



Distr.: General
9 May 2011

English only

**Second meeting of the Expanded Bureau
of the ninth meeting of the Conference
of the Parties to the Basel Convention**
Geneva, 24-25 March 2011

Report of the second meeting of the Expanded Bureau of the ninth meeting of the Conference of the Parties to the Basel Convention

I. Opening of the meeting (agenda item 1)

1. Mr. Andrzej Jagusiewicz, Vice-president (Poland), chaired the meeting at the request and on behalf of the President of the ninth meeting of the Conference of the Parties to the Basel Convention (COP 9), H.E. Prof. Dr. Gusti Muhammad Hatta, Minister of Environment, Indonesia. He opened the meeting on Thursday, 24 March 2011 at 10:10 a.m., and welcomed the members of the Expanded Bureau. He also extended his welcome to Ms. Paula Caballero, Director of Economic, Social and Environmental Affairs, Ministry of Foreign Affairs, Ms. Jimena Nieto, Office of the Vice-Minister for the Environment, and Ms. Claudia Vasquez, Special Co-ordinator for Environmental Affairs, Ministry of Foreign Affairs, Colombia, who were attending the meeting as observers, as the representatives of the host country of the tenth meeting of the Conference of the Parties to the Basel Convention (COP 10). Noting that this was the last meeting of the Expanded Bureau prior to COP 10, he highlighted the key role of the Expanded Bureau in paving the way for COP 10 in Cartagena, providing a clear roadmap to assist in ensuring the best outcome for that meeting and in catalyzing the adoption of decisions related to synergies by the forthcoming meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions (COPs).

2. The Executive Secretary of the Basel Convention, Ms. Katharina Kummer Peiry, welcomed the members of the Expanded Bureau and the observers. She noted that the timing is crucial for the Secretariat to receive guidance from the Expanded Bureau, in accordance with its mandate given by the sixth meeting of the Conference of the Parties, on preparation of the agenda and other requirements for the organization of the forthcoming COP 10 from 17 to 21 October 2011. She informed that the Secretariat of the Basel Convention is working closely with the Government of Colombia regarding the logistical as well as substantive issues for the organization of COP 10. She also expressed her hope that COP 10 will be a milestone in the life of the Basel Convention, as it will be addressing a number of issues that are expected to determine the development of the Convention in the coming years.

3. The Executive Secretary noted that the three conferences of the Parties to the Basel, Rotterdam and Stockholm conventions will be meeting in one cycle and further highlighted the importance of the presence and active engagement of members of the Expanded Bureau in these meetings. She further noted that a number of identical draft decisions will be submitted for consideration by the Parties with

the intention that the same course of action would be decided by the three COPs. The Executive Secretary brought to the attention of the meeting that the documents prepared for the fifth meeting of the Conference of the Parties to the Stockholm Convention, including those on synergies issues, are presently available on the Stockholm Convention website. The same documents on synergies will be submitted to the fifth meeting of the Conference of the Parties to the Rotterdam Convention as well as to COP 10.

A. Attendance

4. A list of participants to the meeting is contained in annex II of the present report.
5. Mr. Franz Perrez, Ambassador, and Ms. Gabriela Eigenmann from the Internal Affairs Division, Federal Office for the Environment, Switzerland participated in the meeting as observers for agenda item 4, to make a presentation on the Indonesian-Swiss Country-led Initiative to improve the effectiveness of the Basel Convention (CLI).
6. H.E. Prof. Dr. Gusti Muhammad Hatta, Minister of Environment, Indonesia, sent his regrets.

II. Adoption of the agenda (agenda item 2)

7. The Expanded Bureau had it before documents UNEP/SBC/BUREAU/9/2/1 (Provisional agenda) and UNEP/SBC/BUREAU/9/2/1/Add.1 (Annotated provisional agenda). The Executive Secretary briefly introduced the draft agenda and made suggestions on the order in which items could be addressed. Following some discussion, the agenda was amended and adopted as follows:

1. Opening of the meeting.
2. Adoption of the agenda.
3. Report on the implementation of programme of work adopted at the ninth meeting of the Conference of the Parties to the Basel Convention (2009-2011).
4. Status of preparations for the tenth meeting of the Conference of the Parties: update from, and guidance to the Secretariat on:
 - (a) The negotiation and conclusion of the Host Country Agreement;
 - (b) The theme of the tenth meeting of the Conference of the Parties to the Basel Convention;
 - (c) Main issues for discussion by the Conference of the Parties:
 - (i) New strategic framework;
 - (ii) Basel Convention regional and coordinating centres;
 - (iii) Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention;
 - (iv) Work programme of the Open-ended Working Group for 2012-2013;
 - (v) Financial matters.
 - (d) Report on the outcome of the eighth session of the Implementation and Compliance Committee.
5. Enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions
6. Other matters:
 - (a) List of the positions of the officers of the different bodies of the Convention to be elected at the tenth meeting of the Conference of the Parties to the Basel Convention;
 - (b) Addressing the link between waste management and climate change;
 - (c) Joint meeting of the Bureaux of conferences of the Parties to the Basel, Rotterdam and Stockholm conventions.
7. Closure of the meeting.

