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**GLOBAL MINISTERIAL ENVIRONMENT FORUM**

**POLICY ISSUES**

**COORDINATION AND COOPERATION WITHIN AND OUTSIDE THE UNITED NATIONS,  
INCLUDING NON-GOVERNMENTAL ORGANIZATIONS**

**ENHANCED COHERENCE AND EFFICIENCY AMONG INTERNATIONAL  
ACTIVITIES RELATED TO CHEMICALS**

Note by the Executive Director

1. As requested by the Governing Council in its decision 19/13 D and in light of decision 20/23, the Executive Director has the honour to circulate herewith for consideration by the Governing Council at its twenty-first session a report prepared by a consultant, in collaboration with the Inter-Organization Programme for the Sound Management of Chemicals, in response to a request from the United Nations Environment Programme (UNEP). The report outlines options for enhanced coherence and efficiency among international activities related to chemicals, and is circulated to facilitate the discussion on the chemicals agenda under provisional agenda item 4(c).

2. Further background information on this subject will be found in a UNEP publication entitled International Activities related to Chemicals: Overview of international agreements/instruments, organizations and programmes concerning chemicals management. <sup>1/</sup>

3. The contents of the report do not necessarily reflect the views of UNEP. The report is being circulated as it was received by the secretariat and has not been formally edited.

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\* UNEP/GC.21/1.

<sup>1/</sup> Second edition, issued by UNEP Chemicals within the framework of the Inter-Organization Programme for the Sound Management of Chemicals, September 2000, Geneva, Switzerland.

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**ENHANCED COHERENCE AND EFFICIENCY  
AMONG INTERNATIONAL ACTIVITIES RELATED TO CHEMICALS**

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## ENHANCED COHERENCE AND EFFICIENCY AMONG INTERNATIONAL ACTIVITIES RELATED TO CHEMICALS

### **I. Executive Summary**

At its nineteenth session, the Governing Council of the United Nations Environment Programme addressed the issue of enhanced coherence and efficiency among international activities related to chemicals. Specifically, in decision 19/13 D, the Governing Council invited the Executive Director to prepare a report on the subject, in close collaboration with the Inter-Organization Programme for the Sound Management of Chemicals (IOMC), for consideration at the Governing Council's twentieth session. As specified in decision 19/13 D, the instant report outlines the roles and responsibilities of existing legal instruments and organizations and evaluates the advantages and disadvantages of various options for enhanced coherence and efficiency.

For purposes of this report, "chemicals management" is defined broadly. While it focuses on the types of activities discussed in Chapter 19 of Agenda 21, it also addresses a number of related activities due, in part, to the fact that the line between chemicals and pollution, and between chemicals and wastes, is not always clear. Furthermore, there are many activities that support chemicals management programmes such as those facilitating access to information or those providing financial or other resources.

The report describes activities related to chemicals management in the post-UNCED period. A short description of each of the relevant international legal instruments is contained in Annex I(a) and of the relevant organizations/programmes and related coordinating mechanisms in Annex I(b).

The report also discusses existing initiatives designed to, *inter alia*, improve the coordination and effectiveness of relevant instruments and organizations such as the IOMC and the Intergovernmental Forum for Chemical Safety (IFCS). In addition, it addresses UN initiatives related to improved coordination of environmental activities more generally including the June 1998 Report to the Secretary-General from the UN Task Force on Environment and Human Settlements.

It is noted that there are also a number of other formal, as well as informal, efforts among various organizations/programmes and conventions aimed at improved coordination and cooperation and cites examples of joint programmes, ad hoc cooperative activities, and informal consultations and exchanges of information.

The report recognizes that there is unchallenged support for the concept of coherence and efficiency in order to make the best use of very limited resources and to avoid inconsistencies or overlapping activities and to minimize the burden on governments. It notes that the objective of enhancing coherence and efficiency implies a number of goals including:

- ensuring consistency and coordination of approaches among related activities;
- focussing on priority projects;
- undertaking joint or cooperative programmes when it would improve the outcomes or reduce resource requirements;
- avoiding conflicting requirements or objectives;
- minimizing duplication of efforts;
- involving as many member states as possible within available resources;

- reducing the demands on governments and other stakeholders consistent with meeting the established objectives;
- making the best use of available resources;
- facilitating transparency and exchange of experience; and
- making outputs widely available for use by interested parties.

Finally, the report presents a number of options related to enhanced coherence and efficiency of the instruments and organizations, along with an indication of the advantages and disadvantages of each. It also sets out a number of issues which can be addressed by the Governing Council in reviewing these options.

The options are classified into six areas:

- maintaining the “status quo” in general, while encouraging improvements in voluntary activities to minimize overlaps and to develop complementary activities and obligations;
- undertaking periodic, coordinated reviews of the mandates and programmes of relevant agreements/activities;
- organizing joint or back-to-back meetings among decision-making bodies for conventions and/or organizations/programmes with related activities;
- establishing or improving co-ordinating mechanisms;
- co-locating (or even merging of) of the secretariats of related conventions and/or programmes;
- developing an “umbrella agreement” for related legal instruments.

## **II. Introduction**

### **(A) Objectives**

1. The purpose of this report is to facilitate discussions at the 20th session of the UNEP Governing Council, scheduled for 1 – 5 February 1999, related to the issue of enhanced coherence and efficiency among international activities related to chemicals.
2. At its 19<sup>th</sup> Session, the Governing Council invited the UNEP Executive Director, in close collaboration with the Inter-Organization Programme for the Sound Management of Chemicals, to prepare a report outlining the roles and responsibilities of existing legal instruments and organizations, and evaluate the advantages and disadvantages of various options for enhanced coherence and efficiency. The full text of the Decision 19/13 D is included as Annex II to this report.

### **(B) Approach of this Report**

#### Scope

3. This report provides an overview of the wide range of activities being undertaken by inter-governmental organizations and convention secretariats that address “chemicals management” (see Annex I)<sup>2</sup>. It describes existing mechanisms for coordination of these activities and reviews possible legal and administrative measures that might be taken with a view to improving coherence and efficiency.
4. For purposes of this report “chemicals management” has been defined broadly. While it focuses on the types of activities discussed in Chapter 19 of Agenda 21 adopted at the 1992 UN Conference on Environment and Development (UNCED), it also addresses a number of related activities. This is due, in part, to the fact that the line between chemicals and waste, and between chemicals and pollution is not always clear. Furthermore, there are many activities that support chemicals management programmes, such as those facilitating access to information or those providing financial or other resources. Thus, the overview of activities, set out in Annex I, contains information on activities addressing issues such as climate change, protection of the ozone layer, pollution of the marine environment, transport of dangerous goods, food safety, and biodiversity. It also addresses organizations involved with the implementation of relevant international agreements such as the Global Environment Fund (GEF), the World Bank and UN Development Programme (UNDP).<sup>3</sup>

#### Format

5. This report is set out in five Parts, with supporting information in Annexes:
  - Part I is the Executive Summary, followed in this Part with introductory information and an outline of issues to be addressed.

<sup>2</sup> Annex I(a) addresses Legal Instruments and Annex I(b) addresses International Organizations/Programmes.

