**Further developing partnerships under the Basel Convention**

**DRAFT REPORT (29 November 2018)**

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# **Executive Summary**

Prepared in in response to Decision OEWG-11/13 on the Basel Partnership Programme, this report examines experiences with partnership activities under the Basel Convention and in the wider UN system, with the objective of identifying lessons learned and on this basis setting out conclusions and recommendations for consideration by the Conference of the Parties at its fourteenth meeting. It first discusses the Basel Convention’s Partnership Programme and the two types of partnership arrangements that have emerged under the Convention. This is followed by a brief overview of the experience of the Stockholm Convention on Persistent Organic Pollutants and the Strategic Approach to Chemicals Management (SAICM), which are particularly relevant for the Basel Convention. Turning to the wider UN system, the report then examines the definitions and guidance related to partnership arrangements that have been adopted by the UN General Assembly and other UN entities, including on the management of the risks inherent in cooperation with non-state actors. The report discusses the key features and experiences of partnership arrangements within the UN system where this has been found to be relevant to further developing partnerships under the Basel Convention. In particular, few organizations distinguish between multi-stakeholder Partnerships established by their governing bodies in which the secretariat has the facilitating role, and partnerships led by other organizations in which the secretariat participates, but some partnerships feature elements of both types. Based on this analysis, the report sets out conclusions and recommendations for the further development of the partnerships under the Basel Convention.

# **Introduction and mandate**

1. Partnerships and similar cooperation arrangements have emerged as a method of engaging non-state actors in the work of a UN entity. Under the Basel Convention, such arrangements have been in place for a number of years. While partnerships have recognized benefits, there are also risks inherent in the engagement of a UN entity in such arrangements with non-state actors. This has been acknowledged throughout the UN system, and different approaches have been developed to benefit from the positive contributions of partnerships to the work of a UN entity while containing the risks through the appropriate level of control by the governing body of the UN entity. In this respect, particular attention is given to engagement with private sector entities.
2. By Decision OEWG-11/13 on the Basel Partnership Programme, the Open-ended Working Group requested the Secretariat to develop a report evaluating past and ongoing partnerships, and setting out recommendations on opportunities to further develop partnerships under the Basel Convention and on opportunities for stakeholders that are observers to the Convention to contribute to the objectives of the Basel Convention through other means of programmatic cooperation, taking into account the experience of relevant UN and other bodies and multilateral environmental agreements (MEAs). The recommendations are to be considered by the Conference of the Parties (COP) at its fourteenth meeting.
3. This report has been developed in response to that request, thanks to a generous financial contribution from the Government of Switzerland. It sets out the development of partnerships under the Basel Convention as well as the experience under UN and other bodies and MEAs that have established partnership arrangements comparable to those in place under the Basel Convention. On this basis, it sets out possible ways in which engagement with non-state actors under the Basel Convention could be further developed in a way that benefits the Convention while minimizing the risks.

# **Partnerships and similar cooperation arrangements under the Basel Convention**

## 2.1 **The Basel Convention Partnership Programme**

4. The Partnership Programme was initiated pursuant to the adoption of the Basel Declaration on Environmentally Sound Management by COP 5 in 1999. The Declaration emphasized the importance of partnerships with industry, NGOs and academia. COP 5 requested the Secretariat to “pursue its cooperation with relevant areas of the industry sector and with environmental and other non-governmental organizations”, and to “explore ways and means of establishing partnerships with the industry sector and with non-governmental organizations”[[1]](#footnote-1). COP 6 in 2002 laid the basis for the Basel Convention Partnership Programme by requesting the Secretariat to develop a work programme for cooperation with the industry and business sectors and NGOs for adoption by the OEWG[[2]](#footnote-2). The OEWG subsequently adopted the work programme for the year 2004. It requested the Secretariat to commence its implementation with all relevant partners, and to keep the OEWG informed of progress[[3]](#footnote-3).

5. COP 7 in 2004 adopted the work programme for the Basel Convention Partnership Programme for the years 2005-2006[[4]](#footnote-4), which laid the foundation for the development of the modalities of engagement with non-state actors under the Convention. The Programme was endorsed by the Ministerial Declarations adopted at COP 7 in 2004 and COP 8 in 2006[[5]](#footnote-5), lending it an additional level of authority. COPs 8 and 9 subsequently adopted biennial work programmes for the Partnerships for the following years.

6. The introductory section of the first work programme expresses an expectation that partnerships with non-state actors might help identify ways to de-link economic development from waste generation and to shift the perception of the Convention as being relevant only for hazardous wastes and their transboundary movement to being seen as an instrument contributing to effective life cycle management of materials and products. The following benefits of Partnerships are extolled[[6]](#footnote-6):

* Enhancing collaboration;
* Tapping into expertise and knowledge at a broader level;
* Bringing together experts and policy makers to develop guidance and guidelines leveraging scare resources at all levels;
* Reducing costs by working together to identify options and solutions and developing needed tools and strategies to enhance the environmentally sound management of used products and wastes.

7. The first work plan of the Partnership Programme includes a section on General Principles, which states that partnerships cannot abrogate the rights and responsibilities of Parties to the Convention (subsequently reiterated in the COP decisions establishing PACE and ENFORCE), and that the Partnership Programme is under the authority of the COP. It also refers to the UN Guidelines (discussed in Section 4.3. below), reiterating their key principles for cooperation with non-state actors. Although not explicitly stated, this addresses some of the perceived risks inherent in such cooperation.

8. The stated objectives reflect an expectation of concrete outcomes, including practical project activity and a broadening of the resource and support base of the Convention, as well as improved stakeholder participation. The work plan identifies priority areas of partnership engagement based on the 2002 Strategic Plan of Implementation. These were subsequently referred to as focus areas.

9. The stakeholders eligible to participate are not explicitly enumerated or defined. The focus is on NGOs and philanthropic foundations, while industries and businesses are mentioned in passing. The work plan sets out criteria for the selection of partners, including demonstrated commitment and expertise in the relevant areas of work.

10. While the Secretariat initially reported all activities involving cooperation with non-state actors to COP under the Partnership Programme, COP 9 in 2008 determined that some of the activities, in particular those with no multi-stakeholder participation, should be considered international cooperation projects and transferred to the BCRCs or to other organizations[[7]](#footnote-7). This decision was in part linked to the proliferation of partnership proposals, lack of extrabudgetary funding for the implementation of some of the partnerships (including in particular regional partnerships implemented by the BCRCs without multi-stakeholder participation), as well as to the discontinuation of the extrabudgetary Senior Programme Officer position due to lack of funding.

11. These developments gave rise to the distinction between two types of partnerships under the Convention[[8]](#footnote-8):

* Global multi-stakeholder partnerships established by the COP, where the COP adopts the Terms of Reference and work plans and approves the membership, and the Convention Secretariat has a facilitating role and provides expertise. Their tasks include information exchange and, usually, the development of guidance documents. For ease of reference, they are referred to in this report as “Partnerships” (capital P);
* Partnerships and technical cooperation initiatives led by other organizations in which the Secretariat participates as one of the partners with a view to promoting the guidelines and tools developed under the Convention. For ease of reference, these are referred to in this report as “partnerships” (lower case p).

12. In the framework of the synergies process, the concept of “partnership” was expanded to the Rotterdam and Stockholm Conventions in 2013, when the term was used to describe one of the four components of the newly synergized technical assistance programme (the other three being needs assessment and development of supporting tools and mechanisms; capacity development; and regional delivery)[[9]](#footnote-9).

## 2.2 **Global multi-stakeholder Partnerships established by the COP (“Partnerships”)**

13. Four global multi-stakeholder Partnerships (“Partnerships) have to date been established under the Partnership Programme:

* The Mobile Phone Partnership (MPPI), established by COP 6 in 2002 and disbanded by COP 9 in 2008, with the objective of promoting the objectives of the Basel Convention in the area of the environmentally sound management of end-of-life mobile phones;
* The Partnership for Action on Computing Equipment (PACE), established by COP 8 in 2009 and disbanded by COP 13 in 2017, with the objective of increasing the environmentally sound management of used and end-of-life computing equipment, taking into account social responsibility and the concept of sustainable development, and promoting the sharing of information on life-cycle thinking;
* The Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE), established by COP 11 in 2013, with the objective of promoting compliance with the Convention’s provisions on preventing and combating illegal traffic through the better implementation and enforcement of national law, through a network of relevant experts;
* The Household Waste Partnership, established by COP 12 in 2015, with the objective of promoting the environmentally sound management of household waste including its prevention and minimization, and enabling the decoupling of economic growth and environmental impacts associated with the generation of household waste and its initial handling by the public in their households.