III. Report on the implementation of programme of work adopted at the ninth meeting of the Conference of the Parties to the Basel Convention (2009-2011) (agenda item 3)

8. The Chairman invited the Secretariat to present this agenda item. The Expanded Bureau had it before documents UNEP/SBC/BUREAU/9/2/2 (Report on the implementation of programme of work adopted at the ninth meeting of the Conference of the Parties to the Basel Convention (2009-2011)) and UNEP/SBC/BUREAU/9/2/INF/1/Rev.1 (Information on financial matters).
9. The Secretariat informed the meeting that the report on the progress on the implementation of the programme of work for 2010 as well as related financial performance is contained in the document UNEP/SBC/BUREAU/9/2/2. The report on the implementation of the programme of work for 2009 was submitted to the Open-ended Working Group at its seventh session (OEWG 7), as contained in document UNEP/CHW/OEWG/7/INF/12 (Information on financial matters including the report on the implementation of the programme budget for 2009).
10. Annex I of document UNEP/SBC/BUREAU/9/2/2, which is the detailed report for 2010, shows all activities approved by the ninth meeting of the Conference of the Parties, as well as the status of their implementation with the corresponding funding from both Convention Trust Funds for all items except core staff costs. Expenditure for each activity is shown together with voluntary resources secured for their implementation. Annex II of the same document contains the summary table of costs of activities in 2010, excluding staff costs. The total expenditure for 2010, including the programme support costs, amounted to USD 3,726,880 of which USD 1,026,668 was funded from the Basel Convention Trust Fund and USD 2,700,212 from voluntary contributions of the Parties and other donors, which are held in the Technical Cooperation Trust Fund (BD Trust Fund).
11. One member of the Expanded Bureau requested the Secretariat to update the meeting on the status of contributions received for funding participation at COP 10, what allocations there would be for funding the participation of representatives from developing countries and countries with economies in transition and whether any shortcomings were foreseen at this stage. He further requested information on the procedure and criteria applied by the Secretariat in funding participants to meetings of the Conference of the Parties.
12. The Secretariat informed the Expanded Bureau that, although it had commenced its fundraising efforts, to date it had not received any contributions to support the participation of delegates from developing countries and countries with economies in transition. The Secretariat sent fundraising letters to donors in January 2011 seeking contributions towards the costs of ensuring participation of developing countries and countries with economies in transition. Responses to these requests were being sought by the Secretariat. In particular, the Executive Secretary would continue efforts through subsequent bilateral discussions and meetings with donors.
13. The Secretariat informed members that it is not presently in a position to confirm funding for travel of participants but that it hopes to obtain funds closer to the date of the meeting. Several members expressed concerns about the importance of contributions to be made available to support the participation of delegates from developing countries and countries with economies in transition. The Secretariat shared members' concerns and reiterated that there is no provision in the core budget of the Basel Convention Trust Fund for funding of the Government representatives to attend meetings of the COP and the Open-ended Working Group (OEWG). A proposal to allocate seed funding from the core budget was not accepted by Parties at the OEWG 7. Consequently, such funding is dependent on receipt of voluntary contributions.
14. One member enquired whether the Secretariat presently has an indication of the amount of funding required to support such participation. The Secretariat advised that its aim would be to provide support for 2 participants from each Party, and 120 Parties are eligible to receive such funding. From previous experience, the Secretariat received funding for 60-70 participants to both the OEWG and COP meetings. The Secretariat further advised that USD 500,000 would be needed to support participation of developing countries.
15. The Secretariat further highlighted that in allocating such funding of participation it presently refers to the criteria agreed by previous meetings of the Expanded Bureau.

16. The Expanded Bureau discussed the need for consistency between the criteria applied by the secretariats of the Basel, Rotterdam and Stockholm conventions in this respect. Some members felt that the incoming joint head of the secretariats should be empowered to apply coherent criteria across the conventions. Others were of the opinion that the matter would require decisions by the meetings of the Conference of the Parties. Members requested the Secretariat to bring any criteria agreed to the attention of the joint meeting of the core bureaux of the conferences of the Parties and to the attention of the joint head upon his appointment. The matter of criteria to be applied by the Secretariat in funding participants to meetings of the Convention was further discussed under agenda item 4 (c) (v): Financial matters (see paragraphs 62-64 below).

17. Discussions took place in relation to non-attendance at meetings by delegates who have received financial support. One member of the Expanded Bureau, drawing attention to the table in annex III of the document UNEP/SBC/BUREAU/9/1/8 that stated 18 of 63 delegates were offered support but did not attend for various reasons, urged the Secretariat to employ its best efforts to ensure the maximum attendance of those offered such support. This is to both improve overall representation at the COP and to avoid the frustration of other potential delegates who might otherwise have been able to take up such a place. The members nonetheless acknowledged that frequently such non-attendance was due to factors beyond the control of the Secretariat, such as lack of awareness of relevant procedures, last minute changes to itineraries or delegates.

IV. Status of preparation for the tenth meeting of the Conference of the Parties: update from, and guidance to the Secretariat (agenda item 4)

A. The negotiation and conclusion of the Host Country Agreement

18. The Expanded Bureau had before it document UNEP/SBC/BUREAU/9/2/4 (The negotiation and conclusion of the Host Country Agreement).

19. The Secretariat reported that the Host Country Agreement (HCA) between the Government of Colombia and the Secretariat regarding the arrangements of COP 10 was signed on 1 December 2010. The HCA defines the responsibilities of the Government of Colombia and the Secretariat in holding the COP 10. An annex D to the HCA on the security arrangements is expected to be finalized by April 2011. Furthermore, the Secretariat, representatives of Conference Services as well as the Security and Safety services of the United Nations Office at Nairobi undertook a successful exploratory mission to Colombia from 31 January to 3 February 2011. Logistical information from the host country on arrangements such as accommodation and visa requirements has been provided by the Government of Colombia and will shortly be made available on the web page for COP 10.