<sup>3</sup> Given the range of activities that could be included in the definition of chemicals management, and the number of organizations that undertake some relevant activities, this report may have excluded some organizations or projects of possible interest. There are a number of activities which have not be addressed herein related to prevention of various types of pollution, as well as programmes designed to protect the health of certain groups (e.g., children or women) that may include aspects of chemicals management. For example, UNICEF – the United Nations Children’s Fund – published in 1998 a report together with UNEP and UNITAR on Global Opportunities for Reducing the Use of Leaded Gasoline.

In addition, this report has purposely not considered activities related to pharmaceuticals or narcotics, nor to nuclear or radioactive materials.

- Part III provides some contextual information concerning coordination of international activities and conventions related to chemicals management in the post-UNCED period. This part also contains a description of UN initiatives related to improved coordination of environmental activities more generally, including the 1998 Report to the Secretary-General of the UN Task Force on Environment and Human Settlements.
- Part IV contains a an overview, in general terms, of the numerous international legal instruments, as well as the ongoing and planned work of relevant inter-governmental organizations related to management of chemicals. Annex I provide more detailed information concerning these instruments and organizations.<sup>4</sup>
- Part V focuses on options for enhanced coherence and efficiency of the instruments and organizations, along with an indication of the advantages and disadvantages of each. Among the options described is maintaining the status quo.

6. There are also three Annexes: Annex I providing summary information about all the instruments and organizations, Annex II which is a copy of the Governing Council Mandate and Annex III containing Acronyms.

### **(C) Issues to be Addressed**

7. There is unchallenged support for concept of coherence and efficiency, in order to ensure the best use of very limited resources and to avoid inconsistencies or overlapping activities and to minimize burdens on governments. In considering which legal and administrative measures, if any, are appropriate to achieve these objectives, it may be useful to take the following issues into account:

- What role can UNEP play in facilitating cooperation among organizations including those not connected with UNEP?
- Would it be useful to undertake regular reviews of the mandates and programmes of relevant organizations/programmes and legal instruments to identify areas, if any, where there are overlapping or even conflicting requirements and where there may be opportunities to improve efficiency in implementation (including, e.g., joint activities)?
- Is there a need for additional mechanism(s) to facilitate coordination among convention secretariats or between secretariats of conventions and organizations involved in related activities (recognizing that there exists formal mechanisms to help coordinate activities among international organizations involved with chemicals management, as well as UN-wide mechanisms for environmental activities)?
- What steps should be taken to ensure that actions taken to improve coherence and efficiency do not have the unintended effects of increasing bureaucracy and diverting time and resources from carrying out substantive activities?
- What can be done to facilitate implementation of the recommendations of existing mechanisms to improve coordination, including the Inter -Organization Programme for the Sound Management of Chemicals (IOMC) and the Intergovernmental Forum on Chemical Safety (IFCS)? In this regard, concern has been expressed about the fact that the recommendations can be undermined if the governing bodies of relevant organizations do

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<sup>4</sup> The Secretariats of each of the legal instruments and organizations/programmes addressed in Annex I had the opportunity to review the relevant text. Most of the Secretariats reviewed, and revised as appropriate, their respective texts. Those entries which were not reviewed are noted in a footnote.

not provide the mandate or resources for implementation, while recognizing at the same time that the coordinating mechanisms should not impair the authority of the governing bodies to establish programmes and budgets.

- What actions can be taken to facilitate countries' participation in conferences of parties or governing bodies of relevant conventions/organizations, including developing countries and countries in economic transition?
- What steps can be taken to facilitate consistent positions by Governments in different conferences of parties and governing bodies and, in particular, to help ensure that recommendations of the IFCS are given appropriate weight in the decision-making bodies?
- What is the role of member states or parties in facilitating improved coherence and efficiency among organizations and legal instruments?
- What actions should be undertaken to be responsive to the 1997 and 1998 reports of the General Assembly?

### **III. Context/Background**

#### **(A) Coordination of International Activities Related to Chemicals Management in the Post-UNCED Period**

8. International cooperative activities relating to the sound management of chemicals was started almost 80 years ago, with the 1919 International Labour Organisation (ILO) recommendations on the risks of lead poisoning and white phosphorus. However, the great majority of conventions and programmes were established or expanded after the 1972 Conference on the Human Environment held in Sweden. Later that year, the General Assembly established UNEP as a permanent body of the UN in order to have a permanent institutional arrangement within the UN system for the protection and improvement of the environment. Thus, the UNEP Governing Council has a coordinating role with respect to activities related to environmental protection within the UN system and, in particular, with respect to those activities and programmes connected with the UNEP Secretariat.

9. Since 1992, international activities related to chemicals have been guided by the conclusions of UNCED and specifically by Chapter 19 of Agenda 21 on "Environmentally Sound Management of Toxic Chemicals including Prevention of Illegal International Traffic in Toxic and Dangerous Products". Chapter 19 calls for the strengthening of both national and international efforts to achieve an environmentally sound management of chemicals, and identifies six programme areas for work:

- Expanding and accelerating international assessment of chemical risks;
- Harmonization of classification and labeling of chemicals;
- Information exchange on toxic chemicals and chemical risks;
- Establishment of risk reduction programmes;
- Strengthening of national capabilities and capacities for management of chemicals; and
- Prevention of illegal international traffic in toxic and dangerous products.<sup>5</sup>

<sup>5</sup> Similarly, Chapter 20 of Agenda 21 identified major programme areas related to the environmentally sound management of hazardous wastes, which include DDT, PCBs, dioxin, sulphuric acid, phosphate fertilizer and heavy metals such as lead, arsenic and mercury. The programme areas are:

10. Agenda 21, Chapter 19 notes that successful implementation of these programme areas is dependent on *intensive international work and improved coordination of current international activities*, as well on the identification and application of technical, scientific, educational and financial means, especially for developing countries. Chapter 19 further states *that increased coordination of United Nations bodies and other international organizations involved in chemicals assessment and management should be further promoted*.

11. Chapter 19 also recognized that a meeting of government-designated experts had been held in 1991 to further explore questions associated with increased coordination. This meeting reached a number of conclusions concerning the need for improved coordination among UN bodies and other international organizations and recommended the establishment of an intergovernmental forum on chemical risk assessment.

12. As a result, UNCED called on the Executive Heads of UNEP, the ILO and the World Health Organization (WHO) to convene an international meeting which could constitute the first meeting of the forum.

13. The Intergovernmental Forum on Chemical Safety (IFCS) was established in 1994, bringing together representatives of governments, along with international and non-governmental organizations, in order to integrate and consolidate national and international efforts to promote the aims of Chapter 19. The IFCS provides policy guidance and, where appropriate, makes recommendations to governments, international organizations, intergovernmental bodies and non-governmental organizations involved in chemical risk assessment and environmentally sound management of chemicals. The objective is to achieve improved coordination, with a particular emphasis on regional and sub-regional groups to deal with these issues. (See Entry 39, Annex I(b)) The focus on regional and sub-regional groups has facilitated the participation of developing countries and countries in economic transition.

14. There have been two sessions of the IFCS thus far (as well as three meetings of the Intersessional Group). The first session of the IFCS, held in 1994 in Sweden, adopted the resolution on the establishment of the Forum and created its terms of reference. It also agreed on "Priorities for Action in Implementing Environmentally Sound Management of Chemicals" in connection with the six programme areas identified in Chapter 19, Agenda 21.