### Motivation and expectations

14. In accordance with the first work programme of the Partnerships Programme, each of the four Partnerships was initiated to address an issue perceived as meriting attention and efforts for which a range of expertise and experience of specific entities could complement that of Party representatives. This is reflected in Decision BC-VII/4 on the establishment of MPPI, which expresses the expectation that partnering with environmental NGOs and with the industry and business sectors could assist in the promotion of sustainable consumption and production patterns. The titles of the Decisions establishing PACE and the Household Waste Partnership refer to “innovative solutions” to be created by the respective Partnerships[[10]](#footnote-10).

15. In the case of MPPI and PACE, the issue in question was the proliferation of electronic devices from the early 2000s, and problems related to unsound management of these devices at their end of life. ENFORCE aims to address the persistent problem of lack of enforcement of national legislation, which is a key obstacle to the achievement of the objectives of any multilateral treaty. The Household Waste Partnership addresses a problem that has existed for a long time but has only recently been acknowledged in international policy, namely the lack of capacity of municipalities especially in developing countries to manage household wastes, often complex mixtures containing hazardous wastes, and the resultant pollution and menace to human health and the environment. The Decisions establishing these Partnerships refer to Ministerial Declarations adopted by the COP (e.g., the Basel Declaration and the Nairobi Declaration) that call upon Parties to engage in addressing the issues, a further indication of the high priority accorded to them.

16. Although all four Partnerships were established by the COP, there are some differences in the modalities of their development. The first Partnership, the MPPI, was launched as an initiative of the President of COP5 and developed through stakeholder consultations prior to being discussed by the COP. Preliminary work had already been undertaken, and 10 manufacturers of mobile phones had signed a declaration committing to participate in the future Partnership. PACE was likewise developed through an initiative of individual Parties, and an interim group was established, which was subsequently “welcomed” by the COP. In both cases, a core group of partners already existed, and the direction and modalities of the work had to some extent been determined before the Partnerships were formally established, which had some influence on the COP’s discussions. The modalities of work of the Partnerships and their interactions with the OEWG and the COP subsequently developed in a step-wise and not always systematic approach. By contrast, the proposal to establish ENFORCE originated with the Committee Administering the Mechanism for Promoting Implementation and Compliance (herein after “the Implementation and Compliance Committee”). Work on this Partnership as well as the Household Waste Partnership was initiated only after their approval by the COP, and in line with the modalities set out in the COP Decisions. In determining these modalities, the COP could draw on the experience of the earlier Partnerships.

### TOR and work programme

17. When establishing each of the four Partnerships, the COP also adopted their TOR and/or work programmes. In the case of MPPI and PACE, draft TORs had been elaborated by the previously established interim groups, and subsequently finalized under the mandate of the COP by the formal working groups it established. The Implementation and Compliance Committee prepared detailed TOR for ENFORCE in consultation with Parties and observers, which were submitted to the COP and approved when establishing the Partnership. Contrary to the earlier Partnerships, the TOR of ENFORCE and the Household Waste Partnership are very detailed, including what can be seen as elements of rules of procedure for the meetings of the Partnership’s bodies, as well as on issues such as confidentiality, release of information, non-use of BC/UN logos, intellectual property rights, exclusion of liability, dispute resolution, and arbitration.

### Governance structure and working arrangements

18. The COP determined the governance structure and working arrangements for all four Partnerships, and decided that they operate under the guidance of the OEWG and ultimately the COP. In the case of MPPI and PACE, the arrangements adopted by the COP built on the interim arrangements that had previously been put into place. The structure of these two Partnerships was similar, both featuring an overarching working group that subsequently established, under the mandate of the COP, a number of subgroups to address the work streams identified for the Partnerships. The Household Waste Partnership appears to follow the same approach: COP 12 called for the establishment of an informal group tasked with the development of a work plan, and COP 13 established a working group as the overarching mechanism of the Partnership, which may establish project groups. ENFORCE works through meetings of its members organized at least once a year. Its modalities of work show similarities with the traditional subsidiary bodies of the Convention, e.g. rules on the election of the chair and vice chair for specified terms of office, rotation among regions, admission of observers, and the process for drafting reports. The working group of the Household Waste Partnership features some of the same elements. The Convention Secretariat serves as the secretariat of all four Partnerships, with minor differences. For MPPI, the role of the Secretariat was the strongest: it was a member of the working group, charged with organizing the work and reporting to the OEWG. In establishing the Household Waste Partnership, the COP determined that the Secretariat should serve as the Partnership’s secretariat subject to availability of funding.

### d) Mandate and outcomes

19. In line with the first work plan of the Partnership Programme, the Basel Convention Partnerships each have a mandate with expected outcomes, primarily the elaboration of guidance materials designed to assist Parties in achieving the stated objectives of the Partnerships. The MPPI developed five technical guidelines and an overall guidance document, and initiated pilot projects to test these. PACE developed two guidelines, several manuals and reports, and a guidance document on environmentally sound management of used and end-of-life computing equipment summarizing the information compiled in these documents. These were adopted by the COP, a process that in a few instances extended over several COP sessions. Adoption by the COP gives the guidance materials an enhanced level of authority. The Household Waste Partnership has a somewhat broader mandate: in addition to the development of an overall guidance document on the management of household waste, it is tasked with the collection of case studies; the enhancement of awareness raising; and the coordination of outreach activities. Given that the Household Waste Partnership operates under the ultimate authority of the COP, the guidance it develops will be submitted to COP for consideration and possible adoption. The mandate of ENFORCE is more focused on the technical assistance activities of its members and it has not, so far, been mandated to develop guidance materials and training tools. Activities of the members include sharing and developing training tools and materials, hosting and organizing workshops or electronic training and information sessions, facilitating information exchange in specified areas, and periodic monitoring of and reporting on the progress and effectiveness of the training activities and modules.

### Membership

20. Membership in all four Partnerships is defined by the COP. One characteristic is that all members, whether they are Party or observer representatives, participate on equal footing in the governing structure of the Partnership. In line with the underlying motivation of benefitting from a broader range of experience and expertise, and the mandates to develop technical outcomes that require specific expertise, membership is not open to all interested actors. For MPPI, PACE and the Household Waste Partnership, the categories of non-state entities eligible for membership are listed in the relevant COP Decisions. They include private sector entities active in the relevant areas, environmental NGOs, relevant associations, academia, and BCRCs (as well as SCRCs in the case of the Household Waste Partnership). The representatives are required to have expertise and experience in the relevant areas of work. While the membership criteria are determined by the COP, the Partnerships’ working groups decide on the admission of members. On the States side, Parties as well as signatories are eligible. ENFORCE has a number of separate membership categories with different procedures for election. Membership is open to Parties (but not signatories), entities with a specific mandate to deliver implementation and enforcement capacity building activities, and entities with a specific role or relevance to the work of ENFORCE. The COP elects one representative of each of the five UN Regions and four representatives of the BCRCs for a term of two years. Additional members may be accepted by decision of the members of ENFORCE. Current additional members include international organizations, enforcement organizations, and two NGOs. There is no private sector member at this time, and given the network’s focus on law enforcement, it appears unlikely that private sector organizations would meet the criteria for applying for membership.

### Funding

21. The Partnerships are dependent on voluntary extrabudgetary contributions, as no allocation is made in the core budget of the Convention. The first two Partnerships, MPPI and PACE, received sufficient initial funding to allow them to begin work, including in particular from those Parties that had initiated their launch. MPPI received initial funding from two Parties and one private sector partner, and in-kind contributions from governments and stakeholders, whereas initial funding for PACE was provided by two Parties. Subsequent COP Decisions invited voluntary contributions to the Partnerships. The working group subsequently developed biennial programme budgets and determined contributions for non-state actors. The Household Waste Partnership has set contributions for the different types of partners at the outset. The budget for ENFORCE has so far almost exclusively been for holding meetings of its members.

