 there had been 16 ratifications.

<sup>c</sup> The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was adopted in 1989 and entered into force in 1992. As of 26 October 2001, 147 countries and the European Community are Parties to the Convention.

well as undertaking a number of other chemicals activities in areas such as assessment and capacity building. The FAO component of the Rotterdam Interim Secretariat is provided by the FAO's Plant Protection Service, which undertakes activities related to pest and pesticide management, including technical assistance on all aspects of pesticide management and the promotion of Integrated Pest Management. The Basel Secretariat is also provided by UNEP.<sup>d</sup> UNEP Chemicals and the Basel Convention Secretariat are located in Geneva, Switzerland, while the FAO Plant Protection Service is based in Rome.

### **Clustering issues**

The attached table outlines current cooperation and the potential for closer cooperation in future in the areas of capacity-building, science and technology, legal affairs, institutional matters, monitoring and reporting, information and awareness-raising, and programme support services. Where relevant, it notes instances where endorsement by the respective governing bodies of the Conventions<sup>e</sup> may be required, and other possible considerations. It also suggests benefits that could derive from clustering. Before proceeding, these would need to be weighed against potential disadvantages such as some reduction in responsiveness to the priorities of individual Conventions and delays resulting from a requirement for some activities to be endorsed by multiple governing bodies.

Discussion of a possible clustering arrangement is supported by the fact that both the Basel Secretariat and the Chemicals Unit are currently engaged in nascent strategic planning activities. The Basel Secretariat has been asked by the Convention's Extended Bureau to prepare a draft 10-year Strategic Plan for the Implementation of the Basel Convention for consideration by the Conference of Parties in December 2002. For its part, the Chemicals Unit is facilitating consideration of a possible "strategic approach to international chemicals management", which UNEP Governing Council has decided will be discussed at the Global Ministerial Environment Forum in February 2002 (Decision 21/7).

### **Implementation of clustering**

Should it be determined that programmatic clustering of the chemicals and wastes MEAs should proceed, it is envisaged that this would essentially involve building upon existing collaboration between UNEP Chemicals and the FAO Plant Protection Service, as Interim Secretariats for the Rotterdam and the Stockholm Conventions, and the Basel Convention Secretariat in a more deliberate and intensive fashion. In the short to medium term, clustering would most likely focus on enhanced programmatic and functional cooperation. Measures such as integration of programme support services might be a more distant objective, taking into account, for example, the potential for developing common services not just within the chemicals/wastes cluster but also with other co-located Convention secretariats or UNEP units.

To the extent that individual measures require the endorsement of respective Governing Bodies, the implementation of clustering of the Stockholm, Rotterdam and Basel Conventions would necessarily be an incremental process. For certain issues, in the cases of Rotterdam and Stockholm Conventions, it would be necessary to wait until Conferences of the Parties come into being following entry into force of the Conventions. The question of different memberships and meeting cycles of the respective Conventions should also be addressed in this context. Some of the programme coordination and collaboration that is already taking place and could be enhanced on the initiative of the secretariats under the direction of their Governing Bodies. A meeting of the Stockholm Convention Intergovernmental Negotiating Committee will be held in June 2002 and its Rotterdam counterpart will meet again in late 2002, as will the Basel Convention's Conference of Parties.

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<sup>d</sup> While there is no broader UNEP "Wastes Unit" linked with the Basel Convention Secretariat, waste-related issues are also dealt with by UNEP Division of Technology, Industry and Environment (the parent Division of the Chemicals Unit).

<sup>e</sup> The Basel Convention is governed by a Conference of the Parties. Pending entry into force, the Rotterdam and Stockholm Conventions are overseen by the Intergovernmental Negotiating Committees that were responsible for developing them.

**Conclusion**

The International Environmental Governance Group may wish to note the extent of current and potential future programmatic collaboration among the Stockholm, Rotterdam and Basel Conventions, and to consider the aspects of clustering that would require formal endorsement by respective governing bodies, bearing in mind the incremental process that would be needed to secure such endorsements.