15. The second session of the IFCS, held in Canada in 1997, reached agreement on approximately 100 "action items and recommendations", 88 of which address substantive issues associated with the programme areas identified in Agenda 21 and emerging issues such as endocrine disrupting substances, persistent organic pollutants (POPs) and other chemicals of international concern. These action items and recommendations were addressed to governments, as well as to international organizations, industry and other non-governmental organizations. Of these 88 action items and recommendations, 56 were addressed in some way by the Inter-Organization Programme for the Sound Management of Chemicals (IOMC).

16. The IOMC is another post-UNCED development, designed to serve as a mechanism for coordinating efforts of intergovernmental organizations in the assessment and management of chemicals. The seven Participating Organizations (POs) are UNEP, ILO, WHO, the Food and Agriculture Organization of the UN (FAO), UN Industrial Development Organization (UNIDO), UN Institute for Training and Research (UNITAR) and the Organisation for Economic Co-operation and Development (OECD). In addition, coordination of activities with other organizations, institutes or programmes involved in the field of chemical safety may be carried out within the framework of the IOMC.

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- preventing and minimizing hazardous wastes through the promotion of cleaner production methods, recycling of materials and knowledge enhancement;
  - strengthening institutional capacities in hazardous waste management through promotion of appropriate national measures and programmes, research and development, human resources development and dissemination of information;
  - strengthening international cooperation in managing transboundary movements of hazardous wastes;
  - preventing illegal international traffic in hazardous wastes by providing countries with information and assistance within the framework of the Basel Convention.

17. The IOMC is a formal arrangement, reflected in Memoranda of Understanding signed by each of the Executive Directors of the POs, in which these intergovernmental organizations have agreed to work together as partners to promote international work related to the environmentally sound management of chemicals, within the framework of their own respective constitutional mandates. (See Entry 40, Annex I(b)).

18. An Inter-Organization Coordinating Committee (IOCC) brings together representatives of the POs to consult on the planning, programming, implementation and monitoring of their activities. To facilitate its work, the IOCC prepares, and periodically updates, an inventory of the chemical safety activities of the POs.<sup>6</sup> In addition, the IOMC publishes a Calendar of Meetings and Events to inform governments, intergovernmental organizations and non-governmental organizations of upcoming events of the POs in areas related to chemical safety.

19. The IOCC has established or adopted coordinating groups for specific subject areas to provide a means for all interested organizations working in these areas to discuss ways and means of ensuring that their activities are mutually supportive, to monitor progress and to identify issues of concern. IOMC coordinating groups have been implemented for the following areas: harmonization of chemical classification systems; chemical information exchange; pollutant release and transfer registers; assessment of existing chemicals; and chemical accident prevention, preparedness and response.<sup>7</sup> In addition, the IOCC has direct responsibility for coordination of the capacity building activities of the POs.

20. The POs have also taken the practical measure of publishing their documents with the IOMC logo, which facilitates transparency and improves distribution of outputs.

21. The IFCS and IOMC have only been in existence for a short period of time but they have made progress in helping identify priorities for action by governments and international organizations, in improving awareness of international activities and access to information, and in increasing cooperation and coordination among different programmes. Furthermore, by bringing together senior staff responsible for relevant programmes in the respective organizations, and representatives of governments and other stakeholders, the IFCS and IOMC contribute to the development of personal relationships and in increasing the level of trust, important prerequisites to increasing coordination and cooperation.

22. Nevertheless, several shortcomings have been identified. A critical concern is that recommendations made within the context of IFCS or IOMC are not necessarily approved by the governing bodies of the organizations involved and therefore there may not be the mandate, nor the resources allocated, to carry out the recommendations. The IFCS and IOMC do not have an official role in the meetings of the relevant governing bodies. Furthermore, Governments do not necessarily coordinate their positions for various meetings and, in many cases, send different representatives to the IFCS and to the governing bodies.

23. An additional issue is whether there is a need for greater participation in the IOMC and IFCS by representatives of the convention secretariats and conferences of the parties in order to facilitate greater coordination between conventions and related programmes of intergovernmental organizations.

## **(B) Coordination of International Activities related to Environmental Protection**

24. As a consequence of UNCED, the UN established other mechanisms for the improved coordination of activities and conventions relating to environmental issues and sustainable development more generally. These include the Commission on Sustainable Development (CSD) which was created in 1992 to review progress achieved in the implementation of Agenda 21, advance global dialogue and foster partnerships for sustainable development.

<sup>6</sup> The second edition of the Inventory was published in November 1998.

<sup>7</sup> A coordinating group on harmonization of chemical classification was established by the ILO before the IOMC was created.

25. The Inter-agency Committee on Sustainable Development (IACSD) was established in October 1993 as a standing committee of the Administrative Committee on Coordination (ACC), the highest inter-agency body of the United Nations. The role of IACSD is to identify major policy issues relating to the follow-up to UNCED by the United Nations system and to advise the ACC on ways and means of addressing them so as to ensure effective system-wide cooperation and coordination in the implementation of Agenda 21 and other UNCED outcomes. In addition, it helps to coordinate system-wide response to the work of the CSD and to ensure appropriate system-wide division of labour.

26. The General Assembly at its 1997 Special Session (UNGASS) met to review progress in the five years since UNCED and to re-energize the commitment to further action on the goals and objectives established by UNCED. They noted that given the increasing number of decision-making bodies concerned with various aspects of sustainable development, including international conventions, there is an ever greater need for better policy coordination at the intergovernmental level, as well as for continued and more concerted efforts to enhance collaboration among the secretariats of those decision-making bodies.

27. The General Assembly reached a number of other relevant conclusions including:

- The conferences of the parties to conventions should cooperate in exploring ways and means of collaborating in their work to advance the effective implementation of conventions. The conferences of parties to or governing bodies of relevant conventions should, if appropriate, give consideration to the co-location of secretariats, to improving the scheduling of meetings, to integrating national reporting requirements, to improving the balance between sessions of the conferences of the parties and sessions of their subsidiary bodies, and to encouraging and facilitating the participation of Governments in those sessions.
- At the national and international levels there is a need for better scientific assessment of ecological linkages between conventions and identification of programmes that have multiple benefits.
- The IACSD should be strengthened with a view to further enhancing system-wide intersectoral cooperation and coordination for the implementation of Agenda 21.
- Coordination of UN activities at the field level should be enhanced through the resident coordinator system in full consultation with national Governments.
- The role of UNEP, as the principal United Nations body in the field of the environment, should be further enhanced. UNEP is to be the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system, and serves as an authoritative advocate for the global environment.
- The role of the UNEP in the further development of international environmental law should be strengthened, including the development of coherent interlinkages among relevant environmental conventions in cooperation with their respective conferences of the parties or governing bodies. (It was noted that UNEP regularly convenes meetings among the Secretariats of relevant conventions to discuss matters of common interest).