### Some lessons learned

22. In comparing the four Partnerships, a general pattern emerges: the COP established the Partnerships, defined their governance structure, objective, TOR and work plan, and membership, and adopted their outcomes. The Partnerships work under the guidance of the OEWG and ultimately the COP. The COP thus has a high level of control over the Partnerships. All Partnerships are composed of different stakeholders (multi-stakeholder) with a defined scope of expertise and experience in the field of work of the Partnership, which participate on an equal footing in the work of the Partnership. They usually develop guidance documents or tools for the use of Parties and other stakeholders, as relevant, when dealing with a particular aspect of the implementation of the Convention.

23. In advance of COP 9, lessons learned from the first Partnership, MPPI, were compiled[[11]](#footnote-11). These are summarized below:

* Active involvement of all stakeholders, and transparency;
* A self-funding mechanism for the whole partnership to ensure availability of resources;
* Balanced participation between developed and developing countries and between types of stakeholders, allocation of funds for developing country participation, good understanding of the different viewpoints of the stakeholders to avoid misunderstandings and conflicts
* Sound coordination of activities throughout the process;
* Committed individuals from among the partners and within the Secretariat;
* Mechanisms to reach consensus or resolve conflicts;
* Flexible work programme with room for adjustment along the way;
* A mechanism for sending legal interpretive questions to the Parties for resolution.

24. Sustainable funding has played an important role throughout the life of the Partnership Programme. In order to be viable, proposed Partnerships must attract sufficient long-term interest from Parties and stakeholders to merit financial engagement, either through voluntary contributions or through adherence as paying partners. Likewise, proponents of new Partnerships must convince the COP to endorse their establishment. Prior to COP 9, an increasing number of partnerships had been proposed, but many of these did not go forward, either because they failed to attract sufficient funding, or because the COP was not convinced of their validity. For example, the Convention’s Programme of Work and Budget for the biennia 2005-6 and 2007-8 provided for the establishment of a Basel Convention Partners Forum to formalize regular discussion between non-governmental partners of the Convention[[12]](#footnote-12); this was not implemented. In 2009, on the basis of its experiences with partnership work, the Secretariat proposed the establishment of a Basel Business Forum and a Basel NGO Forum as well as a mandate to explore the potential of a clean development mechanism partnership with the UNFCCC, and to develop a partnership toolkit. COP8 did not approve the establishment of the two forums. The toolkit was approved but not developed due to lack of funding, the report on lessons learnt from MPPI being the only output. The consultations with the UNFCCC Secretariat on a clean development partnership between 2009 and 2011 did not produce results; the proposed activities were eventually integrated into a project implemented by BCRC CAM[[13]](#footnote-13). The adoption of a budget for a specified period and a system of contributions by stakeholders, as has been done by the working groups of PACE and the Household Waste Partnership, appears to be an efficient way to ensure predictable funding so as to avoid these problems.

25. Ongoing support and engagement by key countries and committed individuals are also key, as evidenced by the early success of MPPI and PACE, which were initiated and funded through the initiative of a small number of committed Party representatives prior to being formally established by the COP.

26. One element to bear in mind is the status of the working groups of the Partnerships established by the COP, and the guidance tools developed by them, in relation to the Working Groups and Committees established in accordance with Rule 26 of the Rules of Procedure, and the guidance they elaborate. In this respect, an issue arose with regard to the guidance elaborated by PACE on transboundary movement of used and end-of life computing equipment: this guidance addressed the same subject matter as the *Technical Guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention,* which are under elaboration by an expert working group established by the COP and composed of government experts. They were adopted on an interim basis by COP 12 and are still under negotiation. This effectively resulted in different guidance on the same subject matter being provided by a multi-stakeholder partnership and by an expert working group composed of representatives of Parties. The COP decided to adopt on an interim basis the relevant section of the PACE guidance document on environmentally sound management of used and end-of-life computing equipment and the proposed additional changes to ensure consistency of the text throughout the guidance document and to withdraw the guidance on transboundary movement of used and end-of-life computing equipment elaborated by PACE[[14]](#footnote-14).

## 2.3 **Partnerships in which the Secretariat participates as a partner (“partnerships”)**

27. The BRS Secretariat, and previously the three Secretariats separately, have for some years participated in partnerships and similar cooperation arrangements established by other organizations. As mentioned, these were initially reported under the Partnership Programme, but more recently have been reported under the technical assistance and capacity building programmes of the three Conventions. The Secretariat has participated in the following partnerships for a number of years[[15]](#footnote-15):

* Global Mercury Partnership (UNEP Chemicals)[[16]](#footnote-16): Established by the UNEP Governing Council in 2005 with the objective of protecting human health and the environment from the release of mercury, this partnership engages in a multitude of activities, including development of guidance materials, and support to countries, more recently also supporting the implementation of the Minamata Convention. It is open to all stakeholders, and has some 140 partners from governments, industry, NGOs and academia, working in 8 partnership areas. A large-scale operation, it is funded by UNEP, the GEF, donors and partners. The BRS Secretariat is a member of the partnership advisory group providing policy advice on the Basel Convention. The BRS Secretariat is also a member of the Mercury wastes partnership and the mercury storage and supply partnership;
* Global Partnership on Waste Management (UNEP/IETC)[[17]](#footnote-17): Launched by UNEP in 2010, this open-ended partnership supports the development of work plans to facilitate the implementation of integrated waste management at national and local levels. The Secretariat shares responsibility for work on e-wastes with the leading organization;
* StEP (UNU)[[18]](#footnote-18): As a multi-stakeholder partnership, StEP develops and facilitates approaches to the sustainable handling of e-waste, working through five task forces. The Secretariat cooperates with StEP on policy guidance and capacity building activities in accordance with their respective work programmes on e-wastes in order to avoid duplication and be mutually supportive. Many members of StEP were also members of MPPI and PACE;
* Partnership on Measuring ICT for Development (ITU)[[19]](#footnote-19): This partnership aims to improve the availability and quality of statistical information on Information and Communication Technologies (ICT) so that governments and other stakeholders can make informed policy decisions to use ICT as a tool for development. As a member of the partnership, the Secretariat provides advice on definitions and on indicators related to e-wastes which the partnership agreed to include among its set of indicators. The BRS secretariat also disseminates the statistics on e-wastes compiled by this partnership.

28. COP 10 to the Basel Convention in 2013 by Decision BC-10/19 requested the Secretariat

“To follow closely international developments in respect of public and private partnerships on waste-related issues and to seek to expand involvement in partnerships to promote the guidelines and tools developed under the Convention and raise awareness and the visibility of the Convention and its obligations and provisions”.

29. An annex to the Decision sets out an indicative list of “partnerships” in which the Secretariat could cooperate. In addition to the “partnerships” in which the Secretariat was already engaged, the list included the Global lead and cadmium partnership (UNEP), the treated nets life-cycle initiative (WHO), the Green lead initiative (International Lead Management Centre), and the Working Group on Healthcare Waste (ISWA/WHO). The BRS Secretariat currently cooperates with these initiatives when contributions are requested, or through technical assistance activities carried out in cooperation with the relevant organizations.

30. Decision BC-10/19 is currently considered the basis for the engagement of the Secretariat in multi-stakeholder “partnerships”. The 2018-21 technical assistance plan[[20]](#footnote-20) refers to “partnerships and technical cooperation initiatives led by other organizations where the Secretariat participates as one of the partners”. In accordance with para. 3.(b) of the Decision BC-10/19, the two main requirements of the Secretariat’s engagement in “partnerships” appear to be:

* Leadership in the multi-stakeholder partnership is assumed by another organization, the Secretariat has the status of a partner (“to follow closely international developments in respect of public and private partnerships on waste-related issues and to seek to expand involvement”);
* The Secretariat’s participation aims at promoting the work and visibility of the Convention (“to promote the guidelines and tools developed under the Convention and raise awareness and the visibility of the Convention and its obligations and provisions”).

31. These requirements serve to avoid the situation where the Secretariat would have a leading or facilitating role in a “partnership” the outputs of which could impact the work carried out under the mandate of the Conventions, and over which the COP has no control. However, there is currently no guidance on a number of related issues, including:

* The objectives and outputs of “partnerships” in which the Secretariat may seek participation;
* The criteria for selecting the partner/s and whether it can be any stakeholder or only bodies or agencies with an observer status under the Convention;
* The exact nature of the Secretariat’s possible “involvement” in “partnerships”, and the role it may seek;
* The possible competition between the activities of the “partnership” and relevant work under the Convention;
* The nature of the Secretariat’s contribution to activities under the “partnerships” that could be considered promoting the tools and guidelines developed under the Convention.

