



## **AN NGO VIEW ON SYNERGIES AND THE EXCOPS**

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### **Abstract**

This paper provides a short introduction to the International POPs Elimination Network and the role of public interest non government organisations (NGOs) in chemical policy and management including their participation as observers in the three chemical conventions, Basel, Rotterdam and Stockholm. It discusses the benefits of synergies in chemical policy, management and governance, and its ability to provide a framework for a lifecycle management approach to toxic chemicals and hazardous waste. The synergies initiative adopted by the three COPs of the Stockholm, Rotterdam and Basel Conventions is reviewed from the perspective of the protection of human health and the environment, as are the challenges and reservations expressed by NGOs working in the chemical conventions.

### **IPEN - International POPs Elimination Network**

IPEN is a global network of over 700 public interest non-governmental organisations (NGOs) from more than 100 countries united in support of the common goal of a “toxics-free future.” Established in 1998, at the first international negotiating committee (INC) of the *Stockholm Convention on Persistent Organic Pollutants (POPs)*, IPEN is represented in all regions of the globe and focuses on addressing chemicals-related issues as they impact on developing countries and countries with economies in transition. IPEN facilitates the engagement of public interest NGOs in national, regional and international efforts to eliminate POPs and other persistent toxic substances (PTS). IPEN provides a bridge to help ensure that international policy discussions are relevant to the concerns of local and national NGOs and their communities and that the issues highlighted by developing country NGOs are given a voice at international chemical forums.

NGOs within IPEN, known as Participating Organisations (POs), focus on chemical issues relating to human health and/or environmental sustainability. Many have expertise in fields as diverse as public health, toxicology, agriculture, waste management, legislation, clean production, consumer issues, and workers’ rights. POs have the ability to translate international and national chemical policy into concrete action on the ground and when given the opportunity, to contribute constructively to the international policy development. Our goal is a toxic free future where hazardous chemicals no longer contaminate our food, our communities and our children.

## **IPEN Participation in the Chemical Conventions**

POs participate in the ongoing work of the three Conventions, attending the conferences of the parties (COPs) and related meetings. They provide information and input into the expert and scientific committees, for example; the POPs Review Committee, BAT/BEP and the Dioxin Toolkit Expert Group, DDT Expert Group, Rotterdam Chemical Review Committee and the Basel Open-Ended Working Groups. In this work, IPEN coordinates with other networks such as the Basel Action Network (BAN), Rotterdam Convention Alliance (ROCA), Pesticide Action Network (PAN), Health Care Without Harm (HCWH), International Society of Doctors for the Environment (ISDE), World Federation of Public Health Associations (WFPHA) and the Global Alliance for Incineration Alternatives (GAIA). In addition, POs actively engage in related chemicals policy framework discussions including the Strategic Approach to Integrated Management of Chemicals (SAICM).

## **NGO International POPs Projects – contributing to implementation**

IPEN's International POPs Elimination Project (IPEP) in partnership with the United Nations Industrial Development Organization (UNIDO) and the United Nations Environment Program (UNEP) saw more than 350 NGOs in 65 developing and transitional countries engaged in over 290 IPEP activities providing concrete contributions to the convention's implementation.<sup>1</sup> To maximise NGO participation, IPEN created eight IPEN Regional Hubs covering Anglophone Africa, Francophone Africa, Latin America and the Caribbean, Southeast Asia and Pacific, South Asia, Eastern Europe, Caucasus and Central Asia, Central and Eastern Europe, and the Middle East. IPEN Regional Hubs coordinate and communicate in the regional language (ie Arabic, English, French, Spanish, and Russian) with NGOs in their geographic regions and then report to the network on the regions' needs, activities, and perspectives.

## **SAICM NGO Focal Point – raising awareness**

In 2006, IPEN became an international NGO focal point for the Strategic Approach to International Chemicals Management (SAICM), which was adopted at the International Conference on Chemicals Management (ICCM) in Dubai in 2006. In collaboration with UNEP, the SAICM Secretariat and NGO networks<sup>2</sup>, IPEN launched a global outreach campaign<sup>3</sup> aimed at raising awareness among civil society organisations throughout the world about SAICM and chemical safety. In preparation for ICCM2, IPEN released the *Citizens' Report: Global Outreach Campaign on the Strategic Approach to International Chemicals Management (SAICM)*.<sup>4</sup>

## **The Role of NGOs in Chemical Policy and Management**

It has long been acknowledged that environmentally sound management of chemicals and toxic wastes relies on the effective participation of all stakeholders. In 1992, the Rio Earth Summit recognised that *environmental issues are best handled with participation of*