20. The representative of the Government of Colombia expressed gratitude to the Secretariat and stressed the commitment of the host country to the success of the COP 10, in spite of recent natural disasters that have required significant financial commitments from the Government of Colombia in other areas.

21. The Chairman expressed his sympathies to Government of Colombia for the recent natural disasters. He further conveyed appreciation for its continued commitment to hosting COP 10. The Expanded Bureau requested the Secretariat to ensure necessary arrangements for finalizing the relevant web pages and to make it available by the end of March 2011.

B. The theme of the tenth meeting of the Conference of the Parties to the Basel Convention

22. The Expanded Bureau had before it document UNEP/SBC/BUREAU/9/2/5 (The theme of the tenth meeting of the conference of the Parties to the Basel Convention).

23. The Executive Secretary introduced the agenda item and informed the meeting that a dialogue on the possible theme was initiated with the Government of Colombia during the simultaneous extraordinary meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions (ExCOPs) held in Bali, Indonesia from 22 to 24 February 2010. The Government of Colombia subsequently proposed that the theme should focus on minimizing wastes and re-using them. During the teleconference of the Expanded Bureau on 2 November 2010, the Executive Secretary informed members on the proposed theme, her informal consultations with various Parties and the positive reactions from Parties on this proposed theme.

24. Subsequently, additional discussions took place with the Government of Colombia to develop the exact title of the COP 10 theme, “**Prevention, minimization and recovery of wastes**”.
25. The Executive Secretary also advised the Expanded Bureau that she set up a small Senior Advisory Group of Experts to the Executive Secretary on exploring the economic potential of converting certain waste streams into resources in an environmentally sound manner, which met in January 2011. Based on the advice received from this Group, she drafted a non-paper, “Shifting paradigms: from waste to resources”, which was annexed to the document UNEP/SBC/BUREAU/9/2/5.
26. In the Secretariat’s previous dialogues with the Government of Colombia, both expressed a desire for follow-up to this theme beyond a declaration and they hoped that a process could be launched to make the theme a reality. The proposed theme is also timely in relation to the Rio+20 meeting, of which one focus will be the Green Economy Initiative of the United Nations Environment Programme (UNEP). The Executive Secretary highlighted that waste management was one of the issues where concrete steps towards greening the economy could be achieved. She expressed the hope that this process can produce follow-up to feed into the Rio+20 meeting to achieve a Green Economy. Guidance was sought from the Expanded Bureau on the theme, in particular on possible ways and formats in which to address the theme, as well as about possible outcomes that might be envisaged.
27. The representative of the Government of Colombia appreciated the contributions of the Senior Advisory Group of Experts but added that it would have been appropriate for representatives of the COP 10 host country to also contribute to that discussion. She highlighted the need for the theme to build on what has been already been achieved by the Basel Convention, and added that the launch of such a process should be open, transparent and would require an extensive process of consultations with Parties prior to COP 10.
28. The Executive Secretary highlighted that consultations had started with the previous Government of Colombia, which had been invited to indicate experts to participate in the Senior Advisory Group through the Permanent Mission of Colombia, but that no response had been received to this invitation. She fully agreed that the process should be an open consultation – starting with the Expanded Bureau – reaching out to Parties in all regions.
29. One member expressed his appreciation for the theme proposed by Government of Colombia but cautioned that although the focus was on reuse of waste, the two pillars of the Basel Convention are the control of transboundary movements of hazardous wastes and environmentally sound management (ESM). It was timely to propose such a theme, however, balance should be exercised so as not to undermine either pillar of the Convention. He noted that discussions were raised during COP 9 about revitalising the Basel Convention, which is the “poorest” of the three chemical and waste conventions. He stressed that the Green Economy should be considered in the global context – the theme is an opportunity to reinvigorate the Convention and a longer, strategic view is necessary for this.
30. Another member of the Expanded Bureau agreed that the theme was appropriate at this time. She highlighted the need for a multiple-pronged approach covering prevention, recovery and recycling. She expressed concerns as to whether concrete results can be achieved if the theme deals with all waste streams. Underlining the need for concrete results, the member suggested that the theme be focused on one waste stream or one geographic region. In that way, the theme could be used as a demonstration of best practices in ESM. The theme should be focused, with a stepwise approach, to best reap the rewards and raise the profile of the Basel Convention. Several members supported these approaches, underscoring the importance of ESM and the impact of effective control of transboundary movements of wastes towards the creation of a green economy as well as job creation.
31. Significant discussions took place in relation to the theme, its connection with the UNEP Green Economy Initiative; the relationship between the theme and the scope of the Basel Convention; its relation with the timing and organization of COP 10.
32. The representative of the Government of Colombia confirmed that the concerns and suggestions raised by members would be taken into account and addressed when preparing the theme note. She also agreed that there was a need to consult with or seek views from Parties in relation to the theme. The theme note would be circulated to Parties for comments and the host country was open to suggestions in this regard.
33. The Secretariat specified that the theme was intended to form a framework overarching the discussions at COP 10, as was the case for other COP meetings (e-waste in COP 8; human health and livelihood in COP 9), and not form a specific agenda item. The representative of the Government of Colombia added that the host country will consider focusing the theme on a particular waste stream,

such as e-waste, as well as some best available practices, exchange of technology and techniques in the Latin America and Caribbean region (given the location of the COP 10).

34. The representative of the Government of Colombia also informed the Expanded Bureau of its intention not to hold a Ministerial segment to the COP 10 meeting. With this view, more supports could be directed to experts from developing countries to enable them to attend the meeting if funds are available. The Expanded Bureau discussed this proposed approach, with differing views expressed as to the value of such a segment. The host country would take the recommendations of the Expanded Bureau on board and see how to address these.

