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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

Items 7 (c) and 7 (d) of the provisional agenda*

**Implementation of the decisions adopted by the
Conference of the Parties at its eight meeting:
Nairobi Declaration on the environmentally sound management
of electrical and electronic waste and decision VIII/2:
Partnership Programme**

**Report of the Interim Group on the Partnership for Action on
Computing Equipment**

Note by the Secretariat

1. The purpose of this note is to inform Parties on recent activities undertaken to structure the partnership on the environmentally sound management of used and end-of-life computing equipment, referred to as the Partnership for Action on Computing Equipment (PACE). It also contains the scope of the partnership, working principles and activities (Annex I), the proposed declaration of commitment by industry members and the proposed declaration of commitment by non-governmental members (Annex II), proposed working structure (Annex III), terms of reference for the PACE (Annex IV) and list of members of the Interim Group on PACE (Annex V).
2. Further information on the partnership is contained in document UNEP/CHW.9/13.

I. Introduction

3. Computing equipment, in particular personal computers, have been instrumental in improving public access to information and services, contributing to both future progress and the demand for such technology simultaneously. The manufacture of electronic equipment, in particular computing equipment, is one of the world's fastest growing industries today. It has become a demand driven market with consumers demanding faster and equipment with more functionalities.

* UNEP/CHW.9/1.

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4. Worldwide shipments of personal computers totaled 271.2 million units in 2007 (see table 1), according to results by Gartner, Inc., with these figures are still rising¹. This high growth of computing equipment production also brings the social, health and environmental challenge of the proper management of used and end-of-life equipment. Due to the pace of technological development, large quantities of this computing equipment become obsolete. It is the management of end-of-life computing equipment that is a problematic waste issue in many countries, as significant quantities are not being managed in an efficient or environmentally sound manner.

Table 1
Preliminary Worldwide PC Vendor Unit Shipment Estimates for 2007 (Thousands of Units)

Company	2007 Shipments	2007 Market Share (%)	2006 Shipments	2006 Market Share (%)	2007-2006 Growth (%)
Hewlett-Packard	49,434	18.2	38,037	15.9	30.0
Dell Inc.	38,709	14.3	38,050	15.9	1.7
Acer	24,257	8.9	18,252	7.6	32.9
Lenovo	20,131	7.4	16,652	7.0	20.9
Toshiba	10,932	4.0	9,198	3.8	18.9
Others	127,717	47.1	119,022	49.8	7.3
Total	271,180	100.0	239,211	100.0	13.4

Note: Data includes desk-based PCs, mobile PCs and X86 servers.

Source: Gartner (January 2008)

5. The technology and skills do exist to secure proper management of such used and end-of-life computing equipment and, indeed, much of this computing equipment has a high economic value due to the valuable materials that can be recovered. Used computing equipment and its components can often be reused directly or after it has been refurbished or repaired. Those units that cannot be reused can go to environmentally sound material recovery/recycling facilities that can reclaim plastics and precious metals to manufacture new products. At the same time, end-of-life computing equipment does contain certain toxic substances and one should bear in mind the risks to human health and the environment if these are not recovered and managed in an environmentally sound manner.

II. Background

6. At the sixth meeting the Conference of the Parties in December of 2002, as a follow up to the high-level ministerial roundtable discussion, Parties acknowledged the importance of environmentally sound management of hazardous wastes, including end-of-life computing equipment. They emphasized the need for concrete actions to be taken by all stakeholders in order to ensure waste computing equipment is diverted from unsustainable waste management operations towards facilities that can recover/recycle valuable materials, and minimize any potential adverse environmental effects.

7. The Ministerial Statement on Partnerships for the seventh meeting of the Conference of the Parties in 2004² emphasizes the value of Partnerships for meeting the Global Waste Challenge. In particular the Statement affirms that:

- Parties in close cooperation with their existing and new partners need to work together to endeavour to reduce the generation of hazardous waste, including to reduce the quantity of hazardous and other wastes going to final disposal;
- The momentum gained in implementing the Basel Declaration on Environmentally Sound Management and the Strategic Plan for the Implementation of the Basel Convention must not be lost;
- More efforts, through working in cooperation between partners, should be devoted to building sustainable partnerships between Parties and all stakeholders, networking among Parties and Basel Convention regional centres for information exchange and information

¹ Gartner (January 2008), www.gartner.com, Gartner, Inc. (NYSE: IT).

