



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

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**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**

General legal service arrangements

Note by the secretariats

1. The present information note is provided for the information of the second meeting of the Ad Hoc Joint Working Group on Enhancing Cooperation and Coordination among the Basel, Rotterdam and Stockholm Conventions, to assist its consideration on the general legal service arrangements provided by the Secretariats of the respective Conventions.
2. Accordingly, this information note seeks to supplement the Supplementary Report prepared by the President of the Stockholm Convention pursuant to decision SC-2/15 of the second meeting of the Conference of the Parties to the Stockholm Convention (BC-RC-SC /AHJWG.1/2), and those documents addressing matters relating to cooperation between the three Conventions issued prior to the establishment of the Ad Hoc Joint Working Group.¹ This note thus seeks to expand on the legal functions carried out by the secretariats of the Conventions, highlighting further responsibilities and

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

¹ The study prepared by the Stockholm Convention on how cooperation and synergies between the secretariats of the Basel, Rotterdam and Stockholm conventions and other relevant programmes could be improved; The supplementary analysis of financial and administrative arrangements that would be needed to implement any changes that might be proposed in the study requested by the decision SC-1/18 of the Conference of the Parties to the Stockholm Convention; and Recommendations on improving cooperation and synergies provided by the Secretariat of the Basel Convention.

providing examples as appropriate. The paper seeks to illustrate the general legal service tasks performed by the secretariats, while a separate information note is provided on the technical assistance legal service activities performed by the Secretariat.

3. It is noted that the Secretariat of the Basel Convention is serviced by a full time P-5 Senior Legal Officer, supported by one G-5 Programme Assistant, and a number of consultants and interns. The Secretariats of the Rotterdam and Stockholm Conventions rely on services provided by one Senior Legal Officer from the Division of Environmental Law and Conventions of the United Nations Environment Programme, who, given his multiple commitments, is unable provide full-time commitment to either Convention. The Secretariat of the Stockholm Convention is in the process of retaining a full-time P3 legal officer, who is expected to also provide some legal services for the Secretariat of the Rotterdam Convention.

4. The general legal services provided by the Secretariats may be considered to fall into two categories, (a) legal advice on administrative issues, which may be general in nature and generic to any particular multilateral environmental agreement, or international organisation; and (b) legal issues required to be addressed or being addressed by respective conventions for which the secretariats provide advice and support, which requires the support of a legal officer apprised of the specific nature and activities of a particular convention. The functions set out herein are not exhaustive, nevertheless they may be considered as illustrative of the type Secretariat functions carried out in this regard.

A. Legal advice on administrative issues

5. Among its functions, the legal units of the Secretariats provide general legal services for the Convention bodies and in-house legal counsel on administrative matters of the Secretariat. These include:

(a) *General services for Convention bodies:* providing legal advice on the negotiation and conclusion of host country agreements and service contracts for the organisation of meetings of the Conventions, and advising on matters of copyright relevant to publications produced by the Convention and on the use of logos. This also includes advising the Convention bodies on the application of its rules of procedure, and examination of credentials of representatives to meetings;

(b) *Services for the Secretariat:* advising on legal questions relating, *inter alia*, to conclusion of memoranda of understanding, and the application of United Nations rules and regulations;

(c) *Convention specific administrative duties:* liaising with the Depository in relation to the ratification of, accession to, withdrawal from the Conventions, and any relevant protocols and amendments. Furthermore, liaising with the Depository upon introduction of amendments and/or corrections to the Convention texts and its Annexes.

B. Legal issues required to be addressed or being addressed by the respective conventions for which the secretariats provide advice and support

6. In light of the particular nature and demands of the Conventions served, the Secretariat will often have to provide specific legal services, thus requiring a specialised substantive knowledge of the Convention in issue. These specific legal services include:

(a) *Specific support to Convention bodies:* Assisting and advising the Convention bodies on points of law under the Convention, including setting out legal issues which may require the attention of the Parties (e.g. treaty ambiguity). In the case of the Basel Convention, support is also provided to the Basel Convention Compliance Committee in the preparation of reports, building working practices and facilitating the implementation of activities under the Committee's work programme. When compliance mechanisms are established for the Rotterdam and Stockholm Convention, similar such legal services will be warranted;

(b) *Support to other related bodies affiliated with the Conventions:* Depending on the modalities of the regional representation for each Convention, legal services are required to put such arrangements in place, such as through the negotiation of agreements to that effect. With respect to the Basel Convention, considerable work is put into the negotiation with host countries for the conclusion of framework agreements for the establishment of the Basel Convention Regional and Coordinating Centres, which includes ensuring that the relevant entities are established with independent legal personality, and are vested with the appropriate privileges and immunities. Furthermore, assistance is

provided to the Regional and Coordinating Centres with respect to legal aspects of their operations, e.g. conclusion of memoranda of understanding, contracts etc., in order to provide such guidance which may enable them to operate independently at a future stage;

(c) *Implementation of decisions of the Conference of the Parties and related bodies:* Often decisions of the Conference of the Parties to the Convention adopt decisions requiring the Secretariat to undertake work of a legal nature. This might include conducting research on relevant points of law, to be reported back to the Parties for their consideration; following negotiations on international legal instruments of relevance to the Convention; and administering mechanisms for emergency assistance;

(d) *Substantive amendments to provisions of the Convention:* The legal units of the Secretariats may be called upon to assist Parties in considering amendments to the provisions of the Conventions. With respect to the Basel Convention, much work is carried out to assist Parties' consideration of the amendment adopted by decision III/1, and the procedure for entry into force of amendments to the Convention as stipulated in article 17(5).

(f) *Cooperation with other international bodies.* As directed by the Conferences of the Parties, Secretariats are often requested to pursue cooperation with other international and regional organisations, in areas where commonalities may exist, or to cooperate so as to clarify the relationships with other Conventions. In some instances general cooperation agreements may be concluded to provide the basis for mutual beneficial activities to be pursued. Similarly, Secretariats may participate in meetings of other international bodies which may touch on legal aspects of the Convention in, and to report to Parties on any developments in such forum.
