

Distr.: General
25 February 2009

English only

International Conference on Chemicals Management

Second session

Geneva, 11–15 May 2009

Item 2 (a) of the provisional agenda *

Organizational matters: adoption of the rules of procedure

Information on subsidiary bodies

Note by the secretariat

I. Background

1. Subsidiary bodies have been discussed to a limited extent by the Open-ended Legal and Technical Working Group during its meeting on the rules of procedure for the International Conference on Chemicals Management in Rome in October 2008, by the participants in the informal discussions that took place in Rome at the time of the Working Group meeting and by the Friends of the Secretariat planning group. Those discussions touched on what the functions of the future bureau of the Conference might be and offers by certain scientific associations and an intergovernmental forum to serve as advisory bodies to the Conference.

2. There has not yet, however, been a systematic discussion of what subsidiary bodies may be required to take forward the work of the Conference during the periods between sessions of the Conference. A common understanding of what subsidiary bodies will be needed may assist in finalizing the relevant rules of procedure of the Conference. In order to assist the Conference in considering the possible need for subsidiary bodies the secretariat has prepared the present document, providing an overview of models and approaches taken in other relevant forums. The secretariat notes that depending on the needs that the Conference may identify, different models and options for subsidiary bodies may be suitable. The examples discussed in the note were selected with a view to offering a comprehensive overview of relevant precedents for potential options. The cost implications will naturally differ depending on the mandate and composition of a given body. While the note does not present financial information on the examples discussed, annex I offers indicative cost estimates for different models based on the experience of the secretariat thus far.

3. The secretariat notes that the Overarching Policy Strategy of the Strategic Approach to International Chemicals Management, which forms the basis on which the Conference operates, already provides for several institutional arrangements for the implementation of the Strategic Approach. It firstly envisages that regional meetings will be held to “facilitate input on Strategic Approach activities, preparation for future meetings of the Conference and exchange of regional expertise and exchange of

* SAICM/ICCM.2/1

information”.¹ Second, the Overarching Policy Strategy foresees coordination of the activities of relevant intergovernmental organizations through the Inter-Organization Programme for the Sound Management of Chemicals (IOMC).² Third, it provides for the establishment of a bureau “with functions in accordance with the rules of procedure”.³ Finally it assigns specific functions to the secretariat with regard to the preparation and servicing of sessions of the Conference.⁴ Further to the institutional arrangements referred to in the Overarching Policy Strategy and in the context of the Quick Start Programme, the Conference established the Quick Start Programme Executive Board, consisting of two government representatives of each of the United Nations regions and all the bilateral and multilateral donors and other contributors to the programme; it furthermore envisaged the formation of the Trust Fund Implementation Committee by IOMC participating organizations and the United Nations Development Programme.⁵ The Conference also agreed that there should be a meeting of an intersessional open-ended legal and technical working group to carry out “the groundwork for the second session on the issue of rules of procedure”.⁶

4. Discussions to date on future arrangements have revolved around several models, which the Conference may wish to consider at its current session. Those include an extended (intersessional) role for the bureau, the establishment (or continuation) of an intersessional working group (such as the Open-ended Legal and Technical Working Group), the establishment of other subsidiary or advisory bodies and reliance on regional meetings as an alternative mechanism for undertaking intersessional work. In view of the multiplicity of options, the secretariat has compiled the following overview of examples of subsidiary bodies.

II. Overview of relevant examples

A. Examples of subsidiary bodies in multilateral agreements

5. The **Convention on International Trade in Endangered Species of Wild Fauna and Flora**, adopted in 1973, does not refer to subsidiary bodies in general. Neither does it contain provisions on specific bodies to be established. The rules of procedure of the Conference of the Parties, however, as amended at the fourteenth meeting of the Conference, in 2007, provide for the establishment of three sessional committees, namely, the Credentials Committee, “Committee I” which is “responsible for making recommendations to the Conference on all proposals to amend the appendices of the Convention and on any matter of a primarily biological nature”, and Committee II, which “act[s] similarly in relation to all other matters to be decided upon by the Conference” (rule 5, paragraphs 1 and 2). In accordance with paragraph 3 of rule 5 the Conference of the Parties and Committees I and II “may establish such working groups as may be necessary to enable them to carry out their functions” and may “define the terms of reference and composition of each working group, the size of which may be limited according to the number of places available in assembly rooms”.