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<sup>1</sup> See <http://www.ipen.org/ipepweb1>

<sup>2</sup> Health Care Without Harm (HCWH); International Society of Doctors for the Environment, (ISDE); Pesticides Action Network International (PAN); Women in Europe for a Common Future (WECF); World Federation of Public Health Associations (WFPHA)

<sup>3</sup> See [www.ipen.org/campaign](http://www.ipen.org/campaign)

<sup>4</sup> Available at [www.ipen.org/campaign/index.html](http://www.ipen.org/campaign/index.html)

*all concerned citizens*<sup>5</sup> while Agenda 21 acknowledges that it is in the public interest for the community to be informed, to exercise their right to understand, to make informed choices, and to participate in informed decision-making.<sup>6</sup> In 2000, the Bahia Declaration on Chemical Safety<sup>7</sup> enshrined the right of civil society *to participate meaningfully in decisions about chemical safety* that affect them. Though chemicals pose serious and potentially catastrophic threats to human health and the environment, chemical policy and management is not typically seen as a priority among health, labour and agricultural sectors. Yet, the involvement of all sectors is essential if we are to achieve the goal of the World Summit on Sustainable Development (Johannesburg 2002) of ensuring that, by the year 2020, *chemicals are produced and used in ways that minimize significant adverse impacts on the environment and human health*.

The Stockholm Convention highlights the important role of public participation for the implementation of the Convention as well as the public's right to information about POPs and their alternatives. Compared to Article 10 of the Stockholm Convention, neither the Basel nor the Rotterdam Convention text clearly acknowledges the important role of civil society and NGOs. There are however examples in the Basel Convention of public participation in the development and implementation of national hazardous waste strategies<sup>8</sup> while the Rotterdam Convention highlights the public's right to access information on chemical handling, accident management and safer alternatives to the chemicals listed in Annex III (Article 15, 2).

### **Access To Information, Environmental Democracy and Justice In Environmental Matters**

Although not specifically focused on chemicals, the *Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters* (1998)<sup>9</sup> has provided essential support to the right of civil society to participate in decision making and access environmental information. The Draft Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters<sup>10</sup> to be considered at the Governing Council/Global Ministerial Environment Forum may give further impetus to ensuring the public's access to information, environmental democracy and justice in environmental matters. Most notably, the guidelines recognises the *'importance of stakeholders in environmental decision making, law making and policy making and in compliance and enforcement actions, both at the national and international levels.'*

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<sup>5</sup> *Rio Declaration on Environment and Development* (1992) ILM31 p. 876. Principle 10

<sup>6</sup> *Agenda 21: Programme for Action for Sustainable Development Rio Declaration on Environmental Development*, United Nations Conference on Environment and Development (UNCED) 3-14 June 1992, Rio de Janeiro, Brazil.

<sup>7</sup> 'Intergovernmental Forum on Chemical Safety, *Bahia Declaration on Chemical Safety*, Forum III Final Report of Intergovernmental Forum on Chemical Safety (IFCS/FORUM III/23w) Brazil, October 2000 at para 11/6

<sup>8</sup> Article 4(4)(e) Basel Convention

<sup>9</sup> United Nations Economic Commission for Europe Convention on Access to Information, Public Participation In Decision-Making & Access to Justice in Environmental Matters (1998) ILM 38 p. 51 [Aarhus Convention]

<sup>10</sup> Report of the Executive Director, Draft guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters, Eleventh special session of the Governing Council/Global Ministerial Environment Forum Bali, Indonesia, 24–26 February 2010 UNEP/GCSS.X1/8

Despite these initiatives, exercising the role of observer and participating in the conventions, particularly for NGOs from developing countries or countries with economies in transition, is often very difficult. Many NGOs operate on exceptionally limited budgets, where travel costs create a significant barrier to their ability to provide timely and effective contributions. Effective participation requires not only access to resources to participate in the COPs and their associated committees and expert groups, but also political will on the part of all governments, parties and Secretariats.

### **Benefits of NGO Participation**

The benefits of NGO involvement in global and national chemical policy and management are numerous. Not only do NGOs provide a wide range of expertise, they also provide pertinent local information and data to measure policy options against. IPEN POs have instigated valuable monitoring and data collection, as well as initiating community outreach, public education and awareness raising activities. NGOs provide critical input into policy development at all levels, ensuring diverse and unique perspectives on the protection of human health and environment. The active engagement of public interest NGOs from all regions plays an essential role in achieving good outcomes in intergovernmental negotiating and implementation processes. Effective consultation with NGOs can increase the degree of civil society ownership of implementation measures; promote and support accountability and transparency in the negotiating process; and build public awareness and support for treaty implementation.