35. The Expanded Bureau recalled that in accordance with Rule 8 of the Rules of Procedure, the Secretariat, in agreement with the President of the COP, shall prepare the provisional agenda of each meeting. The Secretariat noted that it would follow the same format as for previous meetings – it will prepare the draft agenda and share this with the host country.

C. Main issues for discussion at the tenth meeting of the Conference of the Parties

(i) New Strategic Framework

36. The Expanded Bureau had before it document UNEP/SBC/BUREAU/9/2/6 (Main issues for discussion by the tenth meeting of the Conference of the Parties). The Secretariat updated the Expanded Bureau on developments on the preparation of the strategic framework since June 2009, with three consultative meetings having taken place including one held back-to-back with the OEWG 7 meeting. The OEWG had considered the draft strategic framework and agreed on the following elements of a new strategic framework:

- (a) Vision;
- (b) Guiding principles;
- (c) Strategic goals and objectives.

37. OEWG 7 also requested the Secretariat to further develop means of implementation and indicators for the Strategic Framework. The Secretariat noted that at the latest consultative meeting held in February 2011, participants questioned the availability of data required to report on indicators, bearing in mind that indicators need to be realistic and measurable. At that meeting, the means of implementation were referred to not just in terms of financial resources but also as related to the structure of implementation and tracking progress. The Secretariat informed the Expanded Bureau that there were divergent views as to the inclusion of means of implementation in the Strategic Framework, as reflected in the meeting report. He added that the outputs from this consultative meetings, the OEWG 7 and any subsequent further comments received will form the basis for a revised new strategic framework to be presented for adoption by COP 10. Development of the document will continue, taking into account comments received and a revised draft would be prepared at the end of May 2011. A final draft would be prepared in accordance with the applicable deadlines and rules regarding the preparation and distribution of meeting documents.

38. The Chairman underlined the need to measure progress and that the means of implementation and indicators had been published for this purpose.

39. The Executive Secretary added that the Secretariat needed as many comments as possible to be provided on the draft Strategic Framework and reiterated its plea to the Expanded Bureau members and their regional group constituencies to provide such comments. She noted that otherwise it would be difficult to draft a Strategic Framework addressing Parties' needs and a missed opportunity to hear Parties' views. The Secretariat agreed to circulate a further request for comments to all Parties, with an extended deadline for comments to be provided by 15 April 2011.

(ii) Basel Convention regional and coordinating centres

40. The Expanded Bureau was referred to section B of document UNEP/SBC/BUREAU/9/2/6 (Main issues for discussion by the tenth meeting of the Conference of the Parties).

41. The Secretariat introduced the item. He informed the members that the Secretariat had prepared and published documents as requested by decision IX/4 of COP 9 on:

- (a) Draft workplan for the strengthening of the Basel Convention regional and coordinating centres (BCRCs);

(b) Detailed list of the necessary elements for the performance of the core functions based on appendices I and II to decision VI/3;

(c) Draft strategic framework for the financial sustainability of the centres that would assist the Basel Convention regional and coordinating centres in developing strategies for their financial sustainability, including exploring the use of the Technical Cooperation Trust Fund;

(d) Set of indicators to measure performance and impediments in relation to the functions and impacts of the Basel Convention regional and coordinating centres.

42. These documents had been made available as document UNEP/CHW/OEWG/7/INF/4 (Review and strengthening the operation of the Basel Convention regional and coordinating centres) and that comments had been provided from Argentina, Barbados, China, Colombia, the European Union, Japan, Mexico, Trinidad & Tobago and Uruguay, as well as the Basel Convention regional centres located in China, Slovakia and Tehran. These comments had also been published on the website of the Basel Convention.

43. The Secretariat added that three joint activities proposed in the synergies process involved the BCRCs: small grants programme, joint meetings and south-south cooperation. He stressed the need for good guidance from COP10 and he highlighted the current support to the centres from the host countries.

44. One member stated she was concerned as to why the centres had been given such prominence in the synergies process without having been given corresponding support. Other members highlighted the crucial role played by BCRCs in between meetings of the COP and the need for the infrastructure they provide.

45. The Expanded Bureau discussed the difficulties faced due to the set-up of the BCRCs and applauded one example, where a BCRC had been established as an inter-governmental organization with mandatory contributions from all Parties served by the centre funding its activities. Members noted the growing need for centres to find inventive ways to attract significant donor funding, which enables the BCRCs to be strengthened.

46. The Expanded Bureau noted with appreciation the additional support being provided by the Secretariat to the BCRC in order to assist them improve governance and facilitate projects, contacts and cooperation with major donors such as the Global Environment Facility (GEF) and the Quickstart Programme of the Strategic Approach to International Chemicals Management (SAICM QSP). The Secretariat added that it had received positive feedback to date in relation to the GEF projects awarded to BCRCs.

47. Some members mentioned the synergies process as related to centres and the need to avoid duplication of activities of the Basel and Stockholm regional centres. The members also extensively discussed financial aspects of the centres, including the implications and need for co-funding in undertaking GEF projects.

48. Members expressed support for the need to identify those centres that may be under-performing and provide them with support. The Chairman requested the Secretariat to use its best efforts to support the BCRCs, including preparation of information on best practices to be shared amongst the BCRCs. He stated he would bring this to the attention of the joint meeting of the bureaux and propose preparation of a simple paper sharing best practices, in order to ensure the same treatment of regional centres across the conventions.