28. In a separate activity, a report to the Secretary-General of the UN Task Force on Environment and Development was issued in June 1998 ("Task Force Report"). The Task Force was established to consider issues related to enhanced efficacy and coordination of all environmental activities within the UN. Specifically, its mandate was to:

- to review existing structures and arrangements through which environment and environmentally-related activities are carried out within the UN;

- to focus on the distinctive functions of policy, development of norms and standards, programme development and implementation, and financing as well as the relationship among these functions; and
- evaluate the efficacy and effectiveness of existing structures and arrangements and make recommendations for such changes and improvements as will optimize the work and effectiveness of UN environmental work at the global level and of UNEP as the leading environmental organization or authority.

29. The Task Force reached a number of conclusions directly relevant to this report. It noted that the number of legal instruments has continued to grow along with demands on governments while financial resources available to support national and international actions for sustainable development have fallen far short of what is required.

30. The Task Force recommended that the Secretary-General establish an Environmental Management Group (EMG) to replace the existing Inter-Agency Environment Coordination Group. It would include convention secretariats as needed. The EMG would act to ensure appropriate linkages among activities that occur under conventions and relevant activities elsewhere.

31. The Task Force called on the Executive Director to continue to sponsor joint meetings of heads of secretariats of global and regional conventions and use this forum to recommend actions to ensure that the respective work programmes, with support from UNEP, are complementary, fill gaps, take advantage of synergy, and avoid overlap and duplication. These meetings should explore ways of fulfilling common substantive and administrative needs. Recommendations of these meetings should be presented to Conferences of the Parties.

32. The Task Force recommended that the UNEP Governing Council invite its President to consult with the Presidents of the Conferences of the Parties to selected conventions on arrangements for periodic meetings between representatives of those conventions to address cross-cutting issues. The Executive Director and heads of convention secretariats should organize and participate in these meetings, and the conclusions brought to the attention of the Governing Council and Conferences of the Parties.

33. In addition, the Secretary-General, through the Executive Director, should invite Governments and Conferences of the Parties to consider the implications (inefficiencies and costs) arising from the geographical dispersion of the convention secretariats and to consider ways to overcome the problems. The Task Force Report noted that dispersion of secretariats has resulted in loss of efficiency because of the inability to take advantage of synergies and economies of scale, and coordinated administrative, conference and infrastructure services.

34. With respect to legal agreements, the Task Force stated that every effort should be made to co-locate new conventions with others in the same functional cluster<sup>8</sup> and with institutions with which they have a particular affinity. With respect to existing conventions, approaches should include promoting cooperation among the secretariats within each cluster with a view to their eventual co-location and possible fusion into one secretariat. Furthermore, in the longer term, approaches should include the negotiation of umbrella conventions covering each cluster.

35. The Task Force pointed out that since the Conference of the Parties of each convention are autonomous bodies, strengthening of linkages should be a strategic, long-term goal.

36. The Task Force noted that UN bodies can perform their functions efficiently only if they receive clear guidance from member states. It stated that there is a lack of coherent guidance citing that example of specialized agencies that have sectoral missions that correspond to specific elements within national

<sup>8</sup> The Task Force Report gave several examples of functional clusters including *chemicals/waste*, biological resources and marine pollution.

governments. This can lead to having representatives of different agencies having different priorities. Therefore, the Task Force recommended that Governments make additional efforts to achieve consistency of national position in different intergovernmental fora. The Task Force suggested that EMG could assist Governments in achieving such coherence by providing coordinated overviews of activities, plans, and policy approaches in the UN system as a whole.

37. The Task Force also recommended that UNEP Regional Offices should assist Governments in each region in their discussion of the global agenda and in defining and promoting priorities.

38. The Task Force report also stated that the Governing Council is, and should remain, the primary forum within which Ministers and senior officials can review the environmental performance of the UN system as a whole and define priorities for new action.

39. In a recent development, during the 53<sup>rd</sup> Session of the General Assembly, in October 1998, the Second Committee held a panel discussion on how to achieve better coherence and improve coordination among environmental conventions.

40. The 53<sup>rd</sup> Session adopted the report of the Second Committee which included a resolution on international institutional arrangements related to environment and management. This resolution emphasizes that the Conferences of the Parties of conventions are autonomous, and encourages the COPs and Secretariats of three conventions (on biological diversity, climate change and desertification) to examine opportunities to strengthen their complementarities and assess ecological linkages between the conventions. It also requests the Secretary-General to prepare a report identifying actions to improve coherence in various intergovernmental organizations and processes through better policy coordination at the intergovernmental level.

41. The resolution emphasizes that UNEP has been and must continue to be the principal UN body in the field of environment and underscores UNEP's role as the leading global environmental authority which sets the global environmental agenda. The resolution also encourages the Executive Director of UNEP to continue with ongoing reform of UNEP<sup>9</sup>.

42. Furthermore, the resolution calls on the CSD to continue to complement and provide interlinkages to the work of other UN organs, organizations and bodies active in the field of sustainable development.

#### **IV. International Activities and Instruments Related to Chemicals**

43. Annex I contains an overview of more than fifteen conventions (plus the regional seas agreements) and twenty intergovernmental organizations and programmes that address, in some way, chemicals management.<sup>10</sup>

44. With respect to the Conventions, UNEP provides the Secretariat for four of the Conventions<sup>11</sup>, as well as some of the regional seas agreements, and it contributes to activities related to the UN Framework Convention on Climate Change. UNEP has convened, on a regular basis, meetings among secretariats of those conventions, and other relevant conventions, to discuss matters of common interest. Of the remaining conventions, some have independent secretariats, and others are associated with UN bodies such as the ILO, the IMO and UN/ECE.

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<sup>9</sup> . It should also be noted that as part of the recent reorganization of the UNEP Secretariat, a new Division was established entitled "Environmental Conventions", which will facilitate coordination.

<sup>10</sup> Annex I (a) includes the legal agreements/instruments and Annex I(b) includes organizations and programmes, and related coordinating mechanisms.

<sup>11</sup> The Vienna Convention for the Protection of the Ozone Layer and Montreal Protocol on Substances that Deplete the Ozone Layer, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Convention on Biological Diversity, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (together with FAO).

45. The intergovernmental organizations and programmes addressed in Annex I (b) include the seven Participating Organizations of the IOMC (i.e., FAO, ILO, UNEP, WHO, UNIDO, UNITAR and WHO) as well as the IPCS which is a cooperative activity of ILO, UNEP, and WHO. In addition to these “core” organizations and programmes, Annex I(b) also provides information on activities related to transport of dangerous goods, accidents involving hazardous chemicals<sup>12</sup> and access to information concerning chemicals.<sup>13</sup> It also addresses programmes and organizations which provide technical and financial support to facilitate implementation of relevant legal obligations.<sup>14</sup>

46. There is considerable difficulty in analyzing the relationships, potential overlaps, and possibilities for enhanced coherence among all of these instruments, organizations and programmes. Even though the common element is chemicals management, the activities being considered involve different aspects of chemicals testing, assessment, management throughout the lifecycle of chemicals from storage, transport, use and disposal including pollution of different media. The activities may address individual chemicals, a specified group of chemicals or chemicals in general and may include industrial, agricultural and/or consumer chemicals. The activities are designed to protect human health, avoid pollution, and/or protect ecosystems and often have additional objectives such as reducing burdens on governments, avoiding trade distortions, and facilitating economic development.

47. In addition, these activities involve a number of types of outputs including legally binding agreements, voluntary agreements, development of technical materials and policy guidance, and various types mechanisms for improving access to information, sharing of experience, education and training.