6. The Conference of the Parties has established the Standing Committee, a permanent committee of the Conference of the Parties that acts as the “senior Committee” and reports to the Conference of the Parties.⁷ The members of the Standing Committee are Parties representing each of the six major geographical regions (Africa, Asia, Europe, North America, Central and South America and the Caribbean and Oceania), with the number of representatives weighted according to the number of Parties within the regions. The Standing Committee also includes a representative from the Depository Government (Switzerland), the Party that hosted the last meeting of the Conference of the Parties and the Party that is to host the subsequent meeting of the Conference. The Conference of the Parties has also established an Animals Committee and a Plants Committee, which “report to the Conference of the Parties at its meetings and, if so requested, to the Standing Committee between meetings of the

1 Report of the International Conference on Chemicals Management on the work of its first session (Dubai, 46 February 2006), (SAICM/ICCM.1/7), annex II, Overarching Policy Strategy.

2 Ibid, subparagraph 26 (c).

3 Ibid, paragraph 27.

4 Ibid, paragraph 28.

5 Ibid, annex IV, resolution I/4, paragraphs 9 and 10.

6 The decision to establish the Open-ended Legal and Technical Working Group is recorded in paragraph 9 of the report of the International Conference on Chemicals Management on the work of its first session (SAICM/ICCM.1/7).

7 Resolution Conf.11.1 (as amended), paragraph a.

Conference of the Parties”.⁸ Similarly to that of the Standing Committee the membership of the Animals and Plants Committees is determined through regional nominations.

7. The Conference of the Parties has also resolved that “it may appoint additional committees as the need arises” and that “the Conference of the Parties or the Standing Committee may appoint working groups with specific terms of reference as required to address specific problems”.⁹ With regard to the working groups the Conference specified that they “shall have a defined life span which shall not exceed the period until the next meeting of the Conference of the Parties, at which time it may be renewed if necessary”.¹⁰ In accordance with resolution Conf.11.1, the Standing Committee has adopted its own rules of procedure. The Animals Committee and the Plants Committee have, as provided for in resolution Conf.11.1, also adopted their own rules of procedure, which, as required by the resolution, are intended to be “in accordance with the Rules of Procedure of the Standing Committee as far as practicable”.¹¹

8. The 1987 **Montreal Protocol on Substances that Deplete the Ozone Layer** does not contain generic provisions on subsidiary bodies. Article 6 of the Protocol, however, contemplates the convening of panels of experts for the purpose of regularly reviewing and assessing the control measures listed in article 2 of the Montreal Protocol. The Meeting of the Parties to the Protocol at its first meeting accordingly established four review panels, to wit, the Scientific Assessment Panel, the Environmental Effects Assessment Panel, the Panel for Technical Assessment, and the Panel for Economic Assessment.¹² Shortly thereafter, the Panels for Technical and Economic Assessment were merged into the Technical and Economic Assessment Panel. The Panel’s terms of reference, as adopted by the Meeting of the Parties, authorize it to establish subsidiary bodies as necessary. It currently operates with six technical options committees (in the areas of chemicals; flexible and rigid foams; halons; medicine, methyl bromide; refrigeration, air conditioning and heat pumps).