32. Another key question is whether the Secretariat itself may initiate a “partnership”, or enter a “partnership” with one or more non-state stakeholders, with the objective to undertake activities entrusted to the Secretariat by the COP in respective decisions and in accordance with the approved programme-budget.

# 3. **Cooperation arrangements with particular relevance for the Basel Convention**

## 3.1 **Cooperation arrangements under the Stockholm Convention**

33. Prior to the completion of the synergies process, the Secretariat of the Stockholm Convention established and led two cooperation arrangements similar to “Partnerships” between 2009 and 2011.

34. The Secretariat’s proposal to establish a “PCBs Elimination Club” was discussed at COP4 in 2009, receiving some support but also expressions of concern. Nevertheless, the COP decided to establish the PCB Elimination Network (PEN)[[21]](#footnote-21). Also at COP 4, the Secretariat introduced a draft business plan for a Global Alliance for alternatives to DDT, which had been developed under a mandate from COP3 through a process established and managed by the Secretariat. The COP endorsed the establishment of the Global Alliance and requested the Secretariat to lead its implementation[[22]](#footnote-22). The Global Alliance was launched at the simultaneous extraordinary meetings of the BRS Conventions in 2010. Its membership included state and non-state actors, and it established five thematic groups.

35. Although both these cooperation arrangements were endorsed by the COP, the fact that a significant part of their work had been initiated by the Secretariat on its own initiative and only subsequently submitted to the COP for approval raised concerns from Parties, also relating to the Secretariat’s prominent role in their implementation and management. Some delegates felt these arrangements should not be seen as subsidiary bodies of the Convention that could take decisions with implications for all Parties, nor should they have a budgetary impact on the Convention. Questions were raised as to whether the Secretariat’s role was consistent with its mandate as defined by the Convention, whether the time and effort invested in the arrangements diminished its capacity for its core tasks, and what the Secretariat’s legal, logistical and financial responsibility would be.

36. Prior to COP 5, discussions on these issues had taken place between the Executive Secretary of the Convention and the Executive Director of UNEP. As a result, the leadership of both the PCB Elimination Network and the Global Alliance were transferred to UNEP at the request of COP 5[[23]](#footnote-23). PEN is currently managed by UNEP Chemicals and Health Branch, and Parties to the Stockholm Convention are members of the PEN by default. All other stakeholders with activities relevant to the management of PCB may apply for membership[[24]](#footnote-24).

37. This experience illustrates some of the issues that can arise where the governing body of the Convention does not have sufficient control over the establishment and operation of a partnership.

38. The Secretariat continues to participate in both these cooperation arrangements, and its role and contributions are included in the Secretariat’s reports on activities pertaining to international cooperation and coordination[[25]](#footnote-25). Accordingly, from the Secretariat’s perspective, they may be considered “partnerships”.

## 3.2 **The Strategic Approach to International Chemicals Management (SAICM)**

39. SAICM is a voluntary global policy framework to promote the sustainable management of chemicals established in 2006 to address the chemicals target set out in the 2002 Johannesburg Plan of Implementation. Its fundamental policy documents are the Dubai Declaration, which embodies high-level policy support for the mechanisms, and the Overarching Policy Strategy, setting out key policy elements. The Global Plan of Action serves as a tool and guidance document for implementation by stakeholders, which include the majority of governments, as well as nine international organizations[[26]](#footnote-26) and numerous non-governmental organizations. The scope of SAICM includes chemicals at all stages of their life cycle, including in products, and its main objectives are risk reduction; knowledge and information; governance; capacity building and technical cooperation; and illegal international traffic. The SAICM secretariat is hosted by UNEP. The International Conference on Chemicals Management (ICCM) undertakes periodic reviews of SAICM.[[27]](#footnote-27). Pursuant to the relevant decisions by the COPs to the Basel, Rotterdam and Stockholm Conventions, the Secretariat cooperates with SAICM, providing inputs, as appropriate, on issues related to the life cycle of electrical and electronic products, on chemicals in products, and on perfluorinated chemicals (PFCs) and the transition to safer alternatives[[28]](#footnote-28). Compared to other multi-stakeholder platforms, SAICM has the advantages of addressing the entire life cycle of chemicals, as well as a very broad stakeholder base. Its implementation is somewhat impeded by its purely voluntary nature and the lack of predictable funding.

# 4. **Partnerships and similar cooperation arrangements in the UN system: Definitions and guidance**

40. The experiences of other organizations with partnerships and similar cooperation arrangements may be helpful for determining the future directions regarding “Partnerships” and “partnerships” under the Basel Convention, particularly as such experiences relate to efforts to benefit from the advantages of such arrangements while containing the inherent risks.

## 4.1 **Definitions of partnerships**

41. In the UN system, the term “partnership” is widely used, but there is no universally recognized definition. The UN General Assembly in 2005 endorsed the following definition: “Partnerships are voluntary and collaborative relationships between various parties, both public and non-public, in which all participants agree to work together to achieve a common purpose or undertake a specific task and, as mutually agreed, to share risks and responsibilities, resources and benefits”[[29]](#footnote-29). This definition is not specific in terms of the role of the partners and the expected outcome of the partnerships. UN Specialized Agencies and Programmes use definitions based on the UN definition and adapted for their specific purposes, often differentiating between different categories of partnerships based on the roles of the partners and the outcomes of the cooperation. The term “public-private partnership” is also used, although in many contexts referring to an arrangement between a government entity and a private party to provide a public asset or service[[30]](#footnote-30).

42. The terms “private sector”, “business sector” and “corporate sector” are equally widely used in international policy. According to the UN Guidelines on a Principle Based Approach to the Cooperation between the United Nations and the Business Sector, “The business sector [are] either for-profit, and commercial enterprises or businesses; or business associations and coalitions (cross-industry, multi-issue groups; cross industry, issue-specific initiatives; industry-focused initiative); including but not limited to corporate philanthropic foundations”. The Guidelines also feature a definition of a partnership with the business sector[[31]](#footnote-31). The definitions used by UN Specialized Agencies and Programmes build on or refer to this definition, with adaptations to their specific purposes.

## 4.2 **UN endorsement of partnerships and recognized benefits**

43. Different forms of cooperation between United Nations entities and governmental as well as non-governmental actors have been known since the creation of the United Nations in 1945[[32]](#footnote-32). Over the last decades, interactions between UN entities and non-state actors have further developed, ranging from traditional forms of cooperation, such as consultative or observer status with governing bodies, to newer forms, such as global multi-stakeholder initiatives and operational partnerships[[33]](#footnote-33).

44. Partnerships between UN entities and non-state actors have been endorsed in policy instruments adopted by the high-level summits of the UN over the last two decades, including the UN Millennium Declaration in 2000[[34]](#footnote-34), the World Summit on Sustainable Development in 2002[[35]](#footnote-35), the outcome document “The Future We Want” of the Rio +20 Conference in 2012[[36]](#footnote-36), and the Addis Ababa Action Agenda adopted by the Third International Conference on Financing for Development in 2015[[37]](#footnote-37). The 2030 Agenda for Sustainable Development adopted by the UN General Assembly in 2015, defines global partnerships for sustainable development as one of the 17 Sustainable Development Goals[[38]](#footnote-38). Cooperation with the private sector is given special attention in the relevant policy instruments[[39]](#footnote-39). On the side of UN institutions and other public actors, the rationale for partnerships is the recognition that they cannot resolve today’s pressing problems alone, but need the support of actors with complementary mandates, skills, resources and perspectives in the relevant areas. Partnerships also lead to enhanced ownership of the actors involved. On the other hand, non-state actors, including those from the private sector, have become more willing to support the achievement of development goals, and are recognizing partnerships as an opportunity to have a voice in international policy issues[[40]](#footnote-40).

## 4.3 **UN guidelines and policies addressing risks inherent in partnerships**

45. While expressing support for partnerships and similar cooperation arrangements, UN entities also recognize the risks involved in engagement with non-state actors. These are mostly related to compromising the integrity, impartiality and independence of the organization. Accordingly, many organizations have adopted guidance documents on the conclusion and management of such arrangements. The principles to be adhered to include in particular: transparency; equality; trust; integrity; mutual respect and mutual benefit; coherence with the work programme of the UN entity; complementarity and value added; accountability; due diligence and risk management to safeguard the reputation, independence and neutrality of the UN entity; respect for the modalities of the UN entity; and balanced representation of partners[[41]](#footnote-41).

