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Excellencies,

I have the honour to refer to your letter of 20 December 2007 seeking comments and feedback on the Co-Chairs' Options Paper for the Informal Consultative Process on the Institutional Framework for the United Nations' environmental activities. I sincerely regret the delay in providing these comments; nevertheless, I hope these still come in sufficient time to contribute to your consideration of this matter.

As you are no doubt aware, Excellencies, the Conferences of the Parties of the Basel, Rotterdam and Stockholm Conventions established an *ad hoc* Joint Working Group tasked with considering enhanced cooperation and coordination between the three Conventions, and to make joint recommendations to the Conferences of the Parties of all three Conventions in light of these considerations. In this connection, it is noted that a number of the matters raised under Building Block 3 of the Co-Chairs' paper including, for example, joint institutional structures with joint secretariats; joint administrative structures with a view to creating common legal, financial and conference services and joint reporting; joint scientific structures; and joint programmatic structures, are the subject of consideration by Parties under the auspices of the *ad hoc* Joint Working Group. Thus, the Secretariat's capacity to comment on these issues is somewhat constrained at this time as they are currently under review by the Parties. You may, however, wish to have regard to the report of the last meeting of the *ad hoc* Joint Working Group, which met from 10 to 13 December 2007, which is attached hereto for your reference. Please be advised that the third meeting of the *ad hoc* Joint Working Group is scheduled to meet from 25 to 28 March 2008 and it is likely, at that meeting, to be finalising its recommendations for the three Conferences of the Parties.

Nevertheless, I am pleased to provide the following observations and supplementary information in respect of Building Blocks 3, 4, 6 and 7 set out in the Co-Chairs' Option Paper:

Building Block 3

In considering the proposals contained in Building Block 3, it was found that a number of proposals referred to action required of "MEAs" or activities related to "MEAs", however the

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intended recipient of such proposals is not clear. Clarification may thus be given indicating to whom these proposals are intended to address, be they national authorities tasked with implementing the Convention, the Convention Secretariat, or the Conference of the Parties.

Under Building Block 3 it is proposed that "governing bodies of MEAs taking part in thematic clustering are called upon to design and implement proposals for: [...] (ii) joint administrative structures with a view to create common legal, financial and conference services and joint reporting to the GA through UNEP". While MEAs do not receive any financing from UNEP, MEAs receive administrative services from UNEP in exchange for a 13 per cent charge for programme support costs which are levied on each financial transaction. Accordingly, to the extent that some MEAs receive administrative services from UNEP, it is arguable that there is already some degree of harmonisation in the administration of MEAs, through the application of the staff rules and financial rules and regulations of the United Nations.

Furthermore, I note that the function of the Secretariat is to assist Parties to implement their obligations under the Convention. It is the role of the Executive Secretary to ensure that the best use is made of the available resources for the performance of these functions. While oversight is fundamental to good governance, micro-management of the administration of the Secretariat, by the Parties, would create an undue additional burden on Parties. Such a level of decision making would also distract from the already limited time available to Parties to deliberate on matters of policy. A balance might thus be sought which enables Parties to exercise oversight over the operation of the Secretariat, while vesting the Executive Secretary with the responsibility to manage the Secretariat in a manner which best allows her to deliver the Parties' work programme.

Under the same Building Block, it is proposed that "[A process is set up] to gradually integrate MEA secretariats, with UNEP providing the functions of a secretariat for the MEAs and set a time frame for completion of this process". Article 16(3) of the Basel Convention determined that "at its first meeting, the Conference of the Parties shall designate the Secretariat from among those existing competent intergovernmental organisations which have signified their willingness to carry out the secretariat functions under the Convention". It was then, by virtue of decision I/7 of the first meeting of the Conference of the Parties, that the Executive Director of UNEP was requested to provide the Secretariat functions of the Convention. On this basis, the Conference of the Parties retains the mandate to designate the competent intergovernmental organisation to provide the Secretariat functions of the Convention. Thus, any integration would require the consent of the Conference of the Parties.

Any call for integration should also consider how this would affect the other significant MEAs which are not administered by UNEP. For example, the United Nations Framework Convention on Climate Change and the United Nations Convention to Combat Desertification are administered by the main United Nations Secretariat. The Ramsar Convention on Wetlands has its Secretariat functions provided by the World Conservation Union (IUCN). In order to ensure a coherent approach to international environmental governance, all MEAs should be considered, not merely those which are administered by UNEP.

Building Block 4

Building Block 4 proposes options which could address regional presence and activities at the regional level, which turn on the use of regional offices of UNEP as entry points for scientific activities

and capacity building. The Basel Convention carries out much of its capacity building activities at the regional and sub-regional level through its fourteen Basel Convention Regional and Coordinating Centres. Thus, you may also wish to consider the role to be played by other regional offices and networks such as the Basel Convention Regional and Coordinating Centres, the Cleaner Production Centres and the National Ozone Units, so as to take advantage of the considerable knowledge, experience and expertise which they have accumulated. Alternatively, while it may still be at an early stage of implementation, consideration might also be given to the use of the United Nations Development Assistance Framework to coordinate regional delivery of MEA capacity building activities.

Building Block 6

Under Building Block 6, proposals are submitted which seek to strengthen key support functions relating to international environmental governance such as the use of IT, expanded partnerships and advocacy activities. Such proposals would be very much welcomed, however closer reflection would be needed over how these proposals might be realised. For example, in respect of one of the proposals put forward to "establish a unified clearing-house mechanism of best practices and lessons learned in all environmental fields, supported through the collaboration of MEAs and other partners in order to serve as an integrated communication platform on environment", closer consideration is required over the objective of such a mechanism. It is noted that there exist a number of reporting databases and clearing house mechanisms under the various MEAs. The contents and processes of these mechanisms are very technical and specific to each MEA, thus any attempt to harmonise or consolidate such mechanisms would require much care, and an in-depth appreciation of what each mechanism is designed to achieve.

It is also proposed under Building Block 6 that better use be made of partnerships with science, civil society and business and that UN rules and regulations should be adapted in order to facilitate such activity. You may wish to note that significant steps have been made under the Basel Convention to foster partnerships with civil society and industry. By its decision VI/32, the sixth meeting of the Conference of the Parties to the Basel convention recognised the importance of cooperation with environmental non-governmental organisations and with industry and business sectors in achieving the aims of the Basel Convention and, accordingly, set in motion a work programme for cooperation with industry. The Basel Convention launched a Mobile Phone Partnership Initiative, and continues to explore possible partnership activities in other thematic clusters, such as computing and electrical equipment.

Building Block 7

Under Building Block 7 a number of proposals are put forward to improve financing of the international environmental governance system and for environmental activities through timely and adequate financing. In this connection, consideration might also be given to develop proposals which all MEAs would be placed on an equal footing in respect of access to financial resources. At present, the Basel Convention has limited access to funding from the Global Environment Facility for activities related to POPs wastes. The Basel Convention thus relies on receipt of voluntary contributions from donor countries to undertake technical cooperation activities. You may wish to consider how all MEAs might be given sustainable financing through, for example, the Multilateral Fund or the Global Environmental Facility, so as to enable all MEAs to operate on an equal footing.

I hope these comments prove useful. I am very grateful for the opportunity to provide contributions to these discussions, and remain ready to provide further inputs as you deem necessary. I will also be pleased to transmit the outcome of the next meeting of the *ad hoc* Joint Working Group and any recommendations made by the Group to the Conference of the Parties, as these become available.

Please accept, Excellencies, the assurances of my highest consideration.



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