9. In addition to the Convention itself the rules of procedure adopted by the Meeting of the Parties to the Protocol allow for the establishment of “such committees or working groups as may be required for the transaction of its business” and provide that such bodies may meet intersessionally.¹³ The rules also envisage the “convening of *Ad Hoc* meetings, either of representatives of the Parties or of experts nominated by the Parties, in order to deal with matters which, because of their specialized nature, or for other reasons, cannot be adequately discussed during the normal sessions of a meeting”.¹⁴

10. The Meeting of the Parties at its first meeting established the Open-ended Working Group of the Parties to the Montreal Protocol. The Working Group was initially mandated to undertake specific tasks related to other decisions that the Parties had taken (e.g., the drafting of proposals for any amendments and the development of workplans and modalities)¹⁵ but its mandate was later expanded.¹⁶

11. The Meeting of the Parties at its first meeting also established an “open-ended ad hoc working group of legal experts to develop and submit appropriate proposals for consideration and approval by the Parties on procedures and institutional mechanisms for determining non-compliance with the provisions of the Montreal Protocol and for the treatment of Parties that fail to comply with its terms”.¹⁷ The ad hoc working group completed its mandate with the submission to the Meeting of the Parties at its fourth meeting of proposals concerning procedures on non-compliance and the terms of reference of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol.¹⁸ The

8 Ibid, paragraph b.

9 Ibid, paragraphs c and d.

10 Ibid, paragraph d.

11 Ibid, paragraphs e and f.

12 Report of the First Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (UNEP/OzL.Pro.1/5), paragraph 86.

13 Ibid, annex I, rule 26, paragraphs 1 and 2.

14 Ibid, annex I, rule 56.

15 Ibid, paragraph 86, decision I/5.

16 Report of the Third Meeting of the Parties to the Montreal Protocol, UNEP/OzL.Pro.3/11, paragraph 59, decision III/11.

17 Report of the First Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (UNEP/OzL.Pro.1/5), paragraph 86, decisions, chapter II, paragraph 8.

18 The Ninth Meeting of the Parties established an ad hoc working group of legal and technical experts on non-compliance with the mandate to review the non-compliance procedure.

Committee, established by the Meeting of the Parties at its fourth meeting, comprises ten Parties elected by the Meeting of the Parties to serve two-year terms.¹⁹ It meets twice a year.

12. Another body established by the Parties to the Montreal Protocol is the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol. Initially created for the interim financial mechanism, the Executive Committee's function is to "develop and monitor the implementation of specific operational policies, guidelines and administrative arrangements, including the disbursement of resources, for the purpose of achieving the objectives of the Multilateral Fund under the Financial Mechanism".²⁰ The Parties endorsed the rules of procedure for meetings of the Executive Committee at their third meeting.²¹

13. The 1992 **Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal** mandates the Conference of the Parties to that convention to "establish such subsidiary bodies as are deemed necessary for the implementation of [the] Convention" (article 15, subparagraph 5 (e)). Paragraph 3 of article 15 provides that the "Conference of the Parties shall by consensus agree upon and adopt rules of procedure for itself and for any subsidiary body it may establish, as well as financial rules to determine in particular the financial participation of the Parties under this Convention". The rules of procedure themselves do not contain any provisions on subsidiary bodies.²²

14. The Conference of the Parties has established a number of subsidiary bodies, primarily geared toward the substantive preparation of meetings. Thus at its first meeting the Conference created an "open-ended ad hoc committee" and an "ad hoc working group of legal and technical experts" and provided for the creation of sub-groups of the latter if necessary.²³ The decisions by which these bodies were created did not specify their composition. While their mandates derived initially from specific meetings, both were requested to meet as necessary between meetings of the Conference.²⁴ At its third meeting the Conference, in view of the evolving nature of the tasks to be performed in implementing the Convention and taking into account the need to use the limited resources of the Basel Convention Trust Fund rationally, authorized the Extended Bureau to perform some of the functions of the Open-ended Ad Hoc Committee, especially administrative tasks and the preparation of recommendations for the meeting of the Conference of the Parties.²⁵

15. At its fifth meeting the Conference of the Parties carried out a substantial restructuring of its subsidiary bodies through the adoption of decision V/34, following which there were four: the Expanded Bureau, the Working Group on Implementation, the Technical Working Group and the Legal Working Group. Paragraphs 7 and 8 of that decision also specified the mandates and composition of the latter two groups, providing in particular that they would be open to representatives of all interested Parties.