46. Particular attention is given to partnerships with the private sector. The UN Global Compact[[42]](#footnote-42) provides an overall value framework for cooperation with the private sector, and the UN Guiding Principles on Business and Human Rights[[43]](#footnote-43) serve as the baseline reference point for the expected conduct of private sector entities. The UN Guidelines on a Principled Approach to Cooperation between the United Nations and the Business Sector[[44]](#footnote-44) constitute the key document, building on these sources. The UN Guidelines apply to the UN Secretariat and to separately administered organs, Funds and Programmes of the UN, and are intended as a common framework for all UN organizations. They are used by most UN organizations, although the manner of implementation varies significantly[[45]](#footnote-45).

47. The key principles set out in the UN Guidelines include:

* Integrity: The objectives of the partnership should be articulated clearly, and should advance the objectives and purposes of the UN; clear roles and responsibilities should be delineated, and a governance structure should be put in place to ensure a transparent and accountable process; no private sector partner should derive an unfair advantage from the partnership; only private sector entities that demonstrably support UN values should be considered as partners; and a robust due diligence process should be established;
* Accountability: Accountability procedures including monitoring and evaluation should be put into place, differentiating between the individual accountability of each partner and the internal accountability between partners;
* Transparency: Information on the nature and scope of cooperative arrangements should be made available within the UN entity engaged in the arrangement and to the public at large. Subject to the rules and regulations governing each entity, this information should include disclosure of the partners, contributions, and matching funds.

# 5. **Experiences of other organizations regarding cooperation arrangements with non-state actors**

48. Numerous forms of cooperation arrangements between UN entities and non-state actors are in operation, and many UN Specialized Agencies and Programmes have a partnership programme[[46]](#footnote-46). The understanding of what constitutes a partnership differs widely from one organization to the other. “Partnership” is sometimes used as a generic term to describe any type of relationship between a UN entity and a state or non-state actor. Depending on the organization and the context, partnerships include arrangements as diverse as discussion platforms, alliances or networks involving a large number of different stakeholders; engagement by an organization with a single partner to deliver a specific output at country level or benefitting a specific type of non-state actor; and joint projects implemented by one or more UN entities and private sector actors with financial implications. Some organizations define as partnerships also arrangements established with the sole purpose of receiving funding from stakeholders. The UN Guidelines set out six types of partnerships with the private sector, namely global implementation partnerships (platforms to create a framework for action), local implementation partnerships (established to implement projects in particular areas), corporate responsibility initiatives (aiming at changing business behaviour), advocacy campaigns (aiming at encouraging behavioural change of target groups), resource mobilization partnerships (provision of funding without substantive engagement), and innovation partnerships (utilizing expertise of business partners to develop and implement innovative products and services).

49. Many organizations distinguish the types of partnerships in which they engage in accordance with the objective, the intended outputs and the types of none-state actors involved. Where these factors are fundamentally different from those used under the Basel Convention, the relevance of the cooperation arrangements for the “Partnerships” and the “partnerships” under the Basel Convention is limited or non-existent. This Section sets out examples of partnership arrangements of international organizations and MEAs that are particularly relevant to the Basel Convention’s “partnerships”. Although some of the highlighted risks also exist for Basel Convention “Partnerships”, their establishment and overview by the COP has so far proven to be a useful framework to contain those risks.

50. The international organizations considered in this section include UNICEF[[47]](#footnote-47), WHO[[48]](#footnote-48), FAO[[49]](#footnote-49), and UNEP[[50]](#footnote-50). Furthermore, three MEAs with relevant partnerships arrangements have been identified, namely, the UNFCCC[[51]](#footnote-51), the UNCCD[[52]](#footnote-52), and the Ramsar Convention[[53]](#footnote-53). No relevant partnership arrangements by ECOSOC and OECD have been identified.

## 5.1 **Types of partnerships and role of partners**

51. The majority of organizations do not distinguish between multilateral partnerships established by their governing body (similar to “Partnerships”) and partnerships in which the secretariat participates without a leading role (similar to “partnerships”). An exception is UNICEF, a pioneer on partnerships within the UN system, which has established Global Programme Partnerships (GPPs) with other United Nations agencies, funds and programmes, and public and non-public partners, to develop a joint response to issues affecting children (outputs include developing new products; harmonizing policies; creating and disseminating knowledge; and supporting national policy, institutional reforms, and capacity building). GPPs are global and multi-stakeholder partnerships aiming at concrete outputs, and are the most comparable to the Basel Convention “Partnerships” that have been identified. UNICEF’s roles in GPPs are multifaceted: at times, the organization has the role of an observer; at other times, that of a convener. In its convening role, UNICEF provides policy expertise and strategic information, coordinates advocacy campaigns, provides procurement services, helps with resource mobilization and in-country technical assistance and receives funds to implement specific projects[[54]](#footnote-54). UNICEF’s other types of partnerships are defined by the types of partners and the expected outputs but not by the nature of UNICEF’s role. They include engagement with knowledge partners and media (outputs include generation of data, information and knowledge; development of standards; and advocacy); corporate partners (outputs include resource mobilization and development of UNICEF’s institutional capacity); and civil society organizations (outputs include implementation of programmes; generating technical knowledge and innovative practices; and emergency response).

52. The Ramsar Convention also identifies a type of partnership in which the Secretariat has a facilitating role, namely partnerships with the so-called International Organization Partners (six global NGOs accorded this status by COP Resolution). Other partnership arrangements entered into by the Secretariat are distinguished by the partners with which the Secretariat engages, namely other Convention Secretariats (e.g. through the Biodiversity Liaison Group, established by the CBD COP and facilitated by the CBD Secretariat, hence similar to a “partnership”), and private sector entities, in practice large wetlands conservation projects with a single company (in which the Secretariat and the company participate on an equal footing).

53. UNEP and WHO likewise distinguish partnerships through the types of partners and their contributions rather than their own role in the partnership. UNEP distinguishes between implementing partners (private sector actors engaging actively in UNEP’s work or projects); financing partners (contributing funding to UNEP’s work); and members of discussion platforms such as UN Finance. Forms of engagement include business and industry dialogue (spreading a message through industry champions) and sectoral initiatives (producing defined outputs such as guidance materials). Types of engagement by non-state actors with WHO include financial or in-kind contributions (resource mobilization arrangements), provision of technical information, advocacy, technical collaboration on product development, capacity building, operational collaboration in emergencies, and contributing to the implementation of WHO’s policies.

54. Roles of business partners under the Ramsar Convention are engagement in technical cooperation and capacity building programmes, and informal or formal provision of information. The UNFCCC Secretariat engages in procurement relationships (exchange of goods/services for monetary compensation) and partnerships that are based on the pursuit of common objectives, into which the secretariat and the partner(s) invest resources without seeking financial gain. UNFCCC partnerships are non-exclusive and open to multiple partners at any time. The UNCCD distinguishes between collaborative projects (joint development of a product or service); direct financial contribution by business entity (e.g., to a trust fund); indirect financial contribution by business entity through establishment of a foundation; partnership in technical assistance projects; and partnership in promoting purposes and activities of the Convention (business partner providing a forum for disseminating information about the Convention).

## 5.2 **Framework, strategy or principles governing partnerships and other cooperation arrangements**

55. The elaboration and adoption of a partnership strategy or similar instrument is an approach chosen by many UN entities and a few MEAs to define the types of partnerships in which they engage; to ensure consistency of the manner of engagement; and to contain or mitigate the risks. These instruments generally set out the principles governing the partnerships - often referring to, or building on, the UN Guidelines-, and more detailed guidelines for the establishment and management of the partnerships. For some organizations, these instruments are adopted by the governing body, which thereby assumes control of the establishment of partnerships by the organization’s secretariat. Examples include UNICEF’s Strategic Framework for Partnerships, adopted by the organization’s Executive Board; WHO’s Framework of Engagement with non-State actors (FENSA) and the Policy on WHO Engagement with Global Health Partnerships and Hosting Arrangements, adopted by the World Health Assembly; and the Ramsar Convention’s Principles for Partnership between the Ramsar Convention and the Business Sector, adopted by the COP. Another option is the development of a strategy document by the secretariat pursuant to a mandate from the COP, as in the case of the UNCCD. The secretariats of some organizations and MEAs, for example FAO, UNEP and the UNFCCC, have developed their own strategy and/or guidance documents.

