



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

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English only



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



**Stockholm Convention on
Persistent Organic Pollutants**

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

Second meeting

Vienna, 10–13 December 2007

Item 3 of the provisional agenda*

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

Back-to-back meetings

Note by the secretariats

Attached is the thought starter on “Back-to-back meetings” prepared by Austria, the United Kingdom of Great Britain and Northern Ireland and Jamaica and for consideration by the meeting. It is presented as received and has not been edited by the secretariats.

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

BACK-TO-BACK MEETINGS¹

03 October 2007

Leads: Austria and the United Kingdom

Participating AHJWG members: Jamaica

Scope as stated by AHJWG 1: Listing of the periodicity and types of meetings

Associated information documents proposed by AHJWG 1: Input from members of the AHJWG was solicited with distribution of the meeting report 24 April 2007. Collection of information from members of the Group, compiled by the Secretariats, will be made available to lead countries and to all members of the AHJWG in an information document (**INF.1**).

¹ The ad hoc joint working group can refer to existing assessments on advantages and disadvantages of back-to-back meetings. (make reference to relevant doc UNEP/POPS/COP.2/INF/19)

1) Résumé of existing documentation

Existing documentation on this subject (ref. UNEP/POPS/COP.2/INF/19) outlines the considerations outlined below concerning back-to-back meetings, juxtaposed with additional reflections:

Advantages of the above approach:

- Reduced conference servicing costs, for example, savings on travel costs of interpreters;
- Possible reduction in participation costs, for example, savings on travel costs of participants attending more than one meeting;
- Potential for enhancing coherence in policy approaches adopted by the Parties in respect of any two (or three) conventions.

Additional advantages:

- *Allowing for direct exchange between the experts of different conventions when discussing / developing interrelated policies (especially when two bodies do not meet subsequently but in parallel or simultaneously);*
- *Travel costs from one convention could facilitate the participant attending another meeting if the same participant represents more than one convention and no funding is available for participants of the other convention. However this would have potential implications in the accounting structure of funds/budgets allocated to meetings which would need to be taken into account.*

Relevant considerations:

Procedural implications

- The timing of the respective Conferences of the Parties and subsidiary body meetings, workshops and other events would have to be well coordinated to avoid overlapping peak periods. This would require decisions and coordination not only from the secretariats but also from the Conferences of the Parties;
- The sharing of costs between each convention's budget may be difficult to determine, particularly as the Parties to each multilateral environmental agreement are not identical.

Especially in relation to the last point, reference can be made to the experiences of convention secretariats in assessing costs of meetings, and related to allocating costs for back-to-back meetings.

Resource implications

Re: Secretariats

- Conference services for the meetings under all three conventions, including interpretation, translation and report-writing, are outsourced to UNON. Noting the volume of documentation prepared for each meeting of the Convention bodies and, in particular, the Conferences of the Parties, back-to-back meetings of two or more conventions would place an enormous burden on UNON resources to ensure timely issuance of all conference documents;

This would also be true in particular for the interpreters. They would be hard pressed to service all meetings resulting in no real cost saving when additional interpreters would be required in replacement.

- The workload resulting from the organization of meetings back-to-back is heavy and the existing administrative staff resources are tight at that time. Thus, given that each secretariat would be undertaking administrative arrangements for the meeting of its own convention body, the sharing of administrative services may not be possible during the peak periods;

For both issues above, differentiation would of course need to be made between technical working or expert groups vs Conferences of the Parties.

Re: Parties/Delegates

- The Parties and representatives of the Parties are not necessarily the same for each Convention;
While this might not result in real cost saving, discussions on substance could still benefit from this.

- Representatives, particularly ministers and high officials, may not be able to be away from their capitals for an extended period of time;

Ministers might, nonetheless, be interested to attend joint ministerial segments, for instance for reasons of effectiveness and public awareness.

- Lengthy meetings may not result in added benefits given the pressures that they place on representatives, secretariats and conference services;

2) Procedural implications

In procedural terms, back to back meetings are possible, it being a question of finding the right mechanism to enable this to be achieved. Any such mechanism needs to respect the independence and autonomy of the Conference of the Parties to each convention, and therefore the meetings under each convention will need to be preserved, albeit with new working arrangements. Both conferences of the parties and meetings of subsidiary bodies could be subject to back to back arrangements.