² Pages 99-100 of document UNEP/CHW.7/33.

clearing house functions, and strengthening national capacities to segregate hazardous wastes;

- Building partnerships for meeting the global waste challenge will contribute to the implementation of Agenda 21 and the Johannesburg Plan of Implementation, and partnerships will bring benefits for all;
- A partnership approach should be adopted when dealing with priority waste streams, such as, *inter alia*, electrical and electronic wastes.

8. The Nairobi Declaration on the environmentally sound management of electrical and electronic waste³, adopted at the eighth meeting of the Conference of the Parties in 2006, emphasised specific support for strategic public-private partnerships for e-waste and these partnerships are an important instrument for improving the environmentally sound management of e-waste worldwide. The economic and social opportunities that recycling and recovery of used and end-of-life computing equipment could bring were also recognised by Parties and stakeholders in this Declaration.

III. Partnership for Action on Computing Equipment (PACE)

9. By its decision VIII/5, the Conference of the Parties approved the 2007-2008 work plan for the Partnership Programme. The work plan contained a task of establishing of a global partnership on used and end-of-life computing equipment.

10. Following decision OEWG-VI/22, the Secretariat of the Basel Convention initiated a process to facilitate the establishment of an interim group on PACE, tasked with setting up the partnership among industry, governments, international organisations and civil society to address the environmentally sound management of used and end-of-life computing equipment. A list of members of the Interim Group is contained in Annex V of the present document.

11. The Interim Group was requested to seek a balanced and diverse partnership with special expertise and sustainable financial support, and looks for commitment by partners towards PACE, with aims to include:

- Developing technical guidelines for proper repair, refurbishing and recycling;
- Promoting the effectiveness of a certification scheme for environmentally sound repair, refurbishing and recycling facilities;
- Promoting the diversion of end-of-life personal computers from land disposal and open burning into environmentally sound commercial material recovery operations;
- Promoting sustainable development in developing countries through the continued use, repair and refurbishment of used personal computers;
- Providing a forum to share information and raise awareness of concerns.

12. PACE activities will include demonstration pilot projects in order to assist developing countries in assessing the current situation of used and end of life computing equipment in their countries, and to achieve the Convention's objectives. PACE will provide a forum for governments, industry leaders, international organisations and non-governmental organisations to work together to improve the current management of used and end-of-life computing equipment through the development of global refurbishment and recycling guidelines on the environmentally sound management of computing equipment. It will also offer training, expert advice, guidance, networking and confidence building, and create sustainable commercial practices with economic and environmental benefits to all participants, in particular those in developing countries and countries with economies in transition.

A. Outcomes

13. Through a series of teleconferences and one physical meeting, the Interim Group has set out a work plan, terms of reference and an organizational structure for PACE for the Partnership. These are contained in Annex I, Annex III and Annex IV of this document. In developing the proposed work plan for PACE, the Interim Group further agreed upon the mission statement, scope of coverage, working principles, and four general activities for the partnership, which are contained in document UNEP/CHW.9/13.

³ Annex IV (pages 108-109) of document UNEP/CHW.8/16.

14. The mission of PACE agreed upon by the Interim Group is:

To increase environmentally sound management of used and end-of-life computing equipment, taking into account social responsibility, the concept of sustainable development and promoting information sharing on life cycle thinking.

15. Through a sub-group of members, the Interim Group developed a model sustainable funding mechanism for the Partnership, encompassing prospective funding needs. Partnership funding needs were categorised into four areas: 1) operational costs; 2) participation by developing countries and non-governmental organisations; 3) projects agreed to by the partnership and 4) funding for additional projects initiated by partners. The proposal is to have a mixture of funding mechanisms – including modest membership fees, voluntary and in-kind contributions..

16. In anticipation of the establishment of the partnership through a decision on PACE by the ninth meeting of the Conference of the Parties, it is proposed that a working group on PACE would be established which will be responsible for reviewing the four general activities and developing a more specific work plan with detailed project descriptions and project schedules. The draft terms of reference for the PACE Working Group will also need to be finalised, taking into account that the Terms of Reference were agreed upon by the Interim Group. These Terms of Reference are contained in Annex IV to the present document. As part of its on-going consultations, the Secretariat will continue to promote PACE, encourage other stakeholders to join the partnership, and formalize the declarations of commitment. It is further anticipated that the PACE Working Group, through the Secretariat, will make its first progress report on what has been achieved to the seventh session of the Basel Convention's Open-ended Working Group in 2009.