## 5.3 **Definition of risks and mitigation measures**

56. In addition to the risks and mitigation measures set out in the fundamental guidance documents for the UN system (see Section 43.), some organizations and MEAs have identified additional risks and mitigation measures adapted to their particular needs; these are often set out in a strategy or guidance document (see Section 5.2.). The risks identified relate mostly to engagement with the private sector, although in practice they may exist also in relation to other stakeholders (e.g., NGOs attempting to advance their agendas through partnerships with a UN organization or MEA). Some examples are set out below.

57. UNICEF identifies the risk to the reputation and moral authority of the organization (considered its most important asset); risks emanating from companies’ PR activities and from expectation management; and the risk of been seen as endorsing one company but not another. Mitigation measures include the development of selection criteria for partners, customized to the respective levels of risk depending on the particular form of engagement, and the development of guidelines for the different modes of engagement with non-state actors, outlining goals, responsibilities, accountabilities and criteria for the level and modality of engagement.

58. Risks identified by WHO include conflicts of interest between the organization and the partner; undue or improper influence of the partner on WHO’s work; negative impacts on the integrity, independence, credibility and reputation of the organization, and on its mandate; the engagement serving only the partner but not the organization; the engagement conferring endorsement of the partner’s name, brand, product, views, or activity; whitewashing of the partner’s image; and a competitive advantage for private sector partners. Mitigation measures include the requirement for divulging information, the conduct of due diligence, and risk assessment. WHO explicitly precludes any engagement with the tobacco industry, considered as undermining the organization’s mission and mandate.

59. FAO considers that partnerships with the private sector may compromise the organization’s neutrality and impartiality, result in conflicts of interest or undue influence of the partner on standard setting, and unfair advantages for specific private sector entities. Mitigation measures include a risk assessment process and a monitoring and evaluation system to measure the outcome and impact of collaborations with the private sector. A risk management process is used for all partnerships with the private sector, foundations, international financial institutions, civil society and academia.

60. The UNFCCC Secretariat’s guidelines on partnerships aim to “safeguard the integrity, impartiality and independence of the secretariat and prevent and mitigate potential risks of adverse impacts on people and the environment”. Measures identified for this purpose are a clear definition of the objective of each partnership; securing adequate partners; a due diligence process (set out in an annex to the guidelines); ensuring that there can be no unfair advantage to a partner; and delineating the roles and responsibilities or all partners.

61. For the Ramsar Convention, risks inherent in partnerships with the private sector include a threat to the integrity of the Convention; and the possibility of a partnership requiring exclusivity or prohibiting other partnerships of a similar nature. In terms of mitigation measures, the Convention’s Partnership Principles set out three criteria for selection of a company for a partnership, as well as elements of a thorough assessment of the partner company.

62. The UNCCD Strategy does not specify risks. Measures to mitigate risks inherent in engagement with private sector actors include criteria for the selection of partners. As a precondition, the prospective partner must satisfy the requirements for accreditation as an observer.

## 5.4 **Governance structure and mandate: establishment and oversight**

63. Where partnerships have their own governance structure (similar to “Partnerships”), organizations and MEAs use different ways to establish the partnership’s bodies and adopting their TOR, work plan and membership, and to subsequently monitor implementation. This entails different levels of control over the partnership by the organization’s governing body. For example, the UNICEF Secretariat defines the governance structure of its partnerships in accordance with the Strategic Framework adopted by the Executive Board. For WHO, responsibility for determining the governance structure is with the Director General, who reports thereon to the Executive Board. WHO distinguishes between “formal partnerships” with a governance structure that takes decisions independently of WHO’s governing bodies, and other forms of cooperation. FAO’s Partnerships with the private sector are established by the Secretariat in accordance with the organization’s Strategy, following preliminary screening, review and endorsement by the FAO Partnerships Committee. The Committee subsequently monitors and evaluates the partnerships. The UNEP Secretariat establishes partnerships in accordance with the guidance documents, and reports to the Committee of Permanent Representatives. The Secretariats of the UNFCCC, the UNCCD and the Ramsar Convention establish the governance structure of their partnerships in accordance with the applicable guidelines or principles.

64. The system used by the Ramsar Convention is particularly interesting. For partnerships with the private sector, the Secretariat must obtain advance agreement of the Administrative Authority (i.e. the focal points of a Party) for any partnerships in the territory of the Party. The Secretariat must also consult with the Management Working Group of the Standing Committee (one of the two main subsidiary bodies of the COP). Following a preliminary assessment, the Secretariat must then undertake the necessary consultations in order to seek the approval of the Standing Committee for the further development of the partnership. Additionally, a notification must be sent to all Parties. In the event of an objection by a Party, the issue is submitted to the next meeting of the COP. Finally, the Secretariat must submit reports on the activities and progress of all partnerships with the private sector to each meeting of the COP, using a standard summary format. All resources received from the partners for the Convention’s use must be accounted for.

## 5.5 **Formal agreement between partners**

65. A formal agreement setting out the essential elements of the partnership as well as the rights and duties of the participants provides security and predictability. The UN Guidelines recommend a formal written agreement for partnerships between a UN entity and private sector partners, subject to approval by the Controller or the relevant financial official and appropriate legal review by the UN and the UN entity concerned.

66. This is addressed differently by the different organizations. For example, UNICEF provides for written agreements only for partnerships in which a transfer of funds is envisaged. For UNEP’s partnerships, a legal agreement signed by all partners is required. The UNFCCC Secretariat’s guidelines provide for a partnership agreement between the partner and the Secretariat, setting out the elements it must contain. The Ramsar principles for partnerships with the private sector provide for a signed agreement, containing a monitoring and evaluation framework with the implementing mechanism of the partnership to facilitate periodic assessment of the effectiveness of the partnership, and prompt recommendations to improve the outcomes. The agreement must also design a mechanism to undertake this this assessment, and include a budget line to provide the necessary resources. UNCCD likewise opts for a formal agreement required for all partnership arrangements, with the following differentiation:

* Collaborative projects (i.e. joint product or service as outcome of the partnership: MOU;
* Direct contributions by a private sector partner (resource mobilization partnership): Compliance with UN Financial Rules and Regulations;
* Indirect contribution through a foundation: relationship agreement;
* Technical assistance project partnerships: Tripartite agreement between a government, the Secretariat and the business partner;
* Outreach partnerships: direct agreement with the company.

# 6. **Conclusions and recommendations**

## 6.1 **Recommendations on the development of the Basel Convention global multi-stakeholder Partnerships (“Partnerships”)**

67. Multi-stakeholder Partnerships operating under the ultimate authority of the COP have proven to be an effective way to address global issues perceived as meriting attention and efforts for which a range of expertise and experience of specific entities could complement that of Party representatives. it is noteworthy that more recent Partnerships have built on the experience and lessons learned from previous Partnerships, including by taking their practical arrangements (membership criteria; officers of the partnership; role of observers and experts; role of the Secretariat; decision-making processes; confidentiality; public information; financial information; intellectual property rights; publication names; emblems and logos; liability; and dispute resolution) as a basis for the negotiation of their own ToRs[[55]](#footnote-55). This approach should be welcomed as an effective way to streamline the process for setting up new Partnerships, while maintaining the flexibility of the COP to adjust the approach on a case by case basis.

68. Building on the approach of MPPI, PACE and the Household waste partnership, additional areas under the Convention that could merit the attention and efforts from non-state stakeholders in addition to that of Parties, regional centres and intergovernmental organizations, could include activities to address other specific waste streams such as POPs wastes, mercury wastes, used lead-acid batteries, used oils, obsolete stocks of pesticides, PCBs, dioxins/furans, by-products from the dismantling of ships, biomedical wastes and healthcare wastes. For the approach to be meaningful, the COP would need to assess the specific added value of a partnership approach and define what activities would complement that otherwise undertaken by Convention bodies with membership limited to Parties.