### **Synergy in Chemical Management - A Framework for Lifecycle Management of Toxic Chemicals and Hazardous Waste**

A coordinated multi-disciplinary, multi-stakeholder and multi-sectoral approach is essential to address the complete life cycle of toxic chemicals from conception to their recycling or waste phase. Internationally, agencies and countries have been discussing synergies since 1992. In 1999, the United Nation's University<sup>11</sup> completed the report *Inter-Linkages, Synergies and Coordination between Multilateral Environmental Agreements*. It described the problems and challenges that developing countries face with negotiations, ratification and implementation of the conventions. It concluded that institutional and resource constraints and inadequate enforcement of legislation hampered implementation of the conventions. The lack of legislative frameworks was also identified as a significant obstacle.

### **NGO Involvement in Synergies**

In 2002, Australian and Pacific NGOs worked with the United Nations University and the South Pacific Regional Environment Program to produce the Waigani Convention Handbook Information System CD.<sup>12</sup> It provided information, tools and reference material for five chemical conventions (Stockholm, Rotterdam, Basel, Waigani, Bamako) and their inter-linkages to assist the Small Island Developing States and Least Developed Countries to implement the conventions and achieve improved and coordinated chemicals management.

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<sup>11</sup> Inter-Linkages Synergies and Coordination between Multilateral Environmental Agreements United Nations University, Tokyo, Japan July 1999

<sup>12</sup> BioRegion Computer Mapping and Research, and Pacific Web, 'Waigani Convention Handbook CD Information System', South Pacific Regional Environment Program; 2003

In 2004, IPEN presented its paper<sup>13</sup> on the benefits of a synergistic approach to the UNITAR Workshop on Synergies for Capacity Building Under International Chemicals and Waste Management Agreements. The paper argued that the coordinated implementation of chemical multilateral environmental agreements (MEAs) provided real opportunities for full life cycle management of chemicals at a national, regional and international level, thereby preventing or at least minimising the impacts of toxic chemicals and hazardous waste.

### **A Life Cycle Approach**

Combined, the chemical conventions were presented as a series of building blocks that intermesh to create a holistic approach to chemical management. Each deal in one way or another with substances or wastes that are hazardous to human health and the environment. Elements of each of these conventions overlap or interlink with the other agreements providing the framework for improved domestic chemical management and stronger, more effective regional and international frameworks. Most importantly, when combined the conventions can help avoid chemical problems in the future. The combined implementation of the chemical conventions address most aspects of a chemical's life cycle including the:

- evaluation of hazardous chemicals to determine hazards based on inherent characteristic; thereby avoiding the introduction of new hazardous chemicals;
- development and application of clean production methods to avoid generation of hazardous wastes, substances and products;
- promotion of non-toxic alternatives and processes;
- provision of information to all levels of society on hazards of chemicals;
- reduction and eventual elimination of POPs releases and disposal;
- reduction and eventual elimination of use and production of POPs;
- reducing, regulating the transport and international trade in toxic chemicals;
- reducing and regulating transport of hazardous waste;
- environmentally sound management and remediation of waste stockpiles; and
- identification of contaminated sites.<sup>14</sup>

All three chemical conventions promote information exchange and technical capacity building, as well as providing financial assistance for developing countries and countries with economies in transition. The resultant synergy provides the basis of a *cradle to cradle* approach which can form the cornerstone for improved domestic chemical management.

### **Key Principles of Chemical Policy and Management**

Another key value of developing interlinkages between the chemical conventions is the consolidation of important principles of environmental sustainability. Principles of intergeneration equity and precaution were highlighted at the Rio Earth Summit in 1992 and are firmly enshrined in Agenda 21. While some of the chemical conventions embody

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<sup>13</sup> The Synergy of Chemical Conventions; Opportunities and Obstacles- an NGO Perspective, Synergies for Capacity Building Under International Chemicals and Waste Management Agreements: An Electronic Resource Library (1st Edition, 2004) Global Workshop on Synergies for Capacity Building under International Agreements Addressing Chemicals and Waste Management (UNITAR) Geneva, Switzerland, March 30 - April 2, 2004

<sup>14</sup> Adapted from the Synergy of Chemical Conventions; Opportunities and Obstacles- an NGO Perspective 2004

elements of these principles, others are somewhat lacking. Developing a more synergistic approach to the implementation of chemical conventions could help ensure that these vitally important principles are incorporated into all aspects of chemicals management and policy. The following are those principles most relevant to chemical and waste management:

- Intergenerational Equity
- Public Participation and Access to information - Right to know, No data /no market
- Precautionary Principle
- Substitution and Elimination
- Polluter Pays
- Common but differentiated responsibilities
- Priority for special needs of least developed countries and vulnerable populations
- Sovereignty and obligations to protect human health and environment

### **Gaining Efficiencies**

For countries with limited human and financial resources, an integrated approach to hazardous chemical management is the logical way forward. Collaboration has the added benefit of efficiency in the use of the collective resources - information, financial and expertise – and reducing duplication and overlaps. Efficiencies can also be achieved in enforcement, monitoring and customs services as well as in the coordination of public participation and averting fragmented sectoral initiatives.<sup>15</sup>

The rationale for enhanced collaboration was expressed by the South Pacific Regional Environment Program (SPREP) as *the efficient use of collective resources - information, financial and expertise; the reduction of duplication and overlaps; emphasis on program and policy coherence; and averting fragmented sectoral initiatives*. SPREP identified regional response to implementation activities required under each of the conventions as:

- coordinating information management, including collating, organising and sharing data on chemicals;
- standardised data collection and criteria;
- facilitating capacity-building through training programmes;
- coordinating science and research;
- promoting technology transfer;
- seeking financial support;
- assisting in developing model legislation for national governments;
- assisting in developing public awareness programmes on sound chemical management;
- promoting public involvement in chemical management strategies;
- assisting national governments in meeting reporting requirements;
- facilitating meetings regarding the conventions; and
- coordinating the policy development for chemical management regional strategies.<sup>16</sup>

Internationally, useful synergies could encompass collaborative approaches to:

- administrative services such as document production and national report processing

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<sup>15</sup> 'Waigani Convention Handbook CD Information System

<sup>16</sup> *ibid*

- information technology and consolidation (clearing house)
- legal services, conference services
- regular secretariat coordination meetings where the secretariats of the conventions share information and streamline activities.
- joint training and capacity building activities
- chemical management methodologies
- joint project activities at field level
- joint development of technical guidance and standards documents
- providing support for national focal points
- shared use of regional offices
- developing model legislation for national use
- improved information sharing between scientific assessment panels
- pooling information on health and environmental impacts
- improved resourced participation of civil society
- strengthening and intensifying public awareness campaigns.

### **Fundamental Change Needed**

The call for a more effective integration in chemical policy and management was supported by SAICM in 2006 when it concluded the *'environment worldwide continues to suffer from air, water and land contamination, impairing the health and welfare of millions,'* and *'fundamental changes are needed in the way that societies manage chemicals.'*<sup>17</sup> To achieve the much-desired Green Economy,<sup>18</sup> a multi-disciplinary, multi-stakeholder and multi-sectoral approach to chemical management is essential. This would not only support life cycle management of chemicals at all levels, but would increase the profile of the chemical issues and better link chemical policy and management to the Millennium Goals, national development priorities and poverty alleviation.

### **The Synergies Initiative**

In 2006, the Ad Hoc Joint Working Group on Enhancing Cooperation and Coordination (AHJWG) set up by the Basel, Rotterdam and Stockholm Conventions<sup>19</sup> was given a mandate to prepare joint recommendations on enhanced cooperation and coordination among the three conventions for the consideration of the Conference of the Parties of the Basel, Rotterdam and Stockholm conventions.<sup>20</sup> It was driven by *'need for more effective deployment of resources to tackle unprecedented environmental change* and the desire

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<sup>17</sup> The Dubai Declaration on International Chemicals Management, Strategic Approach to International Chemicals Management (SAICM) Newsletter 1 June 2006 Available [http://www.unep.org/civil\\_society/GCSF8/pdfs/SAICM\\_newsletter\\_june06.pdf](http://www.unep.org/civil_society/GCSF8/pdfs/SAICM_newsletter_june06.pdf)

<sup>18</sup> Discussion paper presented by the Executive Director; Green economy. Eleventh special session of the Governing Council/ Global Ministerial Environment Forum Bali, Indonesia, 24–26 February 2010, UNEP/GCSS.X1/10/Add.1

<sup>19</sup> Ad Hoc Joint Working Group was established pursuant to decision SC-2/15 of the Conference of the Parties of the Stockholm Convention on Persistent Organic Pollutants, decision; RC-3/8 of the Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and decision; VIII/8 of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