16. At its sixth meeting the Conference of the Parties again made a major change in the composition of its subsidiary bodies. By decision VI/36 it halved the number of such bodies to two, the Expanded Bureau and the Open-ended Working Group. Paragraph 8 of the decision specifies the composition and mandate of the Open-ended Working Group; the latter includes the provision of advice to the Conference "on issues relating to policy, technical, scientific, legal, institutional, administration, finance, budgetary and other aspects of the implementation of the Convention within the approved

19 Report of the Fourth Meeting of the Parties to the Montreal Protocol (UNEP/OzL.Pro.4/15), paragraph 56, decision IV/5.

20 Report of the Ninth Meeting of the Parties, *supra*, annex V, terms of reference of the Executive Committee, subsequently modified by the Sixteenth Meeting of the Parties in its decision XVI/38 (Report of the Sixteenth Meeting of the Parties to the Montreal Protocol (UNEP/OzL.Pro.16/17), paragraph 324.

21 Report of the Third Meeting of the Parties to the Montreal Protocol (UNEP/OzL.Pro.3/11), annex VI, rules of procedure for meetings of the Executive Committee.

22 Report of the first meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (UNEP/CHW.1/24), annex I, decision I/1, rules of procedure for meetings of the Conference of the Parties, subsequently amended by the Conference of the Parties in decision VII/37.

23 *Ibid*, decisions I/2 and I/7.

24 Report of the second meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (UNEP/CHW.2/30), annex I, decision II/3; Report of the third meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (UNEP/CHW.3/35), annex I, decision III/4.

25 Report of the third meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (UNEP/CHW.3/35), annex I, decision III/4.

budget, including identification of the specific needs of different regions and subregions for training and technology transfer and ... consider[ation of] ways and means of ensuring the establishment and functioning of the Basel Convention Regional Centres for Training and Technology Transfer”.²⁶

17. The Conference of the Parties has also established two other subsidiary bodies in addition to those above: the Committee for Administering the Mechanism for Promoting Implementation and Compliance and the Mobile Phone Working Group.

18. The Conference established the former following preparatory work undertaken by the Legal Working Group upon the request of the Conference at its fifth meeting.²⁷ The committee, which was created as a subsidiary body pursuant to subparagraph 5 (e) of article 15,²⁸ consists of 15 members nominated by the Parties and elected by the Conference of the Parties based on equitable geographical representation of the five regional groups of the United Nations.²⁹ The terms of reference of the committee provide that members serve “objectively and in the best interest of the Convention” and that they “shall have expertise relating to the subject matter of the Convention in areas including scientific, technical, socio-economic and/or legal fields”.³⁰

19. In addition to the bodies discussed above the Conference of the Parties created the Mobile Phone Working Group in the context of the industry-led “sustainable partnership for the environmentally sound management of end-of-life mobile telephones”.³¹ The working group operates as a subsidiary body of the Open-Ended Working Group, which set its terms of reference and work programme and oversees its activities.³² Encompassing a multi-stakeholder membership, it is composed of experts from Parties, representatives of mobile phone manufacturers and a representative of the secretariat.³³

20. Part IV of the 1994 **United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa**, to which 193 states are party, is entitled “Institutions”. It contains the provisions of the Convention dealing with Convention bodies.

21. In addition to the Conference of the Parties and the secretariat (established under articles 22 and 23 of the Convention, respectively), part IV of the Convention provides, in article 24, for the establishment of the Committee on Science and Technology as a subsidiary body of the Conference of the Parties. According to article 24 the mandate of the Committee is to “provide [the Conference of the Parties] with information and advice on scientific and technological matters relating to combating desertification and mitigating the effects of drought.” The article provides that “[t]he Committee shall meet in conjunction with the ordinary sessions of the Conference of the Parties and shall be multidisciplinary and open to the participation of all Parties” and that it is to comprise government representatives “competent in the relevant fields of expertise”.