CHEMICALS/WASTES MEA CLUSTERING CONCEPT

[Interim Secretariat of the Rotterdam Convention (UNEP Chemicals and FAO Plant Protection Service), Interim Secretariat of the Stockholm Convention (UNEP Chemicals), and Secretariat of the Basel Convention]

Cooperation area	Existing activities	Further potential	COP/INC approval requirements and other considerations	Possible net benefits
<u>Capacity-building</u>	<p>Some mutual participation in each other's workshops</p> <p>UNEP Chemicals-Basel joint PCB projects in Central America and Southern Africa currently under development (will meet Stockholm and Basel objectives)</p> <p>UNEP Chemicals and Basel participation, along with FAO and the World Bank, in the Africa Stockpile Project for the disposal of obsolete pesticides and other unwanted chemicals</p> <p>Utilization of regional and national offices of UNEP and FAO</p>	<p>Increased focus on joint workshops that cover all aspects of chemicals and wastes</p> <p>Stockholm National Implementation Plans to take account of any co-related Basel and Rotterdam objectives</p> <p>Utilization of Basel Regional Centres by Rotterdam and Stockholm on an interim basis (pending COP guidance)</p> <p>Basel &amp; Rotterdam to cooperate in training related to Prior Informed Consent procedure (but note limited commonality)</p> <p>Coordinated support for emergency response efforts</p> <p>Strengthening of joint approach in channelling</p>	<p>Participation in each other's activities may impact on priorities agreed by respective COPs/INCs/Governing Bodies – prior approval may be required</p> <p>Joint projects may require more flexibility in rules for use of each Convention's Trust Fund (Rotterdam &amp; Stockholm rules still to be developed by COPs). The differing memberships of the Conventions will also be an issue.</p> <p>Regional centres a matter for guidance by individual COPs, which would need to endorse a joint approach</p> <p>Rotterdam has a rather different "customer base" at the national level than Basel and Stockholm</p> <p>Donors may prefer contributions be utilized for one Convention/by one secretariat only</p>	<p>Integrated projects that further the objectives of and assist implementation of all three Conventions would avoid duplication and may be easier for participating countries to "digest"</p> <p>Rotterdam/Stockholm involvement in Basel Regional Centres could strengthen their viability and avoid duplication</p> <p>Integrated approach to pesticide management</p>

Cooperation area	Existing activities	Further potential	COP/INC approval requirements and other considerations	Possible net benefits
	<p>UNEP Chemicals and FAO cooperation on pesticide disposal</p> <p>FAO support to workshops on POPs alternatives</p>	<p>requests and technical and financial assistance in POPs related issues</p> <p>Joint fund-raising for projects serving the objectives of more than one Convention</p> <p>Integration of Stockholm, Rotterdam and Basel in FAO capacity-building for pesticides management</p>		
<u>Science &amp; technology</u>	<p>Stockholm Article 6 and Diplomatic Conference Resolution request the interim secretariat to cooperate with the Basel secretariat on environmentally sound management of waste POPs, e.g. Basel Technical Working Group now working on technical guidelines. Similarly, Basel COP Decision 5/8 requested the secretariat to continue cooperation with UNEP Chemicals.</p>	<p>Destruction technologies &amp; alternatives</p> <p>Pooling of information on health &amp; environmental impacts</p> <p>Cooperation in promoting environmentally sound management of hazardous substances through their whole life-cycles</p>	<p>Subsidiary technical bodies closely tied to overall governance structure and procedures of each convention</p> <p>Joint assessment of substances difficult due to differing remits, membership structures and procedures of technical bodies under each Convention</p> <p>No assessment or standard-setting roles for Rotterdam. Its actions are triggered by national assessments.</p>	<p>Pooling of scientific expertise and avoidance of duplication</p>
<u>Legal</u>	<p>Participation in enforcement workshops</p>	<p>National legislative &amp; regulatory frameworks</p> <p>Compliance &amp; enforcement (incl. on illegal traffic)</p> <p>Liability and</p>	<p>Rotterdam and Stockholm have no equivalent to Basel's Legal Working Group</p> <p>Limitations flowing from fact that legal issues relate closely to specific texts of each</p>	<p>Avoid some duplication by drawing on the prior experience of others (eg if Stockholm</p>