1. Conferences of the Parties

Five distinct working arrangements would appear to be possible for back to back or joint meetings:

- (i) co-ordinated working i.e. meetings are held independently of each other but over a set period of time e.g. one calendar year, enabling co-ordinated decisions to be taken. The last COP cycle in 2006 functioned in this way to establish the AHJWG,
- (ii) concurrent working i.e. meetings held at the same time but independently of each other without any procedural or substantive overlap. There are, however, no examples of such working in existing MEA practice.
- (iii) *sequential working* i.e. where one meeting follows immediately upon another (as with the Cartagena Biosafety Protocol COP/MOP and the Convention on Biological Diversity COP);
- (iv) *parallel working* i.e. where both meetings are convened for the same time period and the meeting alternates between the two (the United Nations Framework Convention on Climate Change COP and the Kyoto Protocol COP/MOP); and
- (v) *simultaneous working* i.e. where no distinction is made between the meetings which take the substantive items under each instrument together (the meeting of the Executive Body under the UNECE Long Range Transboundary Air Pollution Convention and its eight substance-specific Protocols).

Furthermore, there are particular procedural devices such as the convening of an extraordinary COP (article 15.2 BC, article 18.3 RC and article 19.3 SC) or the suspension of a meeting for a particular period that may be used to facilitate back to back working.

Based on all of the above, and assuming the need for coordination of the COPs to allow for the taking of decisions on e.g. interlinked budgets, four potential models for back to back COPs are given below. Other permutations will undoubtedly exist, but the following are provided to assist AHJWG members in their thinking and demonstrate what may be possible. Purely by way of example, the COP cycle following the upcoming cycle (which of course is scheduled to consider and decide upon the AHJWG joint recommendations) will be used.

(a) the current model

This model adopts the system of coordinated working described above, but could allow for increased coordination through reduced time periods between the meetings of the COPs. This would enable coordinated decisions to be taken on work plans under each convention for a subsequent multiyear period e.g. three or five years

Feb 2010	BC-COP10	
Jun 2010		RC-COP5
Oct 2010		SC-COP5

Advantages:

- Enables smaller delegations to participate fully in all three meetings

- Avoids potential pressures on delegates, ministers and secretariats under other back to back arrangements

Disadvantages:

- Coordinated decisions require careful choreography across the three meetings, to ensure consistent outputs, with any outcome dependent upon the outcome and timing of the later COPs in the cycle.
- No economies of scale and therefore few efficiencies to be gained.

(b) the “separate COPs” model

This model is based on arrangements under the existing COP cycle except that it enables coordinated decisions to be taken by the three COPs through the holding of extraordinary COPs in parallel with the meeting of the last COP in the cycle (Stockholm).

June 2010:	BC-COP10	
October 2010:		RC-COP5
May 2011:		
Week 1		SC-COP5 (suspended)
Week 2	BC-ExCOP	RC-ExCOP
Week 2		SC-COP5 (concludes)

Advantages:

- Three COPS remain distinct events on the international calendar
- Avoids pressures on secretariats and participants of an extended meeting

Disadvantages:

No economies of scale and thus few efficiencies to be gained. There might be cost-savings if the same delegates cover all the COPs (and if the ExCOPs be taken as. replace or shorten an “ordinary” COP). There might not be cost savings if the ExCOPs are additional COPs and not replacing a normal COP – however, there might be important political “economies of scale” and efficiency gains because of better, i.e. more coherent and synergetic decisions

- Requires participation of some Party representatives at an additional meeting (ExCOP(s)), although in many cases these may be the same people who would attend the final COP in the cycle anyway e.g. budget experts

(c) the “chemicals COP” model

This model combines the approach of a separate COP and subsequent ExCOP for the Basel Convention (as in (a)), but combines the Rotterdam and Stockholm meetings, the latter working in parallel (although this could also be sequentially).

