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**Conference of the Parties to the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal
Ninth meeting
Bali, 23–27 June 2008**

Item 7 (d) of the provisional agenda*

**Implementation of the decisions adopted by
the Conference of the Parties at its eight meeting:
Partnership Programme**

Basel Business Forum Partnership

Note by the Secretariat

1. The Basel Convention Partnership Programme is the arm of the Basel Convention which engages business and industry directly. Partnerships provide a unique way for stakeholders to meet together to address, *inter alia*, common areas of concern, to develop guidelines and rules of practice in a coordinated manner. They offer a mechanism for dialog and practical interaction between stakeholders that often results in voluntary action, alleviating the need for governments to *inter alia* initiate a new legislative process.
2. Industry in particular has technical know how, resources and organizational skills needed for improving the recycling and safe disposal of end-of-life products. Ministers recognized the importance of such input and adopted the [1999 Basel Ministerial Declaration](#) emphasizing the vital importance of Public- Private Partnerships. In 2002, the Conference of the Parties (COP) adopted the [Basel Convention Partnership Programme](#). The Conference of the Parties tasked the Secretariat with carrying out a work programmed on public-private partnerships in cooperation with all relevant and interested parties.
3. Experience indicates that the engagement of business and industry leaders from different sectors can be complex as there is no existing mechanism or body that exists from which Parties or the Partnership Programme can identify interested and vital partners or obtain systematic input to initiatives or programmes. Nor is there an organised body which brings together the advice and council of the business communities of Parties to the Convention or Secretariat in its work.

* UNEP/CHW.9/1.

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4. As a way to address this issue, a proposed concept of creating a Basel Business Forum is presented in this information note, as a means to engage industry and the business sectors in the work of the Basel Convention and to create a body for which systematic input from the business and industry sectors could be secured.
5. Parties are requested to review the concept proposed and provide comments and input at the ninth meeting of the Conference of the Parties on the proposal and the potential structure for such a Forum.

CREATING A BASEL BUSINESS FORUM

- Investing into the future -

A. Introduction

1. Industry and business have a critical role to play in the development of processes and design of products that reduce *environmental footprint* throughout their entire life-cycle. The Preamble to the Convention notes that there is a need to continue the development and implementation of environmentally sound low-waste technologies, recycling options, good house-keeping and management systems with a view to reducing to a minimum the generation of hazardous and other wastes. This activity has a direct relation to the private sector and can entail the reduction of environmental impacts of the chemicals used in processes, products or their components, reduction of energy consumption, reduction of product packaging and their reuse, encouraging sound refurbishment, repair, recycling or recovery of used or end-of-life products and materials and the use of more environmentally friendly materials in products or their components.

2. Since the Basel Convention entered into force in 1992, significant change has occurred in the manner in which the private sector interacts with the intergovernmental organizations. The reason lies in large part on the growing recognition by the international community that the contribution of the private sector is essential to reach UN-led goal, including the Millennium Development Goals. Globalization has also increased the visibility and perceived role of the private sector. The creation of the UN Global Compact in 1999 was a signal that the United Nations was willing to directly engage with the private sector and since then, there has been a flurry of alliances and partnership initiatives in virtually all areas of concern to the UN family. Many UN bodies, including UNEP, have also undertaken a review of their engagement strategy with business and civil society, leading to a more coherent and streamlined process.

3. The objectives set by the Parties to the Basel Convention is to engage into a dialogue with industry and business, through a well-defined partnership programme, to improve environmental performance while contributing to ensuring full compliance with national and international rules and procedures regarding the control and the environmentally sound management of hazardous and other waste.

4. The Basel Convention partnership programme is operating on a biennium scale and is regularly up-dated by the Conference of Parties to fit the needs of both Governments and their partners. It is a mechanism which main purpose is to accompany and facilitate implementation of the Basel Convention by public and private stakeholders.

B. Why a Basel Business Forum?

5. Public and private sector collaboration is essential to achieve the goals and objectives of the Basel Convention. Many companies and businesses are operating public-private partnerships to provide adequate environmental *friendly* or environmentally sound methods to improving the management of the wastes they generate. It includes, advocating product stewardship, collection and take-back schemes, recycling programs, training activities, global chain supply approach to monitor suppliers' performance and through support given to local communities for environmental protection, reduction of waste generated at company sites, promotion of remanufacturing.

6. The idea behind the creation of a Basel Business Forum is to facilitate and increase the contribution of industry and business in building a level-playing field regarding the management of hazardous and other waste at the regional and global level and to design measures, plans or strategies that would enable, in a phased manner, a real shift towards minimising the generation of hazardous and other wastes.

7. A Basel Business Forum would bring different partners together in strategic thinking, in identifying possible options for the future and in designing workable solutions that would help industry, business and local communities, while ensuring a high degree of protection of human health and the environment.