49. The Executive Secretary highlighted that, as requested by the Parties, the Secretariat was moving away from implementing small projects to facilitating links between major donors and BCRCs. She added that several donors had been invited to and confirmed their participation at COP 10. She thanked the members for their useful oral comments during the meeting and requested these be provided in written form to assist the preparations for COP 10. The Expanded Bureau agreed to provide comments to the Secretariat by **8 April 2011**.

50. The members requested the Secretariat to look into the possibility of holding a meeting between BCRCs and donor organizations immediately following COP 10. The Executive Secretary noted that this would be subject to receipt of sufficient funding to bring the BCRC directors to Colombia. The meeting would brief directors as to the outcome of and discussions at COP 10, enable exchange with and between them as to their role and how to fulfil this more efficiently. The members noted this would also be an opportunity to provide the directors with information as to good practices. In response to a request from one member that priority funding be given to the directors, the Expanded Bureau agreed

that Party representatives will have priority for financing participation and directors should not have priority over Party representatives.

(iii) Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention

51. The Expanded Bureau was asked to consider section C of document UNEP/SBC/BUREAU/9/2/6 (Main issues for discussion by the tenth meeting of the Conference of the Parties). Mr. Franz Perrez of Switzerland and Mr. Ridwan Tamin of Indonesia were invited to make a presentation on the Indonesian-Swiss Country Led Initiative (CLI), in particular the outcome of this process. Three CLI meetings have been held to address the issues of (i) identifying, analysing and enhancing understanding of the problem of transboundary movements of hazardous wastes contrary to the overarching objectives of the Ban Amendment; (ii) undertaking an analysis and beginning to develop options and solutions; and (iii) formulating recommendations for COP 10. The CLI documents have been circulated by email and made available on the website of the Basel Convention. The CLI was also discussed by OEWG 7, which welcomed the initiative and acknowledged the process. The analysis under the CLI had identified that quantities of transboundary movements of wastes were increasing and identified several drivers for such movements – including, amongst others, economic factors, poor legislation and enforcement. The recommendations from the CLI process, in the form of a draft omnibus decision, are currently available on the Basel Convention website, and comments are invited until **30 April 2011**.

52. The presenters briefed the members on the seven sections of recommendations within the draft decision (addressing the entry into force of the Ban Amendment; developing standards and guidelines for ESM; providing further legal clarity; further strengthening the BCRCs; combating illegal traffic more effectively; assisting vulnerable countries to prohibit the import of hazardous wastes; building capacity). They stated their belief that the proposals were ambitious but balanced, with potential for integration into, for example, the Strategic Framework for 2012-2021. The presenters acknowledged that further commitment, development and resources were needed to implement these recommendations. The CLI lead countries believe that the recommendations will help focus on the real problems faced in relation to the Basel Convention, permitting Parties to move forward and address the challenges of hazardous waste management globally.

53. Significant discussions amongst members and observers followed in relation to both the recommendations of the CLI and the link with the question of the interpretation of paragraph 5 of Article 17 of the Basel Convention. Several members and the representative of the Government of Colombia asked for further information relating to the implications and requirements of the ‘fixed time’ interpretation as opposed to the ‘current time’ approach interpretation of paragraph 5, Article 17 of the Basel Convention relating to Amendment of the Convention. One presenter noted that Parties should be aware of the guidance provided by the United Nations Office of Legal Affairs in respect of this question but that ultimately the question of interpretation of the Convention remained the prerogative of the COP.

54. Some members expressed concerns that the ESM standards and legal clarification proposed in the draft decision may lead to a weakening of the provisions of the Basel Convention. Other members and the CLI lead countries stressed that the intention of the initiative was not to weaken the Convention provisions but rather to strengthen them. The presenters underlined that none of those participating in the process favoured lowering standards. They added that the text of the recommendations would be reviewed to try to clarify this point. Further clarity about terms such as what is waste or non-waste and the application of Basel Convention mechanisms to used and near end of life goods would be a step forward to improve the effectiveness of current Basel Convention mechanisms with regards to what is or is not targeted. One member noted the difficulty of achieving legal clarity in relation to such terms. He added that improved legal clarity was not the final step and highlighted the need for those on the ground to understand such terminology also. Resources would be key to undertaking such work. Another member supported this view, noting that legal clarity was necessary but also required significant technical input.

55. Another member noted that the problems identified in the CLI were profound and that this process had been useful to identify specific gaps and background reasons to understand the difficulties faced. He was of the opinion that the CLI had assisted Parties in coming to some consensus in relation to the problems but noted that further efforts would be needed.

56. Several members, expressing their hope for a resolution of the question of the Ban Amendment at COP 10, noted the need to also include concrete recommendations on the way forwards in the draft decision, particularly in relation to capacity building.

57. In response to a question, one representative of the lead countries explained that the CLI does not envisage implementing the recommendations by further amendment of the Convention, but rather through COP decisions. Furthermore, he stated that the recommendations are detailed and include concrete elements, for example in relation to BCRCs for the development of standards on the ground. He agreed with members that much had been learnt from this analysis. The lead countries are looking at the impact of the different elements and solutions proposed, which the COP may wish to take as a basis and amend as it sees fit. He concluded that there is a need to ensure a good understanding amongst Parties, not to try to restrict the creativity and understanding of the COP in coming to resolution in relation to this question.

(iv) Work programme of the Open-ended Working Group for 2012-2013

58. The Secretariat advised that a preliminary draft work programme for 2012–2013 had been submitted for consideration and review by OEWG 7, based on the provisions of decision IX/32. By decision OEWG-VII/18, the OEWG had stressed the need to ensure that the work programme builds on the Strategic Framework and is consistent with the programme budget. The Secretariat further informed members that it will prepare and make available to Parties, on the Basel Convention website by **15 May 2011**, a revised draft work programme for 2012–2013. Taking into account the outcome of OEWG 7 and comments by Parties on the revised draft work programme, a revised work programme will be prepared for consideration and possible adoption by COP 10.