<sup>20</sup> Enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions\*\* Conference of the Parties of the Stockholm Convention on Persistent Organic Pollutants Fourth meeting Geneva, 4–8 May 2009 UNEP/POPS/COP.4/32

to 'promote enhanced coordination, coherence and synergies between MEAs and the UN system, providing a more integrated approach to international environmental governance and management at the national, regional and international levels.'<sup>21</sup>

In the same year, the President of the Stockholm Convention COP completed his report highlighting what needed to be taken into account when considering synergies. The report focused on consolidating cooperation to date and planning future actions to enhance effectiveness through closer collaboration. Key among the findings was the need for clearly identifiable benefits and respect for the individual integrity of the conventions and the sovereignty of the conferences of the parties.<sup>22</sup> IPEN POs also wanted to ensure that the synergies initiative and any future consolidation did not result in the erosion of the objectives, principles and deliverables required under each of the three conventions. Unfortunately, the meetings of the AHJWG were closed to observers and NGO participation.

The AHJWG subsequently made a number of recommendations, which have been unanimously adopted by the COPs of the three conventions. These focused on five areas:

- organisational issues in the field, including coordination at the national level, programmatic cooperation in the field, and coordinated use of regional offices and centres;
- technical issues, including national reporting, compliance mechanisms, and cooperation on technical and scientific issues;
- information management and public awareness issues, including joint outreach and public awareness, information exchange/clearing-house mechanism on health and environmental impacts, and joint input into other processes;
- administrative issues, including: joint managerial functions, resource mobilization, and financial management and audit functions; and
- decision making, including: coordinated meetings, extraordinary meetings of the COPs and review arrangements.

### **The ExCOPs**

In February 2010 in Bali, the Conferences of the Parties to the Basel, Rotterdam and Stockholm conventions meet in simultaneous extraordinary meetings, the ExCOPs. They are to consider and take decisions on a number of matters relating to the adopted recommendations. The ExCOPs may approve those synergies elements initiated on an interim basis, and agree on the establishment of further steps in the synergies process. These include joint activities, joint managerial functions, joint convention services, the synchronization of the budget cycles of the three conventions and joint audits, the review mechanism and follow-up work on enhancing coordination and cooperation.<sup>23</sup>

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<sup>21</sup> Comments by the Executive Director on the management review of environmental governance within the United Nations system carried out by the Joint Inspection Unit, Eleventh special session of the Governing Council/ Global Ministerial Environment Forum Bali, Indonesia, 24–26 February 2010, UNEP/GCSS.X1/5

<sup>22</sup> Supplementary Report on Cooperation and Coordination Among The Basel, Rotterdam and Stockholm Conventions, Nik Kiddle, President, Conference of the Parties of the Stockholm Convention 25 September 2006

<sup>23</sup> POs are aware that the synergies may also be expanded to include any future convention on mercury and/or heavy metals



## **Joint Activities**

The joint activities<sup>24</sup> are organised into three areas:

### *Organisational issues in the field*

- Coordination at the national level
- Programmatic cooperation in the field
- Coordinated use of regional offices and centres

### *Technical issues*

- National reporting
- Compliance/non-compliance mechanisms
- Cooperation on technical and scientific issues

### *Information management and public awareness issues*

- Joint outreach and public awareness
- Information exchange/clearing-house mechanism on health and environmental impacts
- Joint input into other processes

The ExCOPs are asked to support the joint activities being carried out and planned by the Secretariats including the joint clearing house. The ExCOPs are asked to urge Governments to undertake activities to implement the synergies decisions and most importantly, to ensure that resources are made available to support joint activities of the Secretariats.

Parties and POs have stated that those elements and goals unique to each of the three conventions should neither be forced through a *one-size-fits-all* joint mechanism nor sacrificed to the goal, however laudable, of achieving synergies among the three conventions. While it is neither practical nor desirable to enumerate definitively at the outset those activities that would be the subject of coordinated action and those that would not, it is evident that the function of joint coordination would not extend to the entire management of all three conventions but rather only those areas that overlap. POs also share other concerns expressed by parties of less focused resources to implement the individual conventions, a reduction in capacity building activities for each convention and/or less focus on specific obligations of individual conventions.

Unfortunately, there appear to be no activities that would assist in the coordination of public participation at a national level, nor consultation for the joint secretariats' global public awareness and outreach; thereby wasting a valuable resource of NGO involvement and support. The three conventions have not done well in public outreach, and a common system for the development, management and distribution of information and outreach materials does not ensure a better or more effective system. The clearing-house mechanism to serve all three conventions has emerged as one area that will require additional resources and considerable planning and implementation.