8. The Forum would need to consider what are the factors that are necessary for achieving the environmentally sound management of hazardous and other waste and its minimization (eg. technical, financial, commercial, logistical, geographical, regulatory). One critical element would be to engage private sector stakeholders in improving the knowledge base and economic foundation for the support or development of environmental policies conducive of driving efforts to minimise the quantity and hazardousness of waste.
9. The forum could address issues that confront industry, business, regulators and policymakers within short- to long-term with a view to fostering specific and practical recommendations around a core set of well defined problems or challenges. The forum could create a place to share experience, knowledge and ideas on designing tools to promote, facilitate or enhance access to and use of best practices, cleaner technologies and to work together as a coalition or consortia to develop new technologies for recycling and material recovery so as to enhance environmentally sound management. Recovering resources in wastes can also relieve the pressure on the need for virgin materials.
10. Domains most likely to warrant consideration by this forum with respect to the current work programme and strategic plan, in its first phase of activity would include the following waste streams:
 - (a) Used and end-of life electronic and electrical equipment;
 - (b) Used lead-acid batteries;
 - (c) Used oils.
11. Transdisciplinary issues could also be treated like:
 - (a) Enhancing resource efficiency and productivity (moving from the concept of waste to seeing waste as resources);
 - (b) Contribution of the sound management of waste to the reduction of greenhouse gases;
 - (c) Development of ESM certification schemes and ESM international standards.

1. Perceived Benefits of a Basel Business Forum

12. A structure whereby the private sector could provide an input into the various activities of the Convention in a systematic and organized fashion would be of benefit to member states and observers as it would enrich the discussion at intergovernmental level and afford a mechanism for implementation. It would also allow states to benchmark the position and activities of the private sector at the national level against best practices internationally. Through this process new opportunities could be uncovered, leading to greater engagement from business. Governments would also be able to better balance the positions and activities of civil society in the activities of the Convention.
13. A clear engagement strategy by the Convention with the private sector would also benefit the private sector itself. Business would gain a “seat at the table” and this would give it a more direct access to member states. Business organizations would find it easier to mobilize companies and contribute a business perspective to the Convention. Individual companies would be encouraged to participate in the conferences of the parties to share their experiences and best practices. This would in turn promote a spirit of partnerships which would support and enrich the Convention’s Partnership Program.

C. Moving forward

14. In order to launch a process that is manageable and does not overburden the Secretariat or its industry and business partners, it is proposed to constitute a Forum’s Board or a small interim group be established reflecting the complexity and diversity of the issues surrounding the environmentally sound management and minimisation of hazardous and other waste. Representatives from industry, business, governments and intergovernmental organisations would be invited. This Board would lead the work and the gradual build up of the forum. It would organise the format of the work according to the substantial issues requiring pressing attention by industry, businesses and governments. Regular linkages of this forum with a NGO forum (proposed in UNEP/CHW.9/INF/18) should be considered. Options for the structure and body for the Forum are listed in the following section.

D. Options

15. Based on a review of the various structures adopted by the UN family there are several options which could be considered.

1. Independent structure

16. A body specifically set up to interact with the Convention as a business organization would have the advantage of operating exclusively and autonomously for the benefit of the Convention and would be easily identified as its private sector partner. This would require a dedicated group of individuals managing the body who would seek a dedicated group of companies joining the new structure.

17. Setting up a new industry organization is, however, not an easy task. There are many existing business organizations interacting with or interested in the issues covered by the Convention which would query the necessity for creating such a structure. Such a body would need funding for a secretariat and running costs. Who would set up that body and where, and what would be the scope of its activities, are also important questions to be decided. Finally the creation of such body *per se* would not determine how the body would interact with the Convention unless the member states provided it with a special status.

18. Examples of single-purpose organizations to interact with a single intergovernmental organization are powerful but limited. The Business & Industry Advisory Committee known as **BIAC** which is headquartered in Paris was founded in 1962 as the officially recognized representative of the business community towards the OECD and mirrors all economic policy issues covered by the OECD. Over the course of 2007 more than 2300 business representatives were actively involved in the work of the OECD through BIAC. Another example of such organization is the International Organization of Employers (**IOE**) created in 1920 and based in Geneva which is the only organization at the international level that represents the interests of business in the labor and social policy fields. As such it acts as the Secretariat to the Employers' Group at the ILO International Labour Conference, the ILO Governing Body and all other ILO-related meetings. Today, it consists of 146 national employer organizations from 138 countries from all over the world.

2. Existing Structure

19. Singling out an existing business organization as the conduit for greater engagement with the Convention avoids the problems associated with creating a new body, including funding. In all likelihood the existing organization would already have knowledge and expertise of the subjects covered by the Convention and a proven track record of interacting with the UN. It would also benefit from an existing network of companies which could be regularly consulted.