22. Article 24 also provides that the Conference of the Parties “may, as necessary, appoint ad hoc panels to provide it, through the Committee, with information and advice on specific issues regarding the state of the art in fields of science and technology relevant to combating desertification and mitigating the effects of drought.” The panels are composed of experts whose names are to be taken from a roster maintained by the Conference of the Parties. The experts are required to have scientific backgrounds and field experience and are appointed by the Conference of the Parties on the recommendation of the Committee in accordance with paragraph 3 of article 24..

23. In addition to the bodies expressly created by the Convention article 22 of the Convention provides that the Conference of the Parties, as the “supreme body of the Convention”, “shall ... establish such subsidiary bodies as are deemed necessary for the implementation of the Convention” and that it shall “agree upon and adopt, by consensus, rules of procedure and financial rules for itself

26 Ibid, subparagraph 8 (b).

27 Report of the sixth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (UNEP/CHW.6/40), annex I, decision VI/12.

28 Ibid, paragraph 1.

29 Ibid, appendix, paragraph 3.

30 Ibid, paragraph 5.

31 Ibid, decision VI/33.

32 Ibid, paragraphs 2 and 6.

33 Ibid, paragraph 2.

and any subsidiary bodies” and “approve a programme and budget for its activities, including those of its subsidiary bodies, and undertake necessary arrangements for their financing”.

24. Under this grant of authority the Conference of the Parties at its fifth session, in 2001, established by decision 1/COP.5 the Committee for the Review of the Implementation of the Convention with the mandate to assist the Conference in regularly reviewing the implementation of the Convention. The Committee’s rules of procedure are set out in the annex to decision 1/COP/5.³⁴

25. Other conventions, like the Desertification Convention, provide for the establishment of certain subsidiary bodies by the terms of the conventions themselves while giving their governing bodies the authority to create additional subsidiary bodies as needed. Thus the **Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade**, adopted in 1998, provides in article 18 for the establishment at the first meeting of the Conference of the Parties of the Chemical Review Committee, with the mandate to make recommendations to the Conference on whether particular chemicals should be made subject to the Convention. The members of the Committee are appointed by the Conference of the Parties. In that regard, the Convention provides that “membership of the Committee shall consist of a limited number of government-designated experts in chemicals management” and that the members “shall be appointed on the basis of equitable geographical distribution, including ensuring a balance between developed and developing Parties”.

26. In addition to the Chemical Review Committee paragraph 5 (a) of article 18 envisages the establishment of subsidiary bodies by the Conference of Parties as the Conference “considers necessary for the implementation of the Convention” The rules of procedure for the Conference of the Parties contain specific provisions concerning subsidiary bodies in chapter VII, which apply to the Chemical Review Committee and any other subsidiary organs established thereunder.³⁵ The rules of procedure define the term “subsidiary body” (rule 2, paragraph 8) to include the Chemical Review Committee and any other body established pursuant to paragraph 5 (a) of article 18 of the Convention.

27. The **Stockholm Convention on Persistent Organic Pollutants**, adopted in 2001, is similar in structure to the Rotterdam Convention. Analogously to the latter, it mandates, in article 19, that the Conference of Parties establish at its first meeting a subsidiary body to be called the “Persistent Organic Pollutants Review Committee”, whose purpose it is to make recommendations to the Conference of the Parties on whether to make additional chemicals subject to the Convention. Article 19 specifies the composition and organization of the Committee. It provides that members of the shall be government-designated experts in chemical assessment or management appointed by the Conference of the Parties on the basis of equitable geographical distribution.”

28. Again like the Rotterdam Convention the Stockholm Convention provides, in addition to the Persistent Organic Pollutants Review Committee, for the establishment by the Conference of the Parties of “such subsidiary bodies as it considers necessary for the implementation of the Convention”. The Rules of procedure as adopted by the Conference of the Parties at its first meeting³⁶ govern the establishment and conduct of subsidiary bodies, including the Review Committee (rules 26–31). They furthermore offer a definition of “subsidiary body” (rule 2 (h)) which encompasses the Persistent Organic Pollutants Review Committee as well as any other body established pursuant to paragraph 5 (a) of article 19.