69. Besides focusing on specific waste streams, Partnerships can be seen as a valuable model to foster cooperation with non-state stakeholders towards an improved implementation of specific obligations under the Convention, for instance following the model of ENFORCE in relation to Article 9. Article 6 for instance, which sets out the PIC procedure, assigns specific responsibilities to exporters, generators, importers and disposers. These usually are non-state stakeholders whose greater involvement at the global level towards sharing best practices or testing and disseminating guidance could possibly improve the implementation of that provision.

70. Regarding the kind of activities to be entrusted to a Partnership, from the experience of PACE, it appears that the development by multi-stakeholders Partnerships of policy guidance aimed at clarifying the Convention may bear certain risks, in particular if similar tasks are entrusted to a separate process led by Parties. Multi-stakeholder Partnerships on the other hand, and as mentioned above, have a clear potential with respect to information exchange, or dissemination, testing and implementation of guidance, for example.

71. It is therefore recommended that the Conference of the Parties request the Secretariat to seek the views of Parties and observers to the Convention on additional areas of work under the Convention that would benefit from the greater involvement of non-state stakeholders towards an improved implementation of the Convention and to report back to the Conference of the Parties at its fifteenth meeting through the Open-ended Working Group at its twelfth meeting.

72. Moreover, in light of the overall success story of multi-stakeholders Partnerships under the Basel Convention, it is recommended that the Conference of the Parties consider inviting the Conferences of the Parties to the Rotterdam and Stockholm conventions to also consider whether the establishment of Partnerships could also be of benefit to them, through a similar request to the Secretariat.

## 6.2 **Recommendations on the development of the Secretariat involvement in partnerships (“partnerships”)**

73. An increased use of partnerships by the Secretariat in its programmatic activities can be expected to facilitate:

* Access to experience and expertise of entities other than Parties;
* Access to additional financial resources and capacity;
* Additional outreach and visibility.

74. Areas of the work programme entrusted to the Secretariat that could benefit from cooperation with non-state stakeholders could include for instance technical assistance activities and public awareness activities.

75. At present, the involvement of the Secretariat in partnerships includes participation in the Global Mercury Partnership (UNEP Chemicals), the Global Partnership on Waste Management (UNEP/IETC) StEP (UNU), and the Partnership on Measuring ICT for Development (ITU)[[56]](#footnote-56). In addition, the Secretariat is an observer in SAICM. The absence of guidance from the COP however appears to be a practical obstacle to an increased involvement by the Secretariat in such partnership activities.

76. The comparative review of UN practice in engaging with non-state actors in section 5 of the report shows that the development of a partnership strategy or a similar guidance document has emerged as a common way of addressing the challenge of benefiting from the advantages of partnerships and related forms of engagements with non-state actors while containing the inherent risks of such forms of cooperation. This approach could be considered by the COP to the Basel Convention as a means to provide a solid basis for partnership work and to clarify existing uncertainties around the Secretariat’s mandate.

77. A partnership strategy for the Basel Convention could thus be developed on the basis of the Partnership Programme, reflecting the universally recognized principles set out in the UN Guidelines and taking into account the experience of other organizations and MEAs where appropriate. Given the Secretariat’s hosting arrangement with UNEP, guidance documents and processes for the establishment of partnerships developed by UNEP seem particularly relevant. These could be reviewed and serve as a basis as appropriate to the development of guidance applicable to the Secretariat [[57]](#footnote-57).

78. The strategy could also extend to resource-mobilization, as fund raising is an activity entrusted to the Secretariat. Unlike some partnership frameworks of other UN agencies described in section 5, the Basel Convention approach to partnerships is currently limited to programmatic activities, to the exclusion of arrangements established with the sole purpose of receiving funding from non-state stakeholders (resource mobilization). This focus on programmatic cooperation is also reflected in the mandate for this report set out in decision OEWG-11/13. Yet, in practice, the mobilization of financial resources from non-state stakeholders to the Basel Convention trust fund may have benefits and involves similar risks to the ones that exist for programmatic cooperation. Moreover, certain risks might, in a specific case, only materialize because of the combination of programmatic cooperation and the transfer of funds to the Secretariat. It is therefore recommended that the COP consider extending the scope of the strategy to resource mobilization activities.

79. Elements of a partnership strategy could include the following:

* The nature of the activities of the work programme that could be undertaken by the Secretariat through “partnerships” with non-State stakeholders (e.g., technical assistance, public awareness, resource mobilization);
* The criteria for selecting the partner/s and whether it can be any stakeholder or only bodies or agencies with an observer status under the Convention (i.e. for which the COP has determined that they are qualified in fields relating to the transboundary movements of hazardous wastes as well as their management and disposal, as per rule 7 of the rules of procedure);
* The criteria for assessing the risks involved in a specific partnership (e.g., loss of the Secretariat’s neutrality, influence of the partner on decision-making, possible competitive advantage of the selected partner, etc.) and appropriate measures to address those risks (e.g., due diligence assessment; risk mitigation plans, etc.)
* Measures to avoid the possible competition between the activities of the “partnership” and relevant work under the Convention

80. It is therefore recommended that the Conference of the Parties consider requesting the Secretariat to develop, for the consideration of the OEWG-12 and subsequently for the consideration and possible adoption by COP-15, a draft partnership strategy, taking into account as appropriate existing relevant policies and strategies under the UN, UNEP and MEAs.

81. Moreover, because of the Secretariat’s working modalities, which are based on a matrix structure that serves the Basel, Rotterdam and Stockholm conventions, any such strategy would benefit from covering activities of the Secretariats under all three conventions. It is therefore recommended that the Conference of the Parties consider inviting the Conferences of the Parties to the Rotterdam and Stockholm conventions to also consider requesting the same from the Secretariat, also taking into account relevant FAO policies and strategies.