June 2010	BC-COP10
2010/2011	

Week 1	RC-COP5 (parallel) (suspended)	SC-COP5 (parallel) (suspended)
Week 2 BC-ExCOP		
Week 2	RC-COP5 (concludes)	SC-COP5 (concludes)

Advantages:

- Keeps the chemicals conventions together whilst respecting the “wider” interests of Basel as a waste convention with a separate timetable
- Economies of scale in terms of participation of chemicals experts at a joint meeting

Disadvantages:

- Pressure on resources of the chemicals secretariats and participants in terms of preparation and attendance
- Requires participation of Basel representatives at an additional meeting (ExCOP), although in many cases these may be the same people who would attend the chemicals COPs e.g. budget experts

(d) the “super COP” model

Finally, this model involves the convening of all three COPs at the same time, initially sequentially (although this could be in parallel), with all three concluding at the same time following agreement to all relevant decisions and the holding of a joint high level segment.

June 2010:

Week 1 BC-COP10 (suspended)		
Week 1/2	RC-COP5 (suspended)	
Week 2/3		SC-COP5 (suspended)
Week 3 BC-HLS (joint)	RC-HLS (joint)	SC-HLS (joint)
Week 3 BC-COP10 (concludes)	RC-COP5 (concludes)	SC-COP5 (concludes)

Advantages:

- Greater political impact of a joint high level segment
- Economies of scale in terms of participation of chemicals/waste experts at a joint meeting

Disadvantages:

- Pressure on resources of the three secretariats and participants in terms of preparation and attendance and possible time-lags

2. Subsidiary bodies

As to be expected, the three conventions have different variants of subsidiary bodies, some being more suitable for cooperative and collaborative working than others (e.g. depending on similarity of substance matter and overlap of experts). The Basel Convention is unique among the three conventions in having an overarching intersessional policy-making body (the Open Ended Working Group) that takes decisions on policy and prepares the ground for subsequent COP decision-making. The Basel convention also has a compliance committee which is arguably a subsidiary body². The two chemicals conventions, on the other hand, rely on subsidiary bodies that have a purely technical role, whether assessing the merits of proposals for the listing of new substances in the convention (chemicals review committee under the RC, the POPS Review Committee under the SC), or undertaking other specific activities (technical working group for the global monitoring plan for POPS, global and regional coordination groups on effectiveness evaluation, and expert groups on BAT/BEP and on DDT, all under the SC)). Of course, it should be recalled that Basel originally had two working groups, one on legal issues, the other on technical matters, and there is therefore potential for coherence between the technical issues considered at the OEWG and the chemicals technical groups.

In procedural terms, there is again nothing to prevent subsidiary bodies from working jointly, although the independence of the Chemicals Review Committee and the POPS Review Committee need to be preserved given that these are specifically established by articles 18.6 RC and 19.6 SC). Any reform of the role or nature of those committees would therefore likely require amendment of those treaty provisions. Other subsidiary bodies are, however, established by means of COP decisions and are consequently capable of being subject to more radical changes through further COP decisions. This includes the Basel OEWG since the Basel Convention does not expressly identify particular subsidiary bodies but leaves that to the discretion of the COP under article 15.5(e). Nevertheless, a number of issues will need to be addressed in any move towards joint working.

(a) Membership

This will depend upon the nature of the body in question. The Basel OEWG is open to all Parties whereas other technical bodies under the chemicals conventions are based on a system of regional representatives or experts, or both (the chemicals review committee consisting of government-designated experts on chemicals management, the POPS Review Committee such experts in chemicals assessment or management, with respect to a balance in gender and expertise, including expertise in health and the environment). In terms of regional representation, RC requires an equitable geographical distribution with a balance between developed and developing countries whilst the SC provides merely for equitable geographical distribution. In practice this means that both the Chemical Review Committee and the POPS Review Committee consist of 31 members, determined by reference to the standard five UN regional groups with a specified number from each³. The Party representatives from a particular group will be different from each convention, as will the rotational requirements for particular members. Consequently, if it is ultimately decided that there is scope for some form of joint arrangement in the form of parallel or simultaneous working, the question of who actually participates will need to be answered, and the arrangements for each committee synchronised. This could be achieved by relevant COP decisions as membership is not determined by the treaties themselves. Similarly, any assimilation of the global coordination group on effectiveness evaluation into other subsidiary bodies will need to take account of the formal mechanism for regional representation within that group (although this group is specific to the SC and therefore arguably not appropriate for such assimilation). But membership of other ad hoc and more informal expert groups should be less of an issue.