Most importantly, there has been no discussion about how the principles of precaution and elimination, evident in one convention yet not in others will be addressed in any joint activities, particularly in the proposed cooperation on technical and scientific issues.

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<sup>24</sup> UNEP/FAO/CHW/RC/POPS/EXCOPS.1/2

## **Regional Centres**

The joint utilisation of the network of regional centres (i.e., FAO offices, Basel and Stockholm Convention Regional Centres and UNEP Regional Offices) is presented as a way of increasing participation of these centres in the planning and delivery of capacity-building and technical assistance activities and the subsequent enhancement of national and regional capacities. To date there has not been consideration of consistency of access and participation in regional centres and their activities. It is the view of POs that regardless of the location of a meeting, if it is an UN sponsored meeting concerning the conventions then the same rules of procedure including observer participation should prevail. Uniform protocols for participation of NGOs in regional centres activities need to be developed.

## **Joint Managerial Functions**

In regards to joint managerial functions,<sup>25</sup> the conferences of the Parties are being asked to decide whether they want joint coordination of the Basel, Stockholm and Rotterdam Convention Secretariats through the establishment of a joint coordinating group; or through a Joint head of the Basel, Stockholm and UNEP part of the Rotterdam Convention Secretariats. They are then asked to agree to a schedule for implementing the option selected and to ensure that resources necessary for implementing that option are made available.

The advantages and disadvantages including the issue of costs are addressed in the *Study on the feasibility and cost implications of establishing joint coordination or a joint head of the Basel, Rotterdam and Stockholm conventions*<sup>26</sup>. The study notes that in contrast to joint coordination, the appointment of a joint head of the three convention secretariats would result in a substantial change in existing arrangements. It poses a series of questions regarding the establishment of a Joint Coordinating Group and /or the establishment of a Joint Head for the ExCOPs to consider. While the report does not explicitly recommend either option it notes that the additional cost of Joint Coordination (Option 1) is approximately \$46,606 per year, whereas the additional costs of joint head of the Basel, Stockholm and UNEP part of the Rotterdam Convention secretariats (Option 2) will cost \$267,300 per year.

At this early stage of synergies implementation, POs consider a Joint Coordinating Group is the most appropriate option, as it would not entail substantial change in existing arrangements. Joint coordination is more likely to have a system of checks and balances and avoid the possible problem of a single individual not being able to give equal attention and priority to each of the conventions. Initially, it is also more cost effective and would allow further time to examine the effectiveness and functioning of the synergies initiatives and the appropriateness of a joint head. Consideration of a joint head could take place after the proposed 2012 review.

## **Joint Services**

Since June 2009, joint convention services<sup>27</sup> have been functioning on an interim basis in the following areas: financial and administrative support service; legal service; information technology service; information service and joint resource mobilisation service. However,

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<sup>25</sup> UNEP/FAO/CHW/RC/POPS/EXCOPS.1/3

<sup>26</sup> Annex to UNEP/FAO/CHW/RC/POPS/EXCOPS.1/3

<sup>27</sup> UNEP/FAO/CHW/RC/POPS/EXCOPS.1/4

it is acknowledged that there has been only limited time to evaluate the effectiveness of the interim joint services and it is not been possible to establish the benefits and disadvantages or describe the lessons learnt. The ExCOPs are asked to consider, the costs and organisational implications of establishing the joint services and are requested to approve the proposals on common arrangements for staffing and financing joint services.

The ExCOPs are also asked to take note of the other related items regarding the **Synchronization of the budget cycles of the three conventions**<sup>28</sup> and **Joint audits of the accounts** of the secretariats of the three conventions.<sup>29</sup> They are asked to support the **review mechanism**,<sup>30</sup> as well as suggesting parameters for the review and **support follow-up work on enhancing coordination and cooperation**.<sup>31</sup> The Parties are also asked to assess at their individual COPs in 2011, the progress made towards the implementation of the synergies decisions and any related decisions taken at the ExCOPs.

### **Synergies Review**

A review has been planned for 2012 to assess whether the objectives of the synergies decisions have been met. The review will be undertaken by the UNEP and FAO evaluation units and will assess whether the processes for enhancing cooperation and coordination have taken into account global concerns and responded to the specific needs of developing countries and countries with economies in transition; whether it has helped to strengthen the implementation of the three conventions at the national, regional and global levels; whether it has promoted coherence in policy guidance, enhanced efficiency in the provision of support, reduced their administrative burden and maximised the effective and efficient use of resources at all levels. Most importantly, it will assess whether it has contributed to the achievement of the common objectives of the protection of human health and the environment.