Annex I

Partnership for Action on Computing Equipment (PACE)

Scope

The scope of the partnership will cover: Personal Computers (PCs) and associated displays, printers and peripherals⁴

Working Principles

In addition, the group reviewed the working principles presented in the document UNEP/SBC/PACE/2, and agreed to the following three working principles:

1. Promote dialogue amongst governments, industries, NGOs and academia on initiatives that could be carried out in different UN regions.
2. Seek innovative solutions, showing concrete and practical results consistent with the Basel Convention, and make recommendations.
3. Coordination and cooperation, as appropriate, with other bodies involved in e-waste activities.

Activities

A set of activities have been identified that would assist, in particular developing countries and countries with economies in transition, to manage used and end-of life computing equipment in an environmentally sound manner:

- Develop tools (inter alia guidelines) and activities on environmentally sound refurbishment/repair, including criteria for testing, certification, and labelling.
- Develop tools (inter alia guidelines) and activities on environmentally sound recycling and material recovery, including facility certification.
- Develop and promote pilot schemes for environmentally sound management of used and end-of-life computing equipment towards the achievement of the Millennium Development Goals found in the UN Millennium Declaration of 2000.
- Develop awareness raising and training programme activities.

⁴ Personal desk top computers, including the central processing unit and all other parts contained in the computer. Personal notebook and laptop computers, including the docking station, central processing unit and all other parts contained in the computer. Computer monitors, including the following types of computer monitor:(a) cathode ray tube;(b) liquid crystal display;(c) plasma⁴.Computer keyboards, mouse, and cables. Personal computer printers:(a) including the following types of computer printer:(i) dot matrix;(ii) ink jet; (iii) laser;(iv) thermal; and (b) including any computer printer with scanning or facsimile capabilities, or both.

Annex II

PARTNERSHIP FOR ACTION ON COMPUTING EQUIPMENT¹

PROPOSED DECLARATION OF COMMITMENT BY INDUSTRY MEMBERS^{1 bis}

On the occasion of the ninth meeting of the Conference of the Parties to the Basel Convention and having regard to the Basel Declaration on Environmentally Sound Management and the Nairobi Declaration on the environmentally sound management of electrical and electronic waste,

We, the industry members of the Partnership for Action on Computing Equipment,

Recognizing that we have a role to play, in partnership with the Secretariat of the Basel Convention, in increasing the environmentally sound management of used and end-of-life computing equipment, *taking into account social responsibility, the concept of sustainable development and promoting information sharing of life cycle thinking*; and

Having regard to the Guidelines on Cooperation between the United Nations and the Business Community, which encourage business partners to advance and adhere to the principles of the United Nations Secretary-General's Global Compact.

Declare our intention to:

Contribute towards meeting the goals and objectives of the Basel Convention, the Basel Declaration on Environmentally Sound Management and the Nairobi Declaration on the environmentally sound management of electrical and electronic waste;

Promote the Environmentally Sound Management of used and end-of-life computing equipment with the aim of protecting human health and the environment;

Promote dialogue amongst governments, industry organisations, international organisations, non-governmental organisations, academia and Basel Convention Regional and Coordinating Centres for Capacity Building and Technology Transfer on initiatives that could be carried out in different United Nations regions;

Seek innovative solutions, showing concrete and practical results consistent with the Basel Convention;

Coordinate and cooperate, as appropriate, with other bodies and organisations involved in e-waste activities;

Enter into a sustainable partnership with the Basel Convention in cooperation with other stakeholders⁵ to develop and promote the environmentally sound management of used and end-of-life computing equipment;

Participate in the Working Group and Project Group(s) of the Partnership, including the aforementioned stakeholders as appropriate, whose purpose is to act as a forum for information sharing; initiate, propose or undertake activities or projects for a work programme and to undertake the following activities:

- Develop tools (inter alia guidelines) and activities on environmentally sound refurbishment/repair, including criteria for testing, certification, and labelling.
- Develop tools (inter alia guidelines) and activities on environmentally sound recycling and material recovery, including facility certification.