59. Following requests by the Parties at OEWG 7, the Secretariat had prepared the work programme to have fewer activities. Several items had been raised at OEWG 7 as important to retain on the work programme. The Secretariat highlighted to and requested members to communicate to their regional groups that the work programme would prioritise activities but not permanently remove items previously on the work programme. The Expanded Bureau took note of the ongoing work being undertaken by the Secretariat.

(v) Financial matters

60. The Expanded Bureau had before it documents UNEP/SBC/BUREAU/9/2/6 and UNEP/SBC/BUREAU/9/2/INF/1/Rev.1.

61. The Executive Secretary gave a report to the Expanded Bureau confirming that, as requested by decision IX/31 of COP 9, the Secretariat will prepare a programme of work and proposed budget for the biennium 2012-2013, with two alternatives for consideration by COP 10. This will use the measurable indicators for achievement and performance noted by the OEWG7 in the annex to decision OEWG – VII/17.

62. With regards the criteria applied for decisions on funding participation in meetings, the Executive Secretary further recalled that the Secretariat had presented guidelines for provision of financial support for developing countries to the first meeting of the Expanded Bureau of the Conference of the Parties in March 2000. The principles for travel as explained in paragraphs 5 to 9(e-f) of document UNEP/SBC/BUREAU/5/1/5 were agreed by that meeting. In addition, criteria for financing participation at meetings of the COP and OEWG, based on the previous guidelines, had been proposed to the first meeting of the Expanded Bureau of the ninth meeting of the Conference of the Parties to the Basel Convention (23-24 June 2009) in the document UNEP/SBC/BUREAU/9/1/8. That meeting had discussed the criteria presented and suggested the Secretariat follow up on the matters discussed under this agenda item without making further amendments to the criteria presented. The Secretariat has referred to this criteria to date and circulated copies of the guidelines and criteria to all Expanded Bureau members.

63. The Executive Secretary requested the Expanded Bureau to give further guidance to the Secretariat on how to proceed if the funding for meetings is insufficient to support the participation of developing countries and countries with economies in transition.

64. Following an extensive discussion on the criteria to be applied for the provision of financial support for developing countries and countries with economies in transition, the Chairman requested the members to give their comments and/or input in writing to the Secretariat and entrusted the Secretariat

to revise the criteria contained in the document UNEP/SBC/BUREAU/9/1/8, accordingly. The criteria, as orally amended by the members and attached as annex I, was approved by the Expanded Bureau.

D. Report on the outcome of the eighth session of the Implementation and Compliance Committee

65. Ms. Gillian Guthrie, Chair of the Implementation and Compliance Committee, gave an oral report to the Expanded Bureau on the outcome of the eighth session of the Committee. She noted that the Committee had held a three day meeting, giving priority to specific submissions regarding individual Parties' implementation and compliance. For the first time, the Committee had considered and agreed on decisions on 10 specific submissions: one self-submission and nine submissions from the Secretariat focussing on Parties that have never submitted a national report. In considering these submissions, the Committee aimed at identifying the facts and root causes of the matter and assist in their resolution. Four Parties concerned by a submission attended discussions on the submission relevant to them and their cooperation greatly facilitated the Committee's work in understanding the challenges faced by these Parties, their own efforts to address their difficulties, steps that they were in a position to take to submit at least Part I of their national report, and how best the Committee could assist them in restoring compliance with the reporting obligation.

66. The Chair stressed that the Committee is conscious that resolving such difficulties is a process that will extend over some period of time and is aware that the success of this process requires ongoing dialogue with the Party concerned. Potentially, in addition to advice and recommendations, resources would need to be made available to these Parties, for instance through the Basel Convention implementation fund.

67. Linked to the issue of the specific submissions, and as mandated by COP 9, the Chair reported that the Committee had considered how to address existing shortcomings and limitations in relation to the lack of specific submissions. In addressing the mandate from COP 9 to develop recommendations in relation to the Committee's trigger options, the Committee agreed to recommend an amendment to its terms of reference, extending the scope of the Secretariat trigger to the Committee. The Committee also agreed to recommend that the COP introduce a new paragraph to the Committee's terms of reference that would confer a triggering role to the Committee. The Committee also considered the issue of lack of resources to assist Parties that are determined to be facing difficulties with implementation and compliance, and how to bring to life the implementation fund. The Committee agreed that this matter was of particular relevance, especially since its consideration of specific submissions had clearly evidenced that in order for implementation and compliance difficulties to be resolved, access to funding might be required. The Committee will therefore seek from COP 10 the authorization to use contributions to the implementation fund to assist individual Parties concerned by a specific submission.

68. The Chair further informed the Expanded Bureau of the Committee's recommendations pertaining to general issues of implementation and compliance. On illegal traffic, the Committee agreed to recommend that COP 10 establish a partnership on preventing and combating illegal traffic with a focus on capacity building (development of tools, training materials, hosting workshops and information exchange). Membership would extend to entities with a mandate to deliver such activities and include Parties, Basel Convention regional and coordinating centres, INTERPOL, the World Customs Organization, informal networks and the Secretariat. The Committee also considered and made specific recommendations on several national reporting issues (assessment of the status of national reporting, of difficulties faced by Parties in submitting national reports and their needs for assistance; development of a "model" or "benchmark" report as an additional tool to assist Parties; the classification, on a regional basis, of Parties' compliance performance with respect to national reporting; and how to promote and facilitate the exchange of information on best available practices between developed countries and developing countries, including countries with economies in transition, on development of national reporting). Concerning the review of implementation and compliance with specified obligations under articles 3, 4, 5 and 6 of the Convention, the Committee also agreed on several specific recommendations that will be submitted to the consideration of COP 10. Finally, the Committee considered elements of the draft Committee's 2012-2013 work programme that it will submit to the consideration of COP 10.