The review process as outlined<sup>32</sup> does not explicitly seek stakeholders' or observers input into the effectiveness of the synergies initiative other than from Parties to the Conventions. POs consider that Parties should approve a term of reference that includes stakeholders' consultations as part of the evaluation elements. NGOs with their on the ground knowledge and experience have much to offer in feedback both to the effectiveness of the synergies initiative and its impact on civil society involvement in the implementation of the conventions.

### **NGO Concerns and Challenges**

There are clearly benefits in developing synergies and coordination across chemical policy and management activities as well as convention implementation obligations. The recommendations for a more coordinated approach at a national level adopted by the COPs are useful and in general, supported. There are significant advantages to improved coordination across the three Secretariats' programs and activities. What has been

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<sup>28</sup> UNEP/FAO/CHW/RC/POPS/EXCOPS.1/5

<sup>29</sup> UNEP/FAO/CHW/RC/POPS/EXCOPS.1/6

<sup>30</sup> UNEP/FAO/CHW/RC/POPS/EXCOPS.1/7

<sup>31</sup> *ibid*

<sup>32</sup> *ibid*

proposed in synergies joint activities<sup>33</sup> appear sensible and of practical use to developing countries dealing with urgent issues of chemical management in the 21<sup>st</sup> century. However, this long overdue coordination in the Secretariats' activities does not require the major administrative changes suggested by a joint head of the three Conventions.

There has been little analysis to determine the range of impacts each convention may have on the other conventions. While the current initiative focuses on administrative and some activities synergies, with the ongoing push for clustering of the conventions and the discussion of a joint head, further programmatic synergies are likely in the future. Prior to any further synergies initiatives, POs believe it would be important to assess whether the goals, objectives and principles of the conventions are consistent with each other, and whether there are areas of inconsistencies, including the implications for non-Parties of a Convention on issues of programmatic synergies. Such a study should analyse the differences in scope and intent of the conventions and provide examples of where efforts to promote efficiencies have resulted in strengthening implementation or weakening efforts towards the goals of the conventions.

For POs excluded from the AHJWG process, there remain reservations both about elements of the synergies proposal and about the implementation of all three conventions. These have been compounded by the lack of an open and inclusive participation process for the development of the synergies initiative, the failure to support the participation of NGOs involved in the conventions in the ExCOPs and the lack of a clear role for observers in the review of the synergies initiative.

The current challenge for NGOs is threefold:

- to ensure any current and future harmonisation of the conventions is in an upward direction using the best from the three conventions;
- to identify which parts of implementation of the conventions should not fall under the synergies process;
- and to ensure NGO participation in the evaluation and implementation of the process.

#### **'Lowest common denominator' effect**

Many POs share an underlying apprehension that with synergies, the progressiveness of one convention may be lost to the more conservative approach of another, particularly in the areas of precautionary decision-making and effective NGO involvement. While each COP has taken steps to protect their respective sovereignty throughout the synergies process, the differences in the 'culture' and critical views on precaution, mean that the risks to coordination to the 'lowest common denominator' are still viewed as very real. An example of the differing 'cultures' can be seen in the establishment of the low POPs waste content by the Basel Convention, which for many POs demonstrated a clear disregard for the Stockholm Convention's elimination goal and its reliance on precautionary decision-making. Similarly, the support provided to NGO participation in the Stockholm Convention has not been replicated in the other conventions and recent changes in the facilitation of NGO involvement in the COPs, resulting in reduced participation, has inevitable 'coloured' NGO opinions. The different outcomes when considering the same chemical has also helped highlight some of the differences between the three conventions.

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<sup>33</sup> UNEP/FAO/CHW/RC/POPS/EXCOPS.1/2

### **Ewaste – experience with current attempts at synergy**

At the SAICM ICCM2 (May 2009) the African region made up of 53 countries and others successfully proposed electronic waste (ewaste) as an emerging policy issue for ICCM2. Their proposal included setting up an international working group on ewaste to address issues such as design; procurement; phase-out of hazardous substances; lack of information; and a framework to address the problem of near-end-of-life electrical equipment. The export of old computers to 'bridge the digital divide' is used as an excuse to obscure the fact that this doubles as toxic waste pipelines to some of the poorest communities and countries in the world. Much of the ewaste generated in developed countries finds its way to developing countries either as scrap or as second-hand computers, which quickly become waste and are burnt in open air or dumped into sewers, rivers or in the ground. There is often very low public awareness of the hazardous nature of ewaste.