Cooperation area	Existing activities	Further potential	COP/INC approval requirements and other considerations	Possible net benefits
		<p>redress/compensation Intellectual property rights Commercial confidentiality Trade &amp; environment Dispute settlement Harmonized customs codes</p> <p>Inclusion of Stockholm, Rotterdam and Basel legal issues in FAO technical assistance on pesticide legislation</p>	<p>Convention</p> <p>Potential may be for sharing of experiences rather than for joint action (cf capacity-building)</p>	<p>pursues liability issue, could draw on Basel)</p> <p>Better national legislation/knowledge</p>
<p><u>Institutional</u></p>	<p>Secretariats have regular coordination meetings</p> <p>Some Basel Regional Centres are being utilized for workshops on issues relating to the Stockholm, Rotterdam and Basel Convention</p>	<p>Policy development, e.g. Basel involvement in possible “strategic approach to international chemicals management”</p> <p>Joint participation in external forums (e.g. IFCS, IOMC)</p> <p>Joint meetings of Bureaux</p> <p>Jointly promote coordination at national levels among focal points and authorities for each Convention</p> <p>Utilization of Basel Regional Centres by Stockholm and Rotterdam (during interim periods, pending eventual decisions by COPs) and establishment of a coordination mechanism for</p>	<p>All Conventions already mandate their secretariats to ensure “necessary coordination” with other relevant international bodies</p> <p>But each Convention is autonomous and secretariats are responsible to each COP/INC</p> <p>Limited mandates of bureaux and separate COP/INC cycles and different memberships</p> <p>The division of the Rotterdam secretariat between UNEP and FAO is a potential complication for integrated support activities</p>	<p>Integrated policy development</p> <p>Improved understanding amongst Conventions of each other’s mandates</p> <p>Better coordination at national levels would benefit all Conventions</p>



Cooperation area	Existing activities	Further potential	COP/INC approval requirements and other considerations	Possible net benefits
		Centre activities in support of the three Conventions		
<u>Reporting/ monitoring</u>		<p>Organization of data at national level so that it can be drawn upon for reporting requirements of each Convention</p> <p>Joint assistance re fulfilment of reporting obligations</p> <p>Assessment, e.g. global POPs monitoring network, Regionally Based Assessment of Persistent Toxic Substances, inventories of waste sites</p> <p>Pollutant Release and Transfer Registers</p>	<p>Reporting requirements are COP/INC generated – coordinated facilitation of reporting may require formal endorsement</p> <p>Unevenness in compliance with reporting obligations among the Conventions may undermine effectiveness of a joint approach</p> <p>Varying degrees of specificity of the data and information to be reported under each Convention</p>	<p>Improved performance in fulfilment of reporting obligations by Parties</p> <p>Avoidance of duplication in assessment activities</p>
<u>Information/outreach &amp; awareness-raising</u>	<p>Some joint awareness-raising activities</p> <p>Joint publication of Inventory of Worldwide PCB Destruction Capacity</p> <p>Mutual participation in editorial committees for newsletters and other publications</p>	<p>Linked websites and further joint publications</p> <p>Improved information management at national level, e.g. through “Internet in Africa”</p> <p>Joint outreach and public awareness activities</p> <p>Consultant/expert databases</p> <p>Industry and NGO liaison</p>		<p>Integrated “messaging” more effective?</p> <p>Pooling of secretariat resources</p> <p>Improved developing country internet access a plus for all Conventions</p>

Cooperation area	Existing activities	Further potential	COP/INC approval requirements and other considerations	Possible net benefits
		Joint exhibitions at environmental and agricultural fairs		
<u>Programme support services</u>	Financial administration	Other programme support functions	Because many programme support functions are reflected in the individual budgets approved by the Governing Bodies for the respective secretariats, careful analysis would be required before clustering was attempted in this area	Potential for enhanced efficiency and coordination in programme support services, and possible cost savings should be carefully studied

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