29. Under this general authority to create subsidiary bodies the Conference of the Parties at its first meeting established a working group on legal and organizational issues. That group was created for the duration of the first session to work on matters referred to it by the Conference and to prepare draft decisions on those matters for consideration during the ministerial-level segment; the group was also asked to provide advice on legal drafting issues and, time permitting, to prepare draft decisions on matters entrusted to the Committee of the Whole.³⁷ Moreover, in its decision SC-1/14 on non-compliance, adopted at its first meeting, the Conference of the Parties decided to convene an

34 Report of the Conference of the Parties to the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, part two (ICCD/COP(5)/11/add.1), decision 1/COP.5.

35 Report of the first meeting of the Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (UNEP/FAO/RC/COP.1/33), annex I, decision RC-1/1.

36 Report of the Conference of the Parties of the Stockholm Convention on the work of its first meeting (UNEP/POP/COP.1/SC-1/31), annex I, decision SC-1/1.

37 Ibid, paragraph 17.

open-ended ad hoc working group to consider procedures and institutional mechanisms on non-compliance under article 17 of the Convention.

30. In addition to the above, the Conference of the Parties has to date established two expert groups with differing composition. At its first meeting, the Conference established an expert group on best available techniques and best environmental practices with the mandate to complete tasks relevant to article 5 of the Convention, as specified in the terms of reference adopted by the Conference.³⁸ Being technical in nature, as prescribed in the terms of reference, the membership of the expert group is to be based on ensuring fair geographical distribution among all United Nations regions and to “build on the expertise and experience of the previous expert group established by the intergovernmental Negotiation Committee for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants at its sixth session”. Its 42 members are government-designated experts appointed by the Conference of the Parties (the terms of reference offer recommended qualifications in this regard). The group is co-chaired by two of its members.

31. At its second meeting the Conference created an “expert group for assessment” in the context of the “elaborated process for the reporting, assessment and evaluation of the continued use of DDT for disease vector control”.³⁹ The mandate of this DDT expert group is to “evaluate the information collected from individual Parties and other sources and submit conclusions and recommendations made on these to the Conference of the Parties through the Secretariat”. Specific areas which the expert group is asked to address are outlined in decision SC-2/2. In contrast to the expert group on best available techniques and best environmental practices, members of the expert group for assessment are not appointed through a nomination procedure of the Conference of the Parties. Rather, the 15 experts (maximum) are “identified by the Secretariat, WHO and the Chemicals Branch of the UNEP Division of Technology, Industry and Economics” and are to include “experts from each United Nations region and selected Parties that are currently using DDT for disease vector control”.⁴⁰

32. In connection with the conventions and subsidiary bodies the secretariat notes that an **ad hoc joint working group** has been established with the mandate to prepare joint recommendations on enhanced cooperation and coordination among the Basel, Rotterdam and Stockholm conventions for submission to the conferences of the Parties of all three conventions. The working group was established on the basis of decision SC-2/15 of the Conference of the Parties to the Stockholm Convention, decision RC-3/8 adopted by the Conference of the Parties to the Rotterdam Convention and decision VIII/8 of the Conference of the Parties to the Basel Convention. The composition of the ad hoc working group is governed by the decisions referred to, according to which each of the Conferences, through their respective Bureaus, nominated fifteen representatives, *i.e.*, three representatives of Parties from each of the five United Nations regions, to participate in the group.

33. In conclusion, it should be added that the governing bodies of multilateral environment agreements normally establish contact groups, drafting committees, budget committees and similar bodies to undertake work and advance negotiations on particular issues during the meetings of such governing bodies. Following standard practice within the United Nations, these are not specifically referred to in the conventions or in the rules of procedure.