1. COP Decision BC-V/13; Basel Declaration on Environmentally Sound Management, Document UNEP/CHW.5/29, Annex II. [↑](#footnote-ref-1)
2. COP Decision BC-VI/32, 2002. [↑](#footnote-ref-2)
3. Decisions OEWG-I/6, OEWG-II/9 and OEWG-III/2. [↑](#footnote-ref-3)
4. COP Decision BC-VII/3, 2004. [↑](#footnote-ref-4)
5. Ministerial statement on partnerships for meeting the global waste challenge, Document UNEP/CHW.7/33, Annex IV, 2004; Nairobi Declaration on the environmentally sound management of electrical and electronic waste, Document UNEP/CHW.8/16, Annex IV, 2006. [↑](#footnote-ref-5)
6. www.basel.int/Implementation/TechnicalAssistance/Partnerships/tabid/3235/Default.aspx [↑](#footnote-ref-6)
7. See Documents CHW.8/2/Add.2; CHW.9/10; CHW.9/INF/14/Rev.1. [↑](#footnote-ref-7)
8. See <http://www.basel.int/Implementation/TechnicalAssistance/Partnerships/tabid/3235/Default.aspx>; Decision BC-10/19, Document UNEP/CHW/OEWG.11/11. [↑](#footnote-ref-8)
9. See Document UNEP/CHW.13/INF/36-UNEP/FAO/RC/COP.8/INF/26-UNEP/POPS/COP.8/INF/25, para. 21; UNEP/CHW.13/17–UNEP/FAO/RC/COP.8/17–UNEP/POPS/COP.8/17, para. 12. [↑](#footnote-ref-9)
10. Decisions BC-VIII/2, BC-12/13 and BC-13/14 [↑](#footnote-ref-10)
11. Document UNEP/CHW.9/INF/14/Rev.1 [↑](#footnote-ref-11)
12. COP Decisions BC-VII/3 and VIII/4. [↑](#footnote-ref-12)
13. Document UNEP/CHW.9/10, decision BC-IX/7; document UNEP/CHW.10/INF/20. [↑](#footnote-ref-13)
14. Report of COP 13, document UNEP/CHW.13/28, paras. 187-190; COP Decision BC-13/12. [↑](#footnote-ref-14)
15. Document UNEP/CHW.13/INF/36-UNEP/FAO/RC/COP.8/INF/26-UNEP/POPS/COP.8/INF/25; see also http://www.basel.int/Implementation/PartnershipProgramme1/OtherPartnerships/tabid/3240/Default.aspx [↑](#footnote-ref-15)
16. http://web.unep.org/globalmercurypartnership/#parentHorizontalTab1 [↑](#footnote-ref-16)
17. <http://www.basel.int/Implementation/PartnershipProgramme1/OtherPartnerships/tabid/3240/Default.aspx>; <http://www.unep.or.jp/ietc/SPC/news-Apr12/UNIDO_Presentation.pdf>; https://www.unenvironment.org/ietc/what-we-do/global-partnership-waste-management-gpwm [↑](#footnote-ref-17)
18. https://unu.edu/projects/solving-the-e-waste-problem-step-initiative.html#outline [↑](#footnote-ref-18)
19. http https://www.itu.int/en/ITU-D/Statistics/Pages/intlcoop/partnership/default.aspx://www.step-initiative.org/our-members.html [↑](#footnote-ref-19)
20. Document UNEP/CHW.13/INF/36 [↑](#footnote-ref-20)
21. Document UNEP/POPS/COP.4/9/Rev.1; decision SC-4/5. [↑](#footnote-ref-21)
22. Documents UNEP/POPS/COP.4/6/Rev.1; UNEP/POPS/COP.4/INF/2, decision SC-4/2. [↑](#footnote-ref-22)
23. Document UNEP/POPS/COP.5/36, paras. 40-44, 60-; COP Decisions SC-5/6 and 5/7. [↑](#footnote-ref-23)
24. https://www.unenvironment.org/explore-topics/chemicals-waste/what-we-do/persistent-organic-pollutants/pcb-elimination-network. [↑](#footnote-ref-24)
25. Document UNEP/CHW.13/INF/38UNEP/FAO/RC/COP.8/INF/27-UNEP/POPS/COP.8/INF/44 [↑](#footnote-ref-25)
26. FAO, ILO, UNDP, UNEP, UNIDO, UNITAR, WHO, the World Bank, and the OECD. [↑](#footnote-ref-26)
27. http://www.saicm.org/Default.aspx?tabid=5521 [↑](#footnote-ref-27)
28. The contributions of the Basel, Rotterdam and Stockholm Conventions to the sound management of chemicals and wastes, document SAICM/IP.2/INF.4, 22 January 2018; also http://synergies.pops.int/Partners/UNEP/SAICM/tabid/4073/language/en-US/Default.aspx., [↑](#footnote-ref-28)
29. UNGA Resolution 60/215 Towards global partnerships, paragraph 2. [↑](#footnote-ref-29)
30. E.g. World Bank, https://ppp.worldbank.org/public-private-partnership/overview/what-are-public-private-partnerships [↑](#footnote-ref-30)
31. Guidelines on a Principle Based Approach to the Cooperation between the United Nations and the Business Sector, para. 8 (Doc A/HRC/17/31, Annex), first issued in 2000, revised and reissued in 2009, and revised in 2015 as requested by UNGA Resolution A/RES/68/234. [↑](#footnote-ref-31)
32. S. Tesner/G. Kell, The United Nations and Business: A partnership rediscovered, New York 2000, Introduction [↑](#footnote-ref-32)
33. J. Nelson, Building Partnerships: Cooperation between the United Nations and the private sector, United Nations 2002, p. 20. [↑](#footnote-ref-33)
34. UNGA Resolution 55/2, United Nations Millennium Declaration. [↑](#footnote-ref-34)
35. Report of the World Summit on Sustainable Development, UN document A/CONF.199/20. [↑](#footnote-ref-35)
36. UNGA Resolution 66/288, The Future We Want. [↑](#footnote-ref-36)
37. UNGA Resolution 69/313, Addis Ababa Action Agenda. [↑](#footnote-ref-37)
38. UNGA Resolution 70/1, Transforming Our World: The 2030 Agenda for Sustainable Development. [↑](#footnote-ref-38)
39. Through wording such as “all relevant partners, including the private sector” (UNGA Resolution 60/215); “all relevant partners, in particular the private sector” (UNGA Resolution 70/224); “business and other entities” (UNFCCC Secretariat Guidelines for Partnership 2017, Doc B/2017/1). [↑](#footnote-ref-39)
40. See e.g. UN Environment Private Sector Engagement Policy, UNICEF strategic framework for partnerships and collaborative relationships, II: Context, https://www.unicef.org/policyanalysis/files/N0928210.pdf [↑](#footnote-ref-40)
41. See in particular UNGA Resolution 60/215 and UNGA Resolution 70/224Doc B/2017/1. [↑](#footnote-ref-41)
42. <https://www.unglobalcompact.org/about> [↑](#footnote-ref-42)
43. <https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf> [↑](#footnote-ref-43)
44. Adopted by the UN General Assembly in 2000, revised in 2009 and 2015. See <https://business.un.org/en/documents/5292>. [↑](#footnote-ref-44)
45. Report of the Joint Inspection Unit on private sector arrangements within the UN system, 2017, Document JIU/REP/2017/18, p. 6-9 [↑](#footnote-ref-45)
46. See for example the partnership programmes of UNIDO Strategic Framework for Partnerships and Collaborative Relationships (<https://www.unicef.org/policyanalysis/files/N0928210.pdf>) (<https://www.unido.org/our-focus/cross-cutting-services/partnerships-prosperity>); ITU (<https://www.itu.int/en/ITU-D/Cybersecurity/Pages/partnership.aspx>); UNESCO (<http://www.unesco.org/new/en/communication-and-information/about-us/how-we-work/unesco-partnerships/>); UNDP (http://www.undp.org/content/undp/en/home/partners.html). [↑](#footnote-ref-46)
47. <https://www.unicef.org/policyanalysis/files/N0928210.pdf> [↑](#footnote-ref-47)
48. http://www.who.int/about/collaborations/en/ [↑](#footnote-ref-48)
49. http://www.fao.org/partnerships/en/. [↑](#footnote-ref-49)
50. UNEP Policy on Partnerships and Guidelines for Implementation, August 2009; UNEP Economy Division: Our engagement with the private sector, undated; UNEP Government Affairs Office: UN Environment Programme – Guidelines for Engagement with the Private Sector, undated; UN Corporate Services Division, UN environment – Private Sector Engagement Policy; United Nations Environment Programme: draft Executing Partnerships Policy, August 2017; Report by the Secretariat to the Committee of Permanent Representatives on UN Environments Programmes’s Private Sector Engagement, 21 May 2018. [↑](#footnote-ref-50)
51. UNFCCC Secretariat Guidelines for Partnerships, 2017 [↑](#footnote-ref-51)
52. The UNCCD & Business: Partnership Opportunities for Sustainable Land Management, undated [↑](#footnote-ref-52)
53. Resolution X.12 adopted by COP 10 in 2008; Resolution XII.2 adopted by COP 12 in 2015; see generally https://www.ramsar.org/search?search\_api\_views\_fulltext=partnership. [↑](#footnote-ref-53)
54. See UNICEF Strategic Framework, paras. 14-15. [↑](#footnote-ref-54)
55. See the suggested way forward by OEWG 11 for the development of a new Partnership on Plastic Wastes, as set out in para 8 of decision OEWG-11/8 and document UNEP/CHW/OEWG.11/INF/39. [↑](#footnote-ref-55)
56. See paragraph 27 above [↑](#footnote-ref-56)
57. See above footnote 50. The 2009 UNEP Policy on Partnerships “focuses on all partnerships across UNEP with the exception of MEA Secretariat partnerships”, on which separate guidance documents are to be prepared. The 2015 UNEP Stakeholder Handbook is clearly focused on UNEP proper, requiring accreditation of partners as observers to UNEA and its subsidiary organs, and applying specifically to their contributions to UNEP’s medium-term strategy. Its applicability to the Basel Convention would be *mutatis mutandis* only if so decided by the COP. There is no indication of applicability to MEAs in the 2017 New Stakeholder Engagement Policy Outline (which only applies to entities to which UNEP transfers funds for the execution of a project); the 2017 New Stakeholder Engagement Policy Outline; or the 2018 Draft Report on UNEP Private Sector Engagement (which does not mention the BRS Conventions even in in relation to Subprogramme 5 on Chemicals, Wastes and Air Quality). Pursuant to the 2016 United Nations Environment Programme Delegation of Authority Policy and Framework for the management and administration of MEA Secretariats and other bodies for which UNEP provides the secretariat or secretariat functions (DAPF), MEA Secretariats are accountable to their respective conference/meeting of the parties for programme delivery. Accordingly, UNEP’s guidance on programmatic work, including its guidance on partnerships, does not *ipso facto* apply to the Secretariat, unless otherwise decided by the COP. [↑](#footnote-ref-57)