² Coordination and cooperation in relation to compliance forms the subject of a separate thought starter.

³ Decisions RC-1/6 and SC-1/7.

(b) Timing

The same methods of joint working (sequential, parallel, simultaneous) as described above could apply for meetings of subsidiary bodies. If such bodies were to be convened at the same time, or, in some potential cases, amalgamated, this would have implications for the resources required for the preparation of submissions in the policy area concerned for the meeting of the subsidiary body and thereafter for a subsequent joint COP, particularly in the case of the Chemical and POPS Review Committees where the assessment of new substances is involved. But there would appear to be no procedural impediment to adopting such a timetable; both review committees are required to meet at least once annually.

(c) Role

The mandates for the Chemical and POPS Review Committees are set out in both the conventions and the relevant COP decisions on their establishment. Whilst both bodies undertake similar functions in terms of assessing the suitability of nominated substances for inclusion in the annexes to the conventions, each is particular to its own regime with unique requirements e.g. the drafting of decision guidance documents for new substances by the Chemical Review Committee or the use of invited experts by the POPS Review Committee. Such differences indicate that a mechanism to allow for joint working whilst preserving individual processes will be necessary, particularly if the enabling provisions of each convention are to be adhered to and their amendment avoided.

Indeed, it could be argued that despite a similar function (that is, testing inclusion of a chemical in their respective Conventions), the methodologies which both Committees use to do so are very different. In addition, there is a lack of commonality amongst members of those two Committees. On this basis, it could be said that there would be little practical benefit in attempting to bring these two particular Committees together.

Advantages of joint working

- Avoids a proliferation of bodies of technical expertise, with benefits in resource terms to participants
- Allows a collective expertise to be brought to all conventions where similar assessments need to be undertaken

Disadvantages

- More difficult to bring Basel participants into process where technical expertise often goes beyond that of chemicals management (although there will clearly be benefits for certain technical issues under Basel e.g. POPS as waste). But : the Basel Convention subsidiary bodies address issues that are related to the PIC and POPs Convention and issues that are not related. The same can be said for each of the conventions. While the discussion of related issues would obviously primarily benefit from back to back meetings, even not directly interrelated issues may involve similar questions and thus allow for benefits by learning how the other process was solving such a problem.
- Pressure on secretariat resources when preparing for joint review committees and subsequent COP consideration of committee recommendations

3. Decision-making

COPs: if decisions are to be taken in a joint meeting, two problems arise: (i) the need to respect the autonomy of each COP and its processes; (ii) the fact that each COP has a different membership involving different Parties. However, if decisions are taken not in joint meetings but in parallel or subsequent meetings, each of which being convened either as COP Basel, COP PIC or COP POPs, there seems to be no problem.

Thus the above models are designed to allow for the taking of individual decisions under the three respective COPs but in a manner that allows for appropriate coordination among the three processes to take account of issues of mutual interest e.g. decisions on budget, regional centres, resource mobilisation. These decisions of course may mirror each other if relating to a matter of joint concern, but the processes mooted above are designed to expedite co-ordinated decision-making e.g. as with the process used to establish the AHJWG without the time-lag and uncertainty that would otherwise follow. Information flow among the three conventions must be sufficiently designed so as to expedite swift and coherent decision-making.

But "pure" joint action would be possible at the political level e.g. in the form of joint political declarations made collectively by the Parties to all three conventions at a joint high level segment.

Subsidiary bodies: As above, except that the less formal, more ad hoc bodies (i.e. not those expressly named in the conventions themselves) could actually fulfil the role of a single subsidiary body capable of reporting to all three COPs provided that each COP under each convention had decided that such a body was a subsidiary body for that convention and that decisions of that body would be considered by that COP.