¹ Partnership is to be understood in the context of the Basel Declaration. It is cooperation between different stakeholders (private and public) to work together towards a common goal; it has no legal implication.

^{1 bis} **This document is the subject of further consultations and may be modified prior to signature**

⁵ Such as a Party or Signatory to the Basel Convention, international organisation, industry organisation, non-governmental organisation, academic institution, Basel Convention Regional and Coordinating Centre for Capacity Building and Technology Transfer.

- Develop and promote pilot schemes for environmentally sound management of used and end-of-life computing equipment towards the achievement of the Millennium Development Goals found in the UN Millennium Declaration of 2000.
- Develop an awareness raising and training programme activities.

To this end we will play an active role in developing and implementing the 2008-2010 work plan of the Partnership for Action on Computing Equipment with other stakeholders and join in the effort to take appropriate actions to achieve environmentally sound management of end-of-life and used computing equipment.

PROPOSED DECLARATION OF COMMITMENT BY NON- GOVERNMENTAL MEMBERS⁶

On the occasion of the ninth meeting of the Conference of the Parties to the Basel Convention and having regard to the Basel Declaration on Environmentally Sound Management and the Nairobi Declaration on the environmentally sound management of electrical and electronic waste,

We, the non-governmental members of the Partnership for Action on Computing Equipment,

Recognizing that we have a role to play, in partnership with the Secretariat of the Basel Convention, in increasing the environmentally sound management of used and end-of-life computing equipment, *taking into account social responsibility, the concept of sustainable development and promoting information sharing of life cycle thinking.*

Declare our intention to:

Contribute towards meeting the goals and objectives of the Basel Convention, the Basel Declaration on Environmentally Sound Management and the Nairobi Declaration on the environmentally sound management of electrical and electronic waste;

Promote the Environmentally Sound Management of used and end-of-life computing equipment with the aim of protecting human health and the environment;

Promote dialogue amongst governments, industry organisations, international organisations, non-governmental organisations, academia and Basel Convention Regional and Coordinating Centres for Capacity Building and Technology Transfer on initiatives that could be carried out in different United Nations regions;

Seek innovative solutions, showing concrete and practical results consistent with the Basel Convention;

Coordinate and cooperate, as appropriate, with other bodies and organisations involved in e-waste activities;

Enter into a sustainable partnership with the Basel Convention in cooperation with other stakeholders⁷ to develop and promote the environmentally sound management of used and end-of-life computing equipment;

Participate in the Working Group and Project Group(s) of the Partnership, including the aforementioned stakeholders as appropriate, whose purpose is to act as a forum for information sharing; initiate, propose or undertake activities or projects for a work programme and to undertake the following activities:

- Develop tools (inter alia guidelines) and activities on environmentally sound refurbishment/repair, including criteria for testing, certification, and labelling.
- Develop tools (inter alia guidelines) and activities on environmentally sound recycling and material recovery, including facility certification.
- Develop and promote pilot schemes for environmentally sound management of used and end-of-life computing equipment towards the achievement of the Millennium Development Goals found in the UN Millennium Declaration of 2000.
- Develop an awareness raising and training programme activities.

To this end we will play an active role in developing and implementing the 2008-2010 work plan of the Partnership for Action on Computing Equipment with other stakeholders and join in the effort to take appropriate actions to achieve environmentally sound management of end-of-life and used computing equipment.

⁶ This document is the subject of further consultations and may be modified prior to signature

⁷ Such as a Party or Signatory to the Basel Convention, international organisation, industry organisation, non-governmental organisation, academic institution, Basel Convention Regional and Coordinating Centre for Capacity Building and Technology Transfer.