48. Furthermore, these activities and outputs are addressed to a variety of audiences, including government authorities, industry, labour organizations, educational and scientific institutions, and other concerned parties. Some of the products are geared to technical or medical experts, others to policymakers, and still others to those involved in research or educational processes. Some of the conventions and organizations are global in nature; others are address a region or specified group of countries.

49. Finally, the “constituencies” of the intergovernmental organizations (or conferences of parties) come from a wide range of authorities, including for example the agencies or ministries responsible for environmental protection, health, agriculture, occupational safety, industrial development, civil protection, transportation, trade, research, and others.

50. Another complicating factor is that some of these organizations address chemicals as only a limited aspect of their work programmes or they provide a supportive role, for example in the allocation of financial resources.

51. The previous section described the mechanisms established for coordination among the core organizations involved with chemical safety. In addition to the cooperative activities which have resulted directly or indirectly from the work of the IOMC and IFCS, there have been numerous other efforts, some formal and some informal, aimed at improved coordination and cooperation among the Secretariats of the organizations and conventions involved in chemicals management. There are a number of examples of joint programmes, ad hoc cooperative activities, and informal consultations and exchanges of information. Many of these are noted in Annex I. They include, for example:

<sup>12</sup> These include the UN Office for the Coordination of Humanitarian Affairs (OCHA) and in the transport field the UN Economic Commission for Europe (UN/ECE), the International Maritime Organization (IMO), the Regional Marine Pollution Emergency Response Centre for the Mediterranean (REMPEC), and the Regional Marine Pollution Emergency, Information and Training Center Wider Caribbean (REMPEITC-Carib).

<sup>13</sup> For example, the work of the UN Secretariat with respect to the Consolidated List of Products whose Consumption and/or Sales Have Been Banned, Withdrawn, Severely Restricted or not Approved by Governments, as well as activities of the World Trade Organization (WTO) and UNEP.

<sup>14</sup> These include, e.g., the Global Environment Facility (GEF), the World Bank, the UN Development Programme (UNDP), the UN Educational, Scientific and Cultural Organization (UNESCO), and the World Meteorological Organization (WMO), as well as parts of UNEP.

- the International Programme on Chemical Safety, a cooperative activity of ILO, UNEP and WHO;
- the FAO and IAEA Joint Division for Nuclear Techniques in Food and Agriculture, and the ILO and IAEA have formal relations concerning radio-protection issues;
- the Intergovernmental Panel on Climate Change (IPCC) established by WMO and UNEP, along with the efforts of OECD and others to facilitate implementation of the Framework Convention on Climate Change;
- the decision by FAO and UNEP to operate the Prior Informed Consent Procedure as a joint programme beginning with the voluntary procedure set out in the 1989 amendments to the London Guidelines for the Exchange of Information on Chemicals in International Trade and the International Code of Conduct on the Distribution and Use of Pesticides, and now under the Rotterdam Convention;
- the agreement between the OECD and UNEP on cooperation in the area of chemical accident prevention, preparedness and response which together with International Programme on Chemical Safety (IPCS) and WHO European Centre on Environment and Health (WHO-ECEH) addresses issues associated with health aspects of chemical accidents;
- joint projects of the International Maritime Organization (IMO) with UNEP and with OECD to address chemical safety in port areas, and the IMO and ILO have joint activities related to conventions of common concern such as those addressing port safety and fishing vessels; and
- cooperative projects between UNIDO and UNEP with respect to biotechnology and biosafety and the establishment of the cleaner production centres.

52. There are a number of reasons for this increase in cooperation, in addition to the influence of the UNCED recommendations and related work of IOMC and IFCS. Governments have been putting pressure on international organizations to enhance coherence, minimize duplication of efforts and reduce burdens on public authorities. Furthermore, resource limitations require finding more efficient ways of achieving programme objectives. There is also increased transparency about activities being undertaken through exchanges of information and greater use of information technology. Finally, improved cooperation may be a direct result of maturation of programmes, with those involved getting to know and trust their counterparts in other organizations.

53. One subject of continuing concern is the multiple legal obligations (in existence or likely to occur in the future) with respect to specific individual chemicals. This might include, for example, chemicals that have been banned or severely restricted (and therefore subject to the PIC procedure), are persistent organic pollutants (and therefore subject to LRTAP and a future global POPs agreement), are identified as ozone depleting substances, and/or are considered hazardous waste at some point. There are also regional agreements that may apply to the control or disposal of individual chemicals. The issue is, therefore, what steps should the Governing Council take to enhance coherence and efficiency, recognizing that the secretariats of some of these agreements are hosted by UNEP?

## **V. Options for Enhanced Coherence and Efficiency**

### **(A) Introduction**

54. The concept of “enhanced coherence and efficiency” implies a number of goals including:

- ensuring consistency and coordination of approaches among related activities;
- focussing on priority projects;
- undertaking joint or cooperative programmes when it would improve the outcomes or reduce resource requirements;
- avoiding any conflicting requirements or objectives;
- minimizing duplication of efforts;
- involving as many member states as possible within available resources;
- reducing the demands on governments and other stakeholders, consistent with meeting the established objectives;
- making the best use of the resources available to the organizations/secretariats, governments and others involved in the efforts;
- facilitating transparency and exchange of experience; and
- making outputs widely available for use by interested parties.

55. While it is generally agreed that enhanced coherence and efficiency should be pursued, as implied in the mandate of the Governing Council making administrative, programmatic, structural or other changes to existing organizations and legal instruments in order to achieve these goals could inadvertently have adverse consequences in terms of environmental benefits, costs and effectiveness of programmes. Such changes may also impact the relationship of the programmes to member states, particularly in light of the many different parties involved with chemicals management issues.

56. Furthermore, what might appear to be overlapping programmes may be justified in certain circumstances in light of the range and complexity of the issues involved, the different target audiences, and the nature of the outputs being produced.<sup>15</sup>

57. In considering the options for enhanced coherence and efficiency, another issue is which organization is best-placed to take the lead. As indicated above, the General Assembly has regularly confirmed that UNEP has been, and continues to be, the principal UN body in the field of environment and that UNEP is the leading global environmental authority that sets the global environmental agenda. However, many activities related to chemicals safety address aspects other than environmental protection, e.g., agriculture, transport, worker and consumer protection (see paras. 46–49 above). In any event, any recommendations by the UNEP Governing Council that affects non-UNEP organizations or conventions would require the consent of the relevant conferences of parties or governing bodies.

58. Finally, it is important to recognize that any efforts aimed at improving coherence and efficiency among the secretariats of organizations and legal instruments cannot address all existing concerns. It is also critical for there to be consistency of positions among different ministries or agencies within a country in order that there are coherent positions taken concerning future programmes within various governing bodies and conferences of parties. Therefore, another issue is how to facilitate such national coordination.

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<sup>15</sup> See, for example, the Conclusions and Recommendations of the Joint OECD-UN/ECE Workshop on International Co-operation related to Assistance Activities in the Field of Chemical Accident Prevention, Preparedness, Response and Clean-up (Divonne, France, 1995). This workshop was attended by representatives of governments, industry and trade unions, as well as ten international organizations. The purpose of the Workshop was, in part, to improve coordination of international efforts and minimize duplication of efforts.