4. Rules of procedure

If meetings of COPs or their subsidiary bodies are to be held jointly (and particularly if these are to involve parallel or simultaneous working), or indeed a single ad hoc subsidiary body is to be convened, the rules of procedure for each COP (which will also apply to subsidiary bodies unless contrary rules apply in the COP decision establishing a particular body) will need to be examined for consistency and amended where this is deemed necessary. Otherwise, a particular meeting will need to mutate to keep pace with the relevant applicable rules depending on which convention is sitting e.g. in terms of participation of observers or appointment and role of office bearers.

3) Practical and resource implications

While advantages in terms of substance for advancing the discussions and thus outputs achieved could be quite substantial for back-to-back meetings, there are a number of practical considerations and resource implications that need to be considered.

Practical considerations

From a practical perspective, two issues will be of particular interest:

- Timing of conferences – this would require coordination with the overall international environmental/sustainable development⁴ calendar as such, speaking in terms of meetings of other conventions/bodies relevant to these three
- Location of conferences – parallel or longer COPs would pose a greater logistical challenge, in terms of finding suitable conference facilities and accommodation

Resource implications

While there might be potential for savings in terms of logistics and travel costs, it cannot be generally assumed that back to back meetings would automatically lead to considerable reductions due to economies of scale. This is due to wider resource implications, such as

- the additional burden to the Convention Secretariats: e.g. timely preparation of meetings (documents, logistical arrangements including travel for funded representatives, potentially longer meeting periods)
- the differing membership in the Conventions/sub-bodies (e.g. due to regional representation and nominated groups, which require participation of representatives in their personal capacity or as a regional representative on specific issues),
- differing Party representatives, and
- varied language regimes (i.e. some groups might require translation while others do not, which would have implications on costs for interpretation; also noting the additional burden to translators).

Also, back to back meetings would only benefit from travel savings if a high percentage of developing countries and those with economies in transition have the same person representing more than one convention, which on the other hand would pose undue burden and stress on these representatives. Longer joint COPs might even pose the risk of increasing traveling for developed country representatives (e.g. through bigger delegations; rotations within delegations; representatives traveling back and forth).

Therefore, a case-by-case assessment seems to be recommendable, where process- and budgetary implications are to be taken into account. Due to the differing periods for work programs among the three Conventions, it would be problematic at this stage to globally determine a common meeting calendar. Also, linkages with other Conventions (e.g. IMO) and their meeting calendars would need to be taken into account to a certain degree. Budgetary calculations could only be based on previous experiences on an interim basis and only after certain period of time (“pilot period of common meetings”) more realistic calculations about savings and expenditures would be possible.

To this end, a formalization of the Secretariats’ meetings, along with the Bureaus of the three Conventions seems to be advisable. Information on implications of holding certain meetings back to back could be included in background documents for COPs/OEWG so as to allow for informed budget

⁴ e.g. according to the Commission on Sustainable Development’s multi-year programme of work, chemicals will be taken up in the 2010/2011 cycle

decisions to this end, taking also into account implications for the Secretariats and the Parties themselves (resources, work load, meeting time).

[An exemplary assessment as a case study could be considered to be prepared for the thought starter]

Overview of Convention Bodies (COPs, sub-bodies, expert groups)⁵

Basel Convention	Rotterdam Convention	Stockholm Convention	Remarks
COP June 2008 Main decision-making All parties Bi-annually	COP October 2008 Main decision-making All parties Bi-annually	COP May 2009 Main decision-making All parties Bi-annually	Membership of Conventions varies (ref. to doc of memberships)
Bureau	Bureau	Bureau	
Open-Ended Working Group			
Compliance Committee	OEWG Non-Compliance	OEWG Non-Compliance	Members differ
	PIC CRC Scope Review of PIC chemical nomination Membership Frequency annually	POPsRC Scope Review of POPs nominations Membership [...] Frequency annually => UN languages interpretation	Period for each member serving may differ
		Coordination Group on Effectiveness Evaluation / Global Monitoring Plan for POPs Scope GM Plan Membership 15	

⁵ *To be completed*

		Frequency once before COP 4	
		EG on DDT Scope Review of DDT use Membership app. 15 Frequency annually	
		EG on Dioxin Toolkit => only after 2010	