Annex III

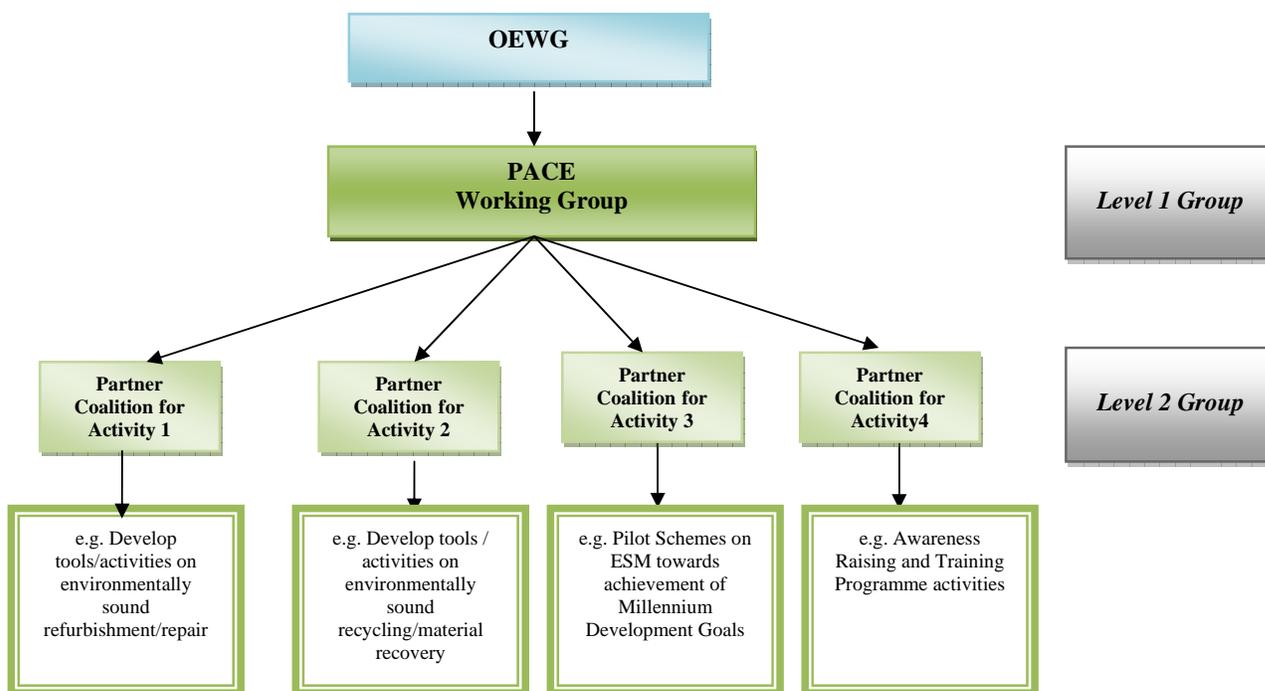
Proposed Working Structure

Level 1

- Membership Open to: Parties, Industry, International Organizations, NGOs and academia
- Headed by a Chair, a Vice Chair or two Co-chairs
- Bureau of Advisory Group of [x].
- It is a Forum for information sharing, it can initiate or propose activities or projects, seek funding and in-kind resources in the furtherance of PACE, provide oversight over awareness raising, outreach and coordination of level 2 activities.

Level 2

- Membership is open to members of Level 1 group and any new members interested in a specific activity only⁸ that are substantively interested in the particular activity.
- Undertakes priority activities as proposed by Level 1 group.
- Selects its own chair to conduct meetings, teleconferences.
- Reports to Level 1 Group.



⁸ New members at level 2 would have to provide a financial contribution

Annex IV

Terms of Reference for the Partnership for Action on Computing Equipment

Partners of the Partnership for Action on Computing Equipment (PACE)

Recalling decision VI/32 adopted by the sixth meeting of the Conference of the Parties to the Basel Convention inviting Parties, Signatories and other governments to promote partnership with industry and business sectors and non-governmental organisations,

Recalling decision VII/3 adopted by the seventh meeting of the Conference of the Parties to the Basel Convention which adopted the 2005-2006 work plan for the Basel Convention Partnership Programme and the General Principles for the Partnership Programme, as restated herein,

Further recalling decision VIII/2 adopted by the eighth meeting of the Conference of the Parties to the Basel Convention, which strongly encouraged Parties to develop further strategic partnerships targeting e-waste, [and decision [IX/xx] adopted by the ninth meeting of the Conference of the Parties to the Basel Convention which established the Partnership for Action on Computing Equipment on [xxxx] June 2008,]