**(B) Discussion of Options**

59. This section sets out legal and administrative options that might lead to enhanced coherence and efficiency among international activities related to chemicals management, and indicates possible implications of each. These options are basically of six types:

- 1) maintaining the “status quo” in general terms, while encouraging improvements in voluntary activities to minimize overlaps and to develop complementary activities and obligations;
- 2) undertaking periodic, coordinated reviews of the mandates and programmes of relevant agreements/activities;
- 3) organizing regular joint or back-to-back meetings of decision-making bodies for conventions and/or organizations with related activities;
- 4) establishing or improving co-ordinating mechanisms;
- 5) co-locating (or even merging of) secretariats of related conventions and/or programmes;
- 6) developing a legal umbrella mechanism for related agreements (which may only involve new agreements or it may capture related existing conventions).

60. These options are not mutually exclusive, although some may be incompatible.

**(1) Maintaining the status quo while encouraging voluntary efforts at improved coordination**

61. This option would retain the “status quo” in the sense that it would not involve any formal legal or administrative changes to existing programmes or organizations, nor the establishment of new organizations. Rather, the action would be to strongly encourage existing secretariats and governing bodies of organizations and legal instruments to explore possibilities for voluntary measures to enhance coherence and efficiency on a case-by- case basis. Taking the idea one step further, it could also involve the General Assembly or Governing Council undertaking a review, in a couple of years, to determine what actions were taken as a result.

62. These voluntary measures could include the types of actions that are already being pursued by a number of organizations including, for example:

- joint activities, on an ad hoc basis including, for example, combined task forces to deal with particular issues of common interest;<sup>16</sup>
- periodic back-to-back meetings of Conferences of Parties or governing bodies;
- meetings among representatives of Conferences of Parties of selected conventions, and of the governing bodies of organizations, to discuss opportunities for improved coordination and to report back to the Conferences of Parties and governing bodies; and
- regular exchange of work programmes and calendars of events among organizations with related activities.

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<sup>16</sup> For example, in 1998 a workshop was organized by the UN/ECE to address issues common to two instruments: the Convention on the Transboundary Effects of Industrial Accidents and the Convention on the Protection and Use of Transboundary Watercourses and International Lakes. As a consequence, task forces were established to undertake coordinated implementation .

63. With respect to the last point, the IOMC has already established a system for the regular exchange of work programmes and calendars of events for its seven Participating Organizations. This has proven to be a valuable exercise. A parallel activity could be undertaken which would include other organizations as well as relevant convention secretariats. This relatively simple exercise can help to identify issues of common concern and opportunities for improved coordination, as well as assist countries and organizations in arranging participation in meetings.

64. As indicated above, there appears to have been increasing efforts in recent years by organizations to undertake joint and cooperative activities and it is likely that this trend will continue as a consequence of increased awareness and continuing pressure from within the organizations or from Governments. Strong encouragement from the Governing Council can add further impetus for secretariats and governing bodies to reach out to others to coordinate and establish mutually supportive projects.

65. One advantage of this approach is the flexibility in designing the types of efforts and identifying partner organizations that are most appropriate in particular circumstances. Furthermore, these voluntary efforts should help to improve trust and understanding among secretariats, and member states, leading to even greater cooperation.

66. An additional advantage of maintaining the existing legal and administrative structures, and encouraging voluntary efforts at coordination is that there would be no disruption of existing activities, allowing the organizations and conferences of parties to carry out their work programmes as approved by their governing bodies and conferences of parties.

67. This approach, by its nature, is low in cost as it does not require any institutional changes or the establishment of additional formal structures.

68. On the other hand, voluntary efforts may not create sufficient pressure on the target organizations to address identified concerns, particularly with those organizations that have been less willing in the past to cooperate with others in the development and implementation of work programmes. In addition, this approach does not respond to the institutional issues identified by the UN Task Force Report and others including the increasing number of secretariats spread out throughout the world, which is costly and creates difficulties for coordination. Nor does it provide a means for ensuring that the recommendations of the IOMC, IFCS and other existing coordinating mechanisms are carried out.

69. This approach also does not directly deal with the objective of improving the number of countries that are able to participate in conferences of parties and governing bodies, in particular from developing countries and countries in transition.

**(2) Undertaking periodic, coordinated reviews of the mandates and programmes of relevant agreements and activities**

70. This option would maintain the existing legal and administrative structures but would establish a requirement for periodic, coordinated reviews of the mandates and programmes of relevant international agreements and organizations/activities. This could either be done by the respective secretariats or by a third party (such as a “coordinating mechanism”).

71. A basis for improved coherence and efficiency is the increased transparency concerning the mandates, ongoing and planned work programmes and related resources of the relevant organizations and conventions. Decisions to undertake work that overlaps or even conflicts with that of others, or missed opportunities for cooperative activities, is often based on lack of awareness.

72. In addition, increased transparency could help address the concern that, for some organizations, work programmes have evolved over time to the point that they have expanded so that they overlap with programmes of other organizations. It could also help to identify problems associated with the fact that

some organizations are unable to carry out the work programme adopted by their governing body due to lack of resources, or the fact that decisions about what work to undertake is resource-driven rather than demand-driven.

73. As indicated above, the IOMC has taken action to improve understanding and awareness with the Participating Organizations regularly exchanging information and periodically publishing an inventory of activities categorized according to the priority programme areas identified in Agenda 21, Chapter 19.

74. It may be valuable to extend this exercise with periodic reviews of mandates and work programmes of additional international organizations and agreements, in light of current priorities as well as the ongoing and planned work of the various organizations and agreements. Using this information as a starting point, organizations can consult with each other about opportunities for coordinating priorities and activities and for making more efficient use of available financial, human and other resources.

75. The periodic, coordinated reviews of mandates and work programmes could be done either on an informal basis or could be a formal requirement, with oversight by an appropriate UN body. The information contained in Annex I to this report could provide a starting point for such a review.

76. This option has the advantage of providing, at relatively low cost, a tool for both the secretariats and governing bodies or conferences of parties to identify potential overlaps or conflicts, make informed decisions about future activities and to identify opportunities for voluntary cooperative activities. It also provides a resource for government representatives to facilitate internal coordination and to make informed decisions leading to improved consistency of positions by countries in different fora. It also provides a way for countries to establish priorities, decide how to best allocate resources and, where limited, decide which meetings and activities are the most relevant.

77. One disadvantage is that this process does require some allocation of resources, as well as the time of each secretariat to provide information and maintain it up to date. Furthermore, it does not guarantee that improvements in coherence and efficiency will be pursued but rather provides a tool for helping to meet these objectives and monitoring progress.

### **(3) Organizing periodic joint or back-to-back meetings of decision-making bodies for conventions and/or organizations with related activities**

78. This option would take the voluntary action one step further by formalizing the procedures for having related organizations/conventions scheduling regular joint or back-to-back meetings of conferences of parties and governing bodies or of representatives of these bodies.

79. This approach would complement existing discussions by the respective secretariats. These meetings would provide an opportunity for government representatives to discuss areas of common interest and opportunities for moving forward in a cooperative way on related elements of their work programmes.