69. The Expanded Bureau took note of the report from the Implementation and Compliance Committee and applauded the work of its members.

V. Enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions (agenda item 5)

70. Under this agenda item, the Expanded Bureau had before it document UNEP/SBC/BUREAU/9/2/3 (Enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions). The Secretariat informed the Expanded Bureau that the documents on this issue to be submitted to the three conferences of the Parties address the six parts of the omnibus decisions: I. Joint activities; II. Joint managerial functions; III. Joint services; IV. Synchronization of budget cycles; V. Joint audits; and VI. Review arrangements. Members' attention was drawn to the overall cover note (document UNEP/POPS/COP.5/32), with the documents to be submitted to the meetings of the conferences of the Parties to the Rotterdam and Basel conventions to be identical in content. The documents to be submitted are available on the Stockholm Convention website. It is expected that decisions on enhancing synergies based on the proposals contained in the above documents will be adopted at the fifth meeting of the Conference of the Parties to the Stockholm Convention, and will be also adopted by the conferences of the Parties to the Rotterdam and Basel conventions based on the equivalent proposals.

71. He further recalled the prominence of chemicals and wastes in the present year, with 2011 being the Year of Chemistry; the adoption of decisions on chemicals and wastes by the 26th session of the Governing Council and Global Ministerial Environment Forum of UNEP; and the upcoming cycle of meetings of the conferences of the Parties for all three chemicals and wastes conventions.

72. The Chairman was unavailable for the remainder of the day, and therefore proposed that the Vice-President from Chile assume his duties in his absence. There were no objections to this proposal from the Expanded Bureau. The Chairman informed the Expanded Bureau that the joint head for the secretariats had been appointed and expressed the hope that provision would be made for associated costs when preparing scenarios for COP 10.

73. One member noted that there was an outstanding meeting document to be prepared on joint managerial functions and requested whether progress could now be made on this document.

74. The Secretariat clarified that the paper could not have been prepared before the appointment of the joint head, which had only just occurred.

VI. Other matters (agenda item 6)

A. List of the positions of the officers of the different bodies of the Convention to be elected at the tenth meeting of the Conference of the Parties to the Basel Convention

75. The Secretariat presented to the meeting the list of the positions of the officers of the different bodies of the Convention to be elected at COP 10. This information was made available in document UNEP/SBC/BUREAU/9/2/INF/2 (Positions of Officers to be elected at the tenth meeting of the Conference of the Parties). COP 10 is invited to elect:

- (a) Five members of the Bureau of COP 10;
- (b) Five members of the Bureau of OEWG for 2012-2013;
- (c) Ten members of the Implementation and Compliance Committee.

In addition, members of the Implementation and Compliance Committee may consider electing their Bureau at the time of COP 10, in particular the Chair of the Committee, in order to complete the composition of the Expanded Bureau of COP 10.

B. Addressing the link between waste management and climate change

76. The Executive Secretary presented document UNEP/SBC/BUREAU/9/2/7 (Addressing the link between waste management and climate change) to inform the Expanded Bureau as to recent developments. She highlighted that Parties had previously indicated that such activities be limited to within the scope of partnership work undertaken by the Secretariat. She noted that a recent report issued by UNEP shows a significant potential for waste prevention, minimization and recycling to contribute to the reduction of greenhouse gases. In light of these findings, there might be scope to develop this link

within the theme of COP 10. This might help leverage funding for activities to implement the Basel Convention. She also informed the members that at the invitation of IISD, she had written a guest article for the Climate-L series on this topic, which was available on the Basel Convention website under the 'Executive Secretary key notes' section.

77. Within ensuing discussions, members agreed that certain linkages exist but so does a complex dynamic. Members questioned how to address these links whilst remaining within the scope of the Convention.

78. The Expanded Bureau advised that although it was useful to raise the profile and economic valuation of the Convention, this issue should not form a significant issue at COP 10.

C. Joint meeting of the Bureaux of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions

79. The Expanded Bureau noted section V.A.2 of the synergies decision mandated the Executive Secretaries to schedule joint meetings of the bureaux, as appropriate.

80. The Chairman asked for comments from those members who would not participate in the joint meeting to be held the next day on Saturday, 26 March 2011, so as to permit the core bureau to convey any messages to and reflect these in the discussions at the joint meeting.

81. Some members expressed concerns about the notice received about the date of the joint meeting and having adequate opportunity to prepare.

VII. Closure of the meeting (agenda item 7)

82. On behalf of H.E. Prof. Dr. Gusti Muhammad Hatta, Minister of Environment, Indonesia, the Chairman expressed gratitude to all members of the Expanded Bureau for their fruitful discussions and wished them success in preparations for COP 10.