Further recalling Resolution 56/76 adopted by the United Nation General Assembly which stressed that principles and approaches that govern global partnerships should be built on the firm foundation of United Nations purposes and principles, as set out in the Charter, and invites the United Nations system to continue to adhere to a common approach to partnerships which, without imposing undue rigidity in partnership agreements, includes the following principles: common purpose, transparency, bestowing no unfair advantages upon any partner of the United Nations, mutual benefit and mutual respect, accountability, respect for the modalities of the United Nations, striving for balanced representation of relevant partners from developed and developing countries and countries with economies in transition, and not compromising the independence and neutrality of the United Nations system in general and the agencies in particular,

Bearing in mind the Guidelines on Cooperation between the United Nations and the Business Community, issued by the Secretary-General of the United Nations on 17 July 2000, and the Ten Principles of the Global Compact, in particular Principles 7, 8 and 9 on the Environment,

Recognising that the Partnership for Action on Computing Equipment shall be a non-bureaucratic, open and voluntary initiative which shall serve as a complement to instruments of regulation at national, regional and international levels,

Adopts the terms of reference for the Partnership for Action on Computing Equipment (herein after referred to as 'the Partnership') as follows

Mandate

1. By its decision VIII/2 adopted at its eighth meeting, the Conference of the Parties to the Basel Convention mandated the Open-ended Working Group to develop a work plan on the environmentally sound management of e-waste. Decision VIII/2 strongly encouraged Parties to develop further strategic partnerships targeting e-waste. Decision VIII/5 of the Conference of the Parties further adopted the work plan of the Basel Convention Partnership Programme for 2007-2008, and confirmed the importance of electrical and electronic wastes as a Strategic Plan Focus area and the engagement of civil society is a priority of the Partnership Programme. This decision also initiated work towards this global partnership on used and end-of-life computing equipment.
2. The Partnership cannot create or abrogate rights or responsibilities of Parties under the Basel Convention. Partners in the Partnership acknowledge that the Basel Convention is the main global instrument for guiding the environmentally sound management of hazardous e-waste and its provisions need to be fully respected. Neither decisions nor actions of the Partnership can deviate from or abrogate the provisions of the Basel Convention.
3. The Partnership operates under the guidance of the Open-ended Working Group and the authority of the Conference of the Parties to the Basel Convention.

Mission Statement

4. To increase environmentally sound management of end-of-life computing equipment, taking into account social responsibility, the concept of sustainable development and promoting information sharing on life-cycle thinking.

Working Principles

5. Promote dialogue amongst governments, industries, non-governmental organizations and academia on initiatives that could be carried out in different UN regions.
6. Seek innovative solutions, showing concrete and practical results consistent with the Basel Convention, and make recommendations.
7. Coordinate and cooperate, as appropriate, with other bodies involved in e-waste activities.

Scope

8. By its decision IX/xx, the Conference of the Parties of the Basel Convention stated that the scope of the Partnership for Action on Computing Equipment (PACE) is to be defined as below:

“The scope of the partnership will cover: Personal Computers (PCs) and associated displays, printers and peripherals.”⁹”

Duration

9. The Partnership shall be dissolved upon completion of its activities under the 2009-2010 Work Plan provided in Annex 1 to the present Terms of Reference or upon the Tenth Conference of the Parties, unless by a consensus vote, partners of the Partnership agree to extend the Partnership. The Partnership may be terminated at any time prior to completion of the 2009-2010 Work Plan by consensus vote of the partners of the Partnership or by a decision of the Conference of the Parties of the Basel Convention.
9. bis The Partnership commitment shall terminate upon completion of the 2009-2010 Work Plan provided in Annex 1 to or upon the Tenth Conference of the Parties. Some or all of the Parties may extend the Partnership. The Partnership may be terminated at any time prior to completion of the 2009-2010 Work Plan by consensus vote of the partners of the Partnership or by a decision of the Conference of the Parties of the Basel Convention.

Organisation

10. The Partnership shall be organized into two levels as follows:
 Level One - Working Group
 Level Two - Project Groups.

Working Group

11. The Working Group of the Partnership shall be a forum for information sharing.
12. The duties of the Working Group are outlined in Annex 2.
13. The Working Group shall operate under the guidance of the Open-ended Working Group of the Basel Convention.
14. The duties of the Working Group are enumerated in greater detail in Annex 2 to the present Terms of Reference.