80. Back-to-back or joint meetings could reduce costs to organizations and to member states by reducing the overall number of meetings. It could also facilitate greater participation by countries in these meetings. Where the costs of participation are paid by the intergovernmental organizations, this approach allows for a broader range of participation through sharing of travel costs between the organizations involved.

81. As an alternative to back-to-back or joint meetings of the full governing bodies or conferences of parties, there could be joint meetings of representatives of these parties. This is consistent with the recommendations of the UN Task Force which stated that, *inter alia*, the President of the UNEP Governing Council should consult with Presidents of Conferences of Parties to selected conventions on arrangements for periodic meetings between representatives of the conventions.

82. The disadvantages of having such meetings include added costs and significant logistical difficulties that result from the meetings being held away from the normal locations and from having two secretariats, with different administrative requirements, involved in the preparations. It may also create burdens on the secretariats and participants by having to prepare for two meetings simultaneously and by having extended uninterrupted meeting times.

#### **(4) Establishing or improving co-ordinating mechanisms**

83. This option would involve a review of the existing coordinating mechanisms, with the aim improving these mechanisms, or establishing new ones, as appropriate.

84. As described above, following UNCED, a number of mechanisms were established to facilitate coordination and cooperation with respect to activities related to environment and development. Specifically, with respect to chemicals management, the IFCS and IOMC were established to improve coordination and to help ensure that activities are addressing the priority concerns of governments. (see Entry 39 on the IOMC and Entry 40 on the IFCS in Annex I(b)).

85. Despite these improvements, there continues to be a concern about the need for enhanced coherence and efficiency, as evidenced by the Governing Council Decision in 1997 leading to this report and, with respect to environmental activities more generally, the 1998 UN Task Force Report. That Report called for the creation of another mechanism through which UN organizations and others can share their respective plans and activities, inform and consult one another about new initiatives, contribute to a planning framework allowing a coordinated review of all activities, and consult with a view to developing an agreed set of priorities and measures. It goes on to recommend the establishment of an Environmental Management Group (EMG) including as core members the main UN bodies concerned, with participation by additional UN entities, convention secretariats, financial institutions and non-UN organizations, as appropriate.

86. Given the existence of the IOMC and IFCS, and the possibility that the UN could establish a new, overarching coordinating body to deal with all international environmental initiatives (such as the proposed EMG), it would seem untimely to create yet another coordinating mechanism. Adding a new coordinating mechanism to the mix of existing ones would likely have a number of disadvantages. First, it is not clear what action will be taken by the Secretary-General in response to the Task Force Report. If a new UN-wide body is formed, it may seek to address functional areas, such as chemicals, in a way that is duplicative (or, worse, contradictory). A UN-wide body may be best-placed to facilitate coordination, coherence and enhanced efficiency of all the conventions, programmes, and organizations with an interest in chemicals management.

87. Furthermore, adding another coordinating mechanism would create another level of bureaucracy, and divert resources from implementation of programmes. As a general matter, new mechanisms or organizations should be avoided unless clear benefits would result.

88. The question remains whether it would be useful to consider improvements to the existing mechanisms in order to address identified concerns.

89. With respect to the coordinating mechanisms for chemicals activities, the first issue is whether it would be premature to make wholesale changes to the IOMC and IFCS (given that they were established as recently as 1995 and 1994, respectively). The Governing Council may wish to revisit the question in the future to evaluate the effectiveness of the IOMC and the IFCS in meeting their objectives.

90. Without making major changes, it may be possible to address some of the identified concerns. For example, the IOMC currently addresses "core activities" related to chemicals management, i.e., those addressed in the six priority areas identified at UNCED and certain emerging areas such as endocrine disrupting substances and persistent organic pollutants. It may be useful for the IOMC to undertake to review the programmes and plans of related activities, including some included in Annex I, and in particular

to consider opportunities for improved coordination and efficiency. This could be done at a regular meeting of the IOCC, through special ad hoc meetings or through the establishment of additional coordinating groups. These related activities could include, e.g., hazardous wastes or climate change. Expanding the substantive scope of the IOMC (or IFCS) would require increasing the participation to include representatives of relevant organizations.

91. Another concern that has been expressed is that the IOMC does not include the secretariats of conventions as Participating Organizations. While there are other mechanisms within UNEP and within the UN to facilitate coordination among conventions, there may be a need to improve coherence and efficiency between conventions and related programmes in organizations.<sup>17</sup> Therefore, it may be useful for the IOCC to consider including in their meetings, on a regular basis, the secretariats of relevant conventions.

92. One disadvantage of expanding participation of the IOMC to include additional organizations, or convention secretariats, is that the larger the scope of the coordinating mechanism, the more cumbersome (and less efficient) it may become at achieving its primary objectives. There are also economic implications in that the increased participation would also increase the costs associated with the IOMC.

93. A third concern about the IFCS and IOMC, as indicated in Section III (A) above, is that their conclusions and recommendations may not be endorsed by the governing bodies of the concerned organizations and therefore there may not be the mandate, nor the resources allocated, to carry out the recommendations. This is a difficult problem to address since the governing bodies should retain the ultimate authority to make decisions concerning programmes and budgets. However, there may be ways to improve the situation by, for example, having the IFCS and IOMC represented in the meetings of the governing bodies and/or having representatives of the governing bodies participate in the meetings of the IFCS and IOMC. Alternatively, the IFCS may be able to provide an advisory function to the relevant organizations/programmes. In addition, Governments should be encouraged to make every effort to ensure that the positions taken by their representatives at the IFCS and at the governing bodies are consistent.

94. With respect to the mechanisms for coordinating environmental activities more generally, including the UNEP Governing Council as well as the IACSD, it might be worthwhile for them to consider establishing subsidiary bodies to address different functional clusters (as suggested in the UN Task Force Report). Specialized subsidiary bodies would seem to be better placed to provide appropriate guidance given the technical nature of much of the work related to chemicals management, and the range of activities involved. However, it does have the disadvantage of adding another level of bureaucracy and increasing the time and resources needed.

#### **(5) Co-locating (or even merging) of secretariats of related conventions and/or programmes**

95. This option would involve relocating certain secretariats of international organizations/programmes and conventions in order to reduce the inefficiencies involved in the geographical dispersion of secretariats involved in related activities. This could involve the co-location of secretariats or, in the longer term, the merging of secretariats.

96. The UN Task Force Report describes the operational inefficiencies and costs arising from the geographical dispersal of convention secretariats and, therefore, suggests that the Executive Director invite Governments and conferences of parties to consider the implications of this trend and ways to overcome resulting problems. The Report states that every effort should be made to co-locate new conventions with other conventions in the same functional cluster (with reference to chemicals/waste as one such cluster) and with institutions with which they have a particular affinity. With respect to existing conventions, approaches

<sup>17</sup> In fact, many of the conventions associated with the "core activities" related to chemicals management have as their secretariat Participating Organizations of the IOMC (i.e., UNEP and ILO). Furthermore, under the existing arrangements participation in IOMC coordinating groups may be extended to other interested bodies and, in this respect, the coordinating group on chemical accident prevention, preparedness and response includes a representative of the UN/ECE Secretariat responsible for the Convention on Transboundary Effects of Industrial Accidents.

should include promoting cooperation among the secretariats within each cluster, with a view to their eventual co-location and possible fusion into a single secretariat and, in the longer term, the negotiation of umbrella conventions covering each cluster.