B. Example of an advisory body under a multilateral agreement

34. The **United Nations Educational, Scientific and Cultural Organization’s Convention on the Protection of the Underwater Cultural Heritage**, adopted in 2001, intends to enable States better to protect their underwater heritage. Article 23 of the Convention, which establishes the Meeting of the States Parties as the governing body of the Convention, provides that the Meeting may establish a “Scientific and Technical Advisory Board composed of experts nominated by the States Parties with due regard to the principle of equitable geographical distribution and the desirability of a gender balance.” The mandate of the Advisory Board is to “appropriately assist the Meeting of the States Parties in questions of a scientific or technical nature regarding the implementation of the Rules”.

38 Ibid, decision SC-1/19.

39 Report of the Conference of the Parties of the Stockholm Convention on Persistent Organic Pollutants on the work of its second meeting (UNEP/POPS/COP.2/30), annex I, decision SC-2/2.

40 Ibid, decision SC-2/2, annex, paragraph 4.

C. Examples of advisory bodies established by United Nations organs

35. The **Advisory Board of the Trade and Development Board of the United Nations Conference on Trade and Development (UNCTAD)**, the latter being a subsidiary organ of the General Assembly established in 1964,⁴¹ was created by the Trade and Development Board in 2000.⁴² The mandate of the Advisory Board is to advise the Secretary-General of UNCTAD. The Advisory Board was not established as a subsidiary organ of the Trade and Development Board and does not form part of the intergovernmental structure of UNCTAD. The Board is composed of 15 members, appointed among representatives of States members of UNCTAD. The members of the Board act in their personal capacities.

36. The **Human Rights Council Advisory Committee** was established as a subsidiary body of the Human Rights Council. It is composed of individual experts elected by the Council upon nomination.

III. Analysis

37. The selective overview of subsidiary and advisory bodies above indicates the existence of a wide range of nomenclature and mechanisms available for the delegation of tasks by a parent organ to a subsidiary body. The terminology used to denominate such a body does not, as such, offer substantive indications for purposes of distinguishing the nature and functions of one body from another. Rather, those derive from the terms of reference of the body, which are usually adopted by the parent organ. With the exception of the UNCTAD Trade and Development Board, all advisory bodies referred to above were established as subsidiary bodies of their respective parent organs.

38. The secretariat observes that two broad categories can be distinguished when reviewing the practice with regard to the establishment of subsidiary bodies: those that are created in the context of and for a particular meeting or conference and those that are established as standing bodies. While the terminology will to some extent overlap (e.g., ad hoc committees or working groups), the extent to which the respective institutional foundations are formalized will differ. Whereas a working group will typically be established on the basis of a formal and explicit decision by the parent organ, which in most cases will include specific terms of reference for the subsidiary body, an ad hoc committee will often be a relatively informal instrument of a particular meeting for which a formalized decision-making process will not be required. Similarly, the mandates of the respective bodies will differ in that ad hoc working groups and the like will primarily be established on a short-term basis for the accomplishment of tasks that are specific to a particular meeting. Bodies for which the parent organ is adopting specific terms of references, by contrast, will display an institutional basis and face broader tasks which go beyond the purview of a particular meeting.

39. The secretariat furthermore observes that provisions on subsidiary bodies contained in the rules of procedures referred to in the overview do not include bureaus. In fact, rules of procedures would typically separate the provisions governing the bureau from those of subsidiary bodies and place them under the heading of "officers".

40. With regard to the composition of subsidiary bodies, three different models can be distinguished: first, bodies that reflect the same membership as the parent organ (e.g., open-ended working groups); second, those that consist of a limited membership to be determined by the parent organ from within (e.g., specific committees the members of which are represented in the parent organ); and finally, bodies that comprise independent experts external to the composition of the parent organ (e.g., advisory committees that are composed of individual experts nominated and elected by members of the parent organ). The third model would be the norm where particular technical expertise is required, such as in the case of several subsidiary bodies under multilateral environmental agreements. Based on the overview presented, it would appear that any model which would not reflect the membership of the parent organ would require specific terms of reference and a formalized institutional foundation.