83. The meeting was closed at 12.40 p.m. on Friday, 25 March 2011.

Annex I

Criteria for financing participation at meetings of the governing and subsidiary bodies to the Basel Convention

1. Within the funds available and subject to submission of requests for financing within the relevant deadlines, allocation of funding for travel to participants will be based on one or more of the following criteria:
 - (a) Priority given to the least developed countries and small island developing states over other developing countries; particularly over countries that can, in light of their level of development and economic situation, be expected to be able to cover their own travel;
 - (b) Adequate geographical representation of all United Nations regions;
 - (c) Priority given to representatives who hold posts of office at a given meeting, where known in advance (e.g. member of the Bureau of the meeting);
 - (d) Only one person per country is supported. An exception is made upon the receipt of applications for the Minister or a senior person holding a post of office and a technical level person identified by the Secretariat as being “key” in terms of their substantive contributions on particular issues, negotiating skills, or expertise.
2. The financial support to attend the meetings of the Conference of the Parties or the Open-ended Working Group normally consists of:
 - (a) United Nations per diem (Daily Subsistence Allowance) at the established rate for the venue of the meeting for the days of the meeting plus two additional days (arrival day before the meeting and one day for travel-related costs in lieu of terminal expenses); and
 - (b) Travel between the country of origin of the delegate and the venue of the meeting using the most direct and economical route available, taking into account cost effective routing and time efficiency.

Annex II

List of participants

Expanded Bureau meeting 24-25 March 2011

Bureau of the ninth meeting of the Conference of the Parties

| | |
|---|---|
| INDONESIA (<i>Presidency</i>) | Ms Masnellyarti Hilman , Deputy Minister for Hazardous Substances, Hazardous Wastes and Solid Wastes Management, Ministry of Environment, Jakarta, Indonesia <i>representing</i> H.E. Honourable Gusti Muhammad Hatta, Minister for Environment, Indonesia |
| AUSTRALIA (<i>Vice- Presidency</i>) | Mr. Ridwan Tamin , Assistant Deputy for Hazardous Waste, Ministry of Environment, Jakarta, Indonesia Mr. Mohammad Koba , Permanent Mission of the Republic of Indonesia to the United Nations at Geneva Mr. Damien Hall , Director, Hazardous Waste Section, Dept of the Environment & Heritage, Canberra, Australia <i>representing</i> Dr. Barry Reville, Assistant Secretary, Department of the Environment and Heritage, Canberra, Australia |
| CHILE (<i>Vice-Presidency</i>) | Mr. Osvaldo Álvarez , Head of the Environmental Dept., Ministry for Foreign Affairs, Santiago, Chile |
| POLAND (<i>Vice-Presidency</i>) | Mr. Andrzej Jagusiewicz , Chief Inspector of Environmental Protection, Inspectorate of Environmental Protection, Warsaw, Poland |
| UNITED REPUBLIC OF TANZANIA (<i>Rapporteur</i>) | Mr. Issaria Mangalili , Principal Environmental Officer, Division of Environment, Vice-President's Office, Dar es Salaam, United Republic of Tanzania |

Bureau of the eighth meeting of the Conference of the Parties

| | |
|---|---|
| KENYA (<i>Presidency</i>) | Honourable Ramadhan S. Kajembe , Deputy Minister, Ministry of Environment & Mineral Resources, Nairobi, Kenya <i>representing</i> H.E. Honourable John Michuki, Minister for Environment & Mineral Resources, Ministry of Environment & Mineral Resources, Nairobi, Kenya Mrs Anne W. Maina , Principal Chemist, Ministry of Environment & Mineral Resources, Nairobi, Kenya Ms Anne C.R. Keah , Third Secretary, Permanent Mission of Kenya to the United Nations at Geneva |
| CHILE (<i>Vice-Presidency</i>) | Mr. Osvaldo Álvarez, Head of the Environmental Dept., Ministry for Foreign Affairs, Santiago, Chile <i>representing</i> H.E. Mr. Christian Maquieira, Director of Environmental, Antarctic & Maritime Affairs, Ministry for Foreign Affairs, Santiago, Chile |
| CHINA (<i>Vice-Presidency</i>) | Mr Xia Yingxian , Deputy Director, Division of International Organizations and Conventions, Department of International Co-operation, Ministry of Environmental Protection, Beijing, China |
| UNITED KINGDOM OF GREAT BRITAIN & NORTHERN IRELAND (<i>Vice-Presidency</i>) | Mr. R. Watkinson , Roy Watkinson Environmental Consulting Ltd., East Sussex, United Kingdom <i>representing</i> the Department for Environment Food and Rural Affairs, London, United Kingdom |

Chair of the Compliance Committee

Ms. Gillian Guthrie, Director (Projects and Enforcement), Ministry of Local Government and Environment, Kingston, Jamaica

Co-Chairs of the Open-ended Working Group

Legal Co-Chair

Mr. Damien Hall, Director, Hazardous Waste Section, Dept of the Environment & Heritage, Canberra, Australia

Technical Co-Chair

Dr. Oludayo Olusegun Dada, Director, Department of Pollution Control & Environmental Health, Federal Ministry of Environment, Abuja, Nigeria

Observers

Ms. Paula Caballero, Director of Economic, Social and Environmental Affairs, Ministry of Foreign Affairs, Bogotá, Colombia (Focal Point for COP-10 for the Government of Colombia)

Ms. Jimena Nieto, Special Advisor for COP-10, Office of the Vice-Minister for the Environment, Bogotá, Colombia

Ms. Claudia Vasquez, Special Co-ordinator for Environmental Affairs, Ministry of Foreign Affairs, Bogotá, Colombia

Participants invited by the Expanded Bureau to make a presentation on the Country-Led Initiative (CLI)

Mr. Franz Perrez, Ambassador, International Affairs Division, Federal Office for the Environment Bern

Ms Gabriela Eigenmann, International Affairs Division, Federal Office for the Environment Bern

Apologies

H.E. Honourable Gusti Muhammad Hatta, Minister for Environment, Indonesia