97. Applying these suggestions to the field of chemicals management, it might be useful to consider which secretariats could be included within a cluster. One possibility could be to start with the IOMC POs and include secretariats of related conventions. A more narrow, and realistic cluster, could involve the secretariats of the Basel (Hazardous Wastes) Convention, the Rotterdam (PIC) Convention, and any future global conventions on POPs or the control of specific chemicals.

98. The objective of the cluster would be to foster cooperation and sharing of expertise with a view to possible eventual co-location. The theoretical advantages of co-location of secretariats of related conventions and/or organizations are clear: it promotes synergies, as well as coordination and cooperation among the secretariats involved; it reduces the likelihood of overlapping or contradictory activities; it facilitates the organization of joint meetings of decisionmaking or technical bodies; and, more generally, it facilitates contacts with member states. It also provides opportunities for significant cost savings through economies of scale and combined administrative, conference and infrastructure costs. Furthermore, such co-location facilitates the ability of providing technical support to the conventions in a coordinated manner. However, there are many difficulties in practice with respect to moving locations of existing conventions or secretariats; the choice of location of secretariats has both political and financial dimensions and are not easily changed in the short term. In addition, there are costs in terms of loss of experienced personnel as well as out-of-pocket costs associated with any major move.<sup>18</sup>

99. A more extreme measure would be to try to combine or fuse the secretariats for two or more Conventions. This would involve maintaining agreements as separate entities but as an administrative matter utilize one staff to provide secretariat support. In those cases in which the secretariat has remained with the originating organization (such as with the ILO and IMO), there is, in effect, fusion of secretariats. In the recently adopted Rotterdam Convention (PIC Convention), governments concluded that the secretariat should remain, jointly, with the two organizations which have implemented the voluntary PIC agreement and which undertake a number of other related activities. This may provide a model for future agreements including, for example, the global agreement being negotiated on POPs.

100. Combining secretariats that are currently independent would be very difficult to achieve from a legal and political perspective but if accomplished would have the same advantages as co-location. It would be easier to coordinate activities of the two conventions and could lead to even greater cost savings. A significant disadvantage, in addition to those associated with moving existing secretariats, include the difficulties associated with having to address the concerns and decisions of different conferences of parties (which may be incompatible or difficult to accomplish by one secretariat).

## **(6) Developing a legal umbrella mechanism for agreements**

101. This option would involve the creation of a legal umbrella mechanism concerning chemicals management, which may only incorporate new agreements or it may capture related existing conventions.

102. Over the past several years, there have been suggestions made to establish an integrated legal mechanism for the management of hazardous chemicals or an umbrella mechanism incorporating the PIC and POPs initiatives, as well as any future legally-binding agreements related to chemicals.

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<sup>18</sup> Within the field of chemicals management, many of the relevant convention secretariats are located in Geneva (although not in the same organizations) including the four UN/ECE conventions, the two ILO conventions, the Basel Convention (Hazardous Wastes) and the Rotterdam Convention (PIC). At present, the latter is jointly implemented by UNEP in Geneva and FAO in Rome. It is expected that the global POPs convention may also have its secretariat in Geneva.

103. In 1995, the Governing Council, at its eighteenth session, invited the UNEP Executive Director, in cooperation with the FAO to convene a Government-designated group of experts to consider and recommend what further measures are needed to reduce the risks from a limited number of hazardous chemicals, recognizing the PIC and POPs, as well as other international initiatives. At that meeting of experts, held in April 1996, a proposal was made regarding the possible benefits of an integrated international legal mechanism concerning the management of hazardous chemicals. The meeting further requested the Executive Director of UNEP, the Director-General of FAO and the President of the IFCS to seek the views of Governments for consideration by the 19<sup>th</sup> Session of the Governing Council (as well as the Governing Bodies of the other two organizations).

104. The results of the survey of Governments were mixed: some Governments supported the concept of an integrated legal mechanism and advocated moving forward, while others did not agree or felt that work on such a concept was premature. Within this broad range of views, most Governments were supportive of the objectives of the integrated mechanism including improving efficiencies, saving resources and improving coordination, but there were different ideas concerning how to achieve these objectives. There was general agreement that any effort in this regard should not delay work on PIC or POPs, and that an integrated agreement should not include existing conventions such as the Basel Convention or Montreal Protocol. There were also suggestions that the appropriate forum for discussing the proposal is the IFCS and IOMC (where various organizations are represented).

105. The Decisions of the Governing Council, at its 19<sup>th</sup> Session, did not specifically address the question of the an integrated international legal mechanism, but it did invite governments, intergovernmental organizations and the IFCS to review the Report of the April 1996 meeting, including its annexes and recommendations, and consider taking action, as appropriate, to implement them and to report on such actions to the Governing Council at its 20<sup>th</sup> Session.

106. Furthermore, the UN Task Force in its June 1998 report also suggested that a long term objective should be the negotiation of umbrella conventions covering different subject areas or, as the report says, "functional clusters" such as biological resources, chemicals/wastes, or marine pollution.

107. The concept of an umbrella convention could include, at one extreme, bringing together all legal instruments related to chemicals, including existing conventions (such as the Basel Convention). As indicated, this is not a popular option based on the survey of Governments and would be extremely difficult to achieve, from legal, administrative and substantive perspectives.

108. The more limited scenario, which has been proposed by some Governments, is an umbrella convention which would, in the first instance, include (as protocols?) the Rotterdam Convention (PIC Convention) and the global POPs instrument currently under negotiation. It would also include any future instruments designed to address through international negotiations the control of specific chemicals (for example, if there were consensus that the global community should address endocrine disrupting chemicals, or persistent, non-organic pollutants).

109. The advantages of a chemicals umbrella convention, with protocols addressing PIC, POPs and other future initiatives, is that it would facilitate the coordinated implementation of the protocols as well as coordination with other conventions. It would help to avoid duplication, or even worse conflicting, actions with respect to specific chemicals. The umbrella convention should lead to an overall increase in efficiency through the sharing of information and experience, as well as through cost savings from the fact that there would only be one secretariat.

110. An umbrella convention could also reduce burdens on Governments and facilitate intra-country coordination of related activities. It could also help to involve a greater number of countries (including developing countries and countries in economic transition) in meetings of the conferences of parties by reducing the overall number of meetings.

111. Many of these advantages could be achieved through the co-location of secretariats.

112. The primary disadvantages of an umbrella agreement is that it could hinder the implementation of the Rotterdam (PIC) Convention as resources are diverted to the establishment of the umbrella agreement, and as provisions are reopened for negotiation.<sup>19</sup> It could also hinder the negotiations on POPs.

113. There could also be difficulties in developing, and implementing, new protocols particularly if the umbrella agreement include aspects of chemicals management which are the responsibility of different bodies within Governments. And depending on the nature and scope of such an umbrella agreement, it could become cumbersome to implement.

114. It would require considerable time and resources to negotiate the umbrella convention itself.

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<sup>19</sup> In fact, the Rotterdam (PIC) Convention would have to enter into force before amendments could be proposed which would allow it to become part of an umbrella agreement. Consequently, even should this option be undertaken, it would require several years to achieve.