41. Finally, the survey of practice corroborates that the evolution of subsidiary bodies will largely depend on specific needs identified at a specific time. The needs will ultimately determine the format and mandate of subsidiary bodies, whether they are established on an ad hoc or institutional basis;

41 United Nations General Assembly Resolution 1995 (XIX) of 30 December 1964.

42 Agreed conclusions 466 (XLVII), 20 October 2000 (establishing an advisory board in accordance with paragraph 166 of the Bangkok Plan of Action).

whether they reflect open-ended, governmental membership or are of a purely technical nature and hence comprise independent experts acting in an advisory function.

42. In determining the possible need for subsidiary bodies the International Conference on Chemicals Management may wish first to reach an understanding as to the nature and magnitude of intersessional work that may be required and the participation needed for such work to be carried out. The Conference may also wish to take into account the financial implications of establishing subsidiary bodies and alternative mechanisms. Some approximate costs are provided in annex I to the present note. The secretariat notes that in considering any cost implications, additional tasks and servicing requirements to be met by the secretariat should be factored in. Based on these considerations, the Conference may wish to consider the following options:

- (a) Expansion of the mandate of regional meetings to engage in intersessional work, which would entail no or limited cost implications;
- (b) Establishment of an extended bureau to engage in intersessional work, with additional (limited) cost implications;
- (c) Establishment of a subsidiary body, whether with an advisory function or otherwise. The cost implications will vary depending on how many members the body has and how often it meets. The more members it has and the more often it meets the more it will cost;
- (d) Establishment of an open-ended working group to engage in intersessional work, with considerable cost implications;
- (e) Finally, a combination of the above, with substantial cost implications.

Annex I

Indicative cost estimates for meetings

A. Estimated cost for a two-day Bureau meeting (English only):

<i>Meeting Items</i>	<i>Cost in United States dollars</i>
Participants travel for 10 participants (\$2,000 each)	20 000
Participants Geneva DSA (\$365 per day for 4 days, 10 participants)	14 600
Total	24 000

Note: The number of bureau members to be funded is estimated at 10. The estimate is without prejudice to any decision the Conference may take in this regard.

B. Estimated cost for a three-day working group meeting (English only)

<i>Options/Items</i>	<i>OPTION A</i>
Language	English only
Participants travel for 25 participants (\$2,000 each)	50 000
Participants Geneva DSA (\$365 per day for 5 days, 25 participants)	45 625
Translation of report	4 000
Total	99 625

Notes: Medium-sized group often comprising bureau members and regional representatives of stakeholders.

C. Estimated cost for a four-day meeting of an open-ended legal and technical working group or similar group (all languages, with travel funding for all eligible Governments and selected non-governmental organizations)

<i>Options/Items</i>	<i>OPTION B</i>
Participants travel for 158 government participants and 10 NGO participants (\$2,000 each)	336 000
Participants Geneva DSA (\$365 per day, 168 participants)	367 920
Conference services i.e., preparatory work, documents processing, report writing and typing, conference-services staff time, etc.	125 000
Interpretation ⁴³	84 000
Technician	12 000
Total	924 920

Notes: Full funding - 1 funded participant from 158 eligible countries including 1 representative each from 10 non-governmental organizations worldwide (168 participants to be funded). Interpretation in the six official United Nations languages and most meeting and information documents to be available and translated in the same languages. If held back-to-back with an international meeting of relevance to SAICM, there could be cost savings provided the participants overlapped.

D. Estimated cost for a series of regional meetings

<i>Regions</i>	<i>Cost in United States dollars</i>
Africa (English-French translation)	220 000
Asia-Pacific (English only)	140 000
Central and Eastern Europe (English-Russian translation)	70 000
Latin American and Caribbean (English-Spanish translation)	150 000
Western Europe and Others Group, i.e., EU-JUSSCANNZ (English only)	20 000
Total	600 000

Notes: Estimates are based on the costs of the last round of SAICM regional meetings.

43 Translation costs may be shared with a meeting if held back to back.