While the ewaste proposal resulted in some responding that it was a duplication of the Basel Convention, the ICCM2 finally agreed to have a single workshop on ewaste following the Basel Convention Open-Ended Working Group (OEWG) meeting in May 2010. The ICCM2 resolution tasked IOMC organisations, Basel Convention Secretariat and Stockholm Convention Secretariat to cooperatively develop and plan the workshop. For many developing countries and NGOs this was a very limited response to what was a serious threat to both the environment and human health. IPEN's media release stated, *"Instead of aggressive collaborative action between source and recipient countries, ICCM2 gave us a single workshop. While delegates are planning this single workshop, millions of tons of toxic electronic products will be arriving on our shores.."*<sup>34</sup>

Throughout 2009, SAICM regional meetings involving 130 countries have released strong consensus statements calling for action on ewaste and have made specific recommendations for the special ewaste meeting. And while a multistakeholder steering group was set up to develop a plan for the workshop, a meeting of UNEP and the Secretariats of the Basel and Stockholm Conventions, and SAICM recommended limiting the scope and participation in the workshop, and delaying it to 2011. The failure of funding countries, (some of whom are the main generators of ewaste) to support the workshop requested by many of the receivers of ewaste has resulted in a very inequitable dynamic.

While, it has been argued that it is within the scope of the Basel Convention to address all the issues concerning ewaste, this has obviously failed, evident in the calls for action of 130 countries. Their desire for SAICM to take up the issue is clearly a call for a more equitable, integrated and effective process to address the current 'tsunami' of ewaste and its impacts. In this case, efforts towards synergy appear to be floundering.

### **Current Failings of International Chemical Governance**

Similar to the difficulties being experienced by the Basel Convention, IPEN POs see problems with the implementation of all three chemical conventions; for example, the Rotterdam Convention's COP4 failure to list for prior informed consent, the pesticide, endosulfan and chrysotile asbestos despite meeting all the Convention's criteria and

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<sup>34</sup> IPEN Media Release, 'SAICM falling short of vital achievements' (16 May 2009, Geneva, Switzerland) Available at <http://www.chemsec.org/news/283-saicm-falling-short-of-vital-achievements>

repeated recommendations from its scientific committee. Similarly, there is the long-standing failure of the Basel Convention to prevent the dumping of toxic waste or to adopt the Basel Ban and in 2009 there were serious compromised outcomes at the Stockholm Convention. At COP4, in contradiction to the convention text, it was decided to permit the recycling of new POPs (the brominated flame retardants, penta and octaBDE) for up to 30 years. These POPs have been shown to contaminate toddlers (children under 4) at the highest rate of any sector of the population, yet, the COP4 decision permits the recycling of these bioaccumulative and persistent poisons into carpet and furniture products where small children have direct access.

### **Systemic Problems**

These failings can be viewed as the result of systemic problems in the development and implementation of international chemical policy. There is a systemic failure to acknowledge the finite capacity of the environment and humans to absorb and deal with pollutants. There is also little consideration of the developed world's unrestrained and unsustainable consumption and the associated built in product obsolescence (eg ewaste) and there remains a reluctance to accept that all chemical policy and management must be considered in the framework of the world's finite resources and the growing pressures of climate change. Yet, perhaps the most important obstacle is that government delegates negotiate based on their citizenry's public interest and are simply unable to separate themselves from their national and sectoral self interest in order to effectively address global environmental health threats. These systemic issues have meant that international chemical governance is out of step with the urgency of the chemical threats, which places its effectiveness in jeopardy. While some NGOs fear that the synergies initiative may exacerbate the situation, others have argued that it demonstrates why a much more powerful synergies process is needed !

### **A Way Ahead**

Society today continues to see the introduction of hundreds of new chemicals onto the market each year, while there has not been the same level of progress to reduce or eliminate those chemicals that have clearly demonstrated harm. To address these threats and achieve the World Summit on Sustainable Development (WSSD) 2020 goal, the participation of all stakeholders including public interest NGOs is essential in all aspects of national and international chemical policy and management. For the synergies initiative to be successful, it must be based on equity across countries, stakeholders and generations. Decision-making must be based on the principles of precaution, substitution and elimination. As we face the onslaught of the 80,000 manmade chemicals in use today, the community's right to know and the principle of no data, no market needs to be applied throughout the life cycle of all chemicals. We must commit to a toxics free future and a world of Zero Waste where chemicals no longer represent a significant risk to our environment, ourselves and future generations. It is only then we will achieve real and effective synergies in chemical policy and management and ensure the protection of our global health and environment.