20. The main drawback of this option is that the organization would not have the Convention as its single focus and would have to prioritize the work of the Convention with its other activities. As certain subjects gain importance, for example climate change or the price of food, the global waste challenge may be put in second line. An additional issue is one of representation: if the organization represents only a single industry sector or a geographical area one would have to question whether it could represent the views of the wider business community. Finally, as with the first structure, the use of such body *per se* would not determine how it would interact with the Convention unless the member states provided it with a special status.

21. There are many business organizations which could interact with the Convention in a preferred manner. The International Chamber of Commerce (ICC) is the voice of world business championing the global economy as a force for economic growth, job creation and prosperity and has traditionally been the partner of the UN, in particular on environmental matters. At many UN summits ICC spearheads the business contribution by mobilizing business from all regions and of all sizes. ICC was very engaged with the Convention during the 90s but withdrew for internal reasons. The World Business Council for Sustainable Development (**WBCSD**) also represents business at intergovernmental meetings but is currently focusing primarily on climate change. Furthermore it has a defined membership comprising some 200 multinational companies. The World Economic Forum (**WEF**) has a high visibility and engagement on global issues but is not strictly business-led nor is it entrusted with the mission of interacting with the UN. Among sector organizations relevant to the Convention it is important to note the Bureau of International Recycling (**BIR**), the International Precious Metals

Federation (**IPMF**) and the Information Technology Industry Council (**ITIC**). As mentioned above, these organizations represent a defined segment of the private sector community.

3. Partnerships with the UN

22. A third possibility is for the Convention and a business organization to join forces in a partnership structure. This alternative would solve the issue of institutional ties with the Convention as the partnership would spell out the contributions and responsibilities of each party. It would share the benefit of the first alternative in being single-purposed. The business partner could have restricted membership which would overcome the second option.

23. The main drawback of this option is that the partnership could not be seen as business-led as the Convention would be one of its partners. It is also well recognized that partnerships have slower response-time as decisions require consultations with all partners. Finally some of these initiatives have short durations as they depend on the continued engagement of the partners.

24. Examples of this structure abound. **UNEP FI** is an example of a global partnership between UNEP and the financial sector. Over 160 institutions, including banks, insurers and fund managers, work with UNEP to understand the impacts of environmental and social considerations on financial performance. The **UN Global Compact** mentioned above is an initiative of the UN Secretary General bringing its business signatories together to align their operations and strategies with ten universally accepted UN principles in the areas of human rights, labor, the environment and anti-corruption. UNHCR set up the Council of Business Leaders (**CBL**) in order for companies to better engage in its program of work. UNCTAD and ICC set up the Investment Advisory Council (**IAC**) to bring governments and business around the table to discuss current investment-related issues. The Global Business Council (**GBC**) was set up by the UN Office for Partnerships and the Commonwealth Business Council to strengthen the business climate in developing countries and enhance support enterprise development to help achieve the MDGs.

4. Private Sector Focal Points

25. Many UN organizations have assigned so-called Private Sector Focal Points which coordinate activities with the private sector within their respective organization. The Focal Points also liaise across the UN in order to share experiences and plan and devise joint activities. This ensures duplication of efforts among UN bodies. An important advantage of this structure for the Convention is that the secretariat would have the mandate to define and implement an engagement strategy with the private sector and hence show its true leadership. The main drawbacks are that this option could not be considered business-led and would have to be funded out of the secretariat's budget. UNICEF, UNESCO and UNDP are some UN organizations that have institutionalized the relation with the private sector through such Focal Points. The UN Global Compact has initiated a program to improve coordination among these Focal Points.

5. Networks

26. Global public policy networks have emerged in the last decade as a structure for multi-level governance. In such structure governments join forces with business and civil society to focus on specific issues of interest to all. As they have developed so far, these networks fulfill three primary functions: (a) negotiation platforms that facilitate the setting of global standards and regulations; (b) coordination of resources and correction of market failures; and (c) implementation of existing international treaties. Examples of the latter include the Global Environmental Facility (GEF) and the Clean Development Mechanism (CDM).

27. As with the partnership structure the networks ensure that both governments and business have institutional ties. But it equally requires that civil society and NGOs are part of them. Given the strong existing engagement of the latter in the Convention this option would not meet the objective of giving business its own platform.

E. Criteria for decision-making

28. In deciding on a preferred option member states must attempt to answer the following questions:

- (a) Who should lead this process?

- (b) Are states prepared to fund part or all of this initiative?
- (c) Who/which organization or type of body should lead the organization and running of the Forum?
- (d) Are states willing to institutionalize the relationship with business and industry?
29. Answers to these questions will help point to using one of the following structures:

	Independent Structure	Existing Structure	Partnership	Focal Point	Network
Foundation	Business	Business	Business & Gov't	Convention	All
Funding	Business	Business	Business & Gov't	Convention	All
Management	Business	Business	Business & Gov't	Convention	All
Institutional Links	No	No	Yes	Yes	Yes