⁹ This shall include Personal desk top computers, including the central processing unit and all other parts contained in the computer. Personal notebook and laptop computers, including the docking station, central processing unit and all other parts contained in the computer. Computer monitors, including the following types of computer monitor:(a) cathode ray tube;(b) liquid crystal display;(c) plasma⁹.Computer keyboards, mouse, and cables. Personal computer printers:(a) including the following types of computer printer:(i) dot matrix;(ii) ink jet; (iii) laser;(iv) thermal; and (b) including any computer printer with scanning or facsimile capabilities, or both.

A. Membership

15. Membership of the Working Group of the Partnership is open to any Party or Signatory to the Basel Convention, international organization, industry organization, non-governmental organization, academic institution, Basel Convention Regional and Coordinating Centre for Capacity Building and Technology Transfer which satisfies the following criteria:
- a. Demonstrated commitment to the principles, practice and promulgation of the concept of environmentally sound management;
 - b. Demonstrated commitment to engage in meaningful and constructive dialogue and cooperation with other partners, the Parties and signatories to the Basel Convention, Basel Convention regional centres, and the Secretariat of the Basel Convention (herein after referred to as 'the Secretariat');
 - c. Demonstrated expertise or standing in the subject of the particular project or initiative;
 - d. Demonstrated disposition to be proactive, collaborative, and solution-oriented with respect to the Partnership mission;
 - e. Demonstrated networking capacity¹⁰ and commitment to follow the procedures and practices provided in the present Terms of Reference, including in particular those related to confidentiality.

15 bis Partners will seek to achieve a Working Group membership that includes a diversity and balance of stakeholders and geographic regions.

16. The participation of partners will at all times be voluntary.

17. Representatives of partners of the Partnership participate solely in their official capacity.

18. Admission and suspension of membership to the Partnership shall be subject to review by the Working Group. Any entity wishing to be admitted to the Partnership shall formally communicate this to the Secretariat, stating how the applicant has met the membership criteria under the present Terms of Reference, for onward transmittal to, and consideration by, the Working Group.

Any objections by the partners to an application for membership shall be communicated to the Partnership for its decision.

19. All partners of the Partnership shall have equal status, rights and responsibilities within the Partnership.

20. Government partners of the Partnership shall be represented by an official from a Ministry or agency which is concerned with the subject matter of the Partnership.

B. Officers

21. The Working Group of the Partnership shall elect Co-Chairs and such other Officers as it deems necessary. Industry, developing countries and countries with economies in transition will be encouraged to assume leadership roles.

22. The Officers' responsibilities shall include:

- i. Conduct meetings of the Working Group;
- ii. Coordinate the Working Group's activities;
- iii. Liaise between the Working Group and the Project Groups, and, if required, the Secretariat;
- iv. Assist the Working Group in their responsibilities if required;
- v. [Assist in the recruitment of new partners].

23. If an Officer resigns or is otherwise unable to complete his or her term of office or to perform his or her functions, the Working Group of the Partnership shall consider the need to elect a replacement to serve for the remainder of the mandate.

C. Meetings of the Working Group of the Partnership

24. Partners will meet at least twice a calendar year. Meetings may be in person, by conference call or by any other means, including electronically.

¹⁰ As per Decision VII/3 of the seventh meeting of the Conference of the Parties and its Annex

25. Meetings of the Partnership shall be closed, unless the Partnership decides otherwise. Any partner may, however, invite non-partners to Partnership meetings for specific purposes, such as providing expert guidance, subject to the approval of the Co-Chairs in consultation with the Partners
26. Admitted non-partners must agree to rules of procedure and confidentiality of the Partnership before being allowed to attend the meetings.

Project Groups

27. Project Groups of the Partnership, their structure and Terms of Membership shall be established by the Working Group of the Partnership as necessary and undertake activities as assigned.
28. Project Groups shall follow the decision-making procedures outlined in the section entitled “Decision-Making” of the present Terms of Reference.
29. Project Groups shall report regularly to the Working Group, through the Project Group Chair.
30. Once a Project Group has completed the objective assigned to it by and reported to the Working Group, the Project Group shall be dissolved, unless decided otherwise by decision of the Working Group.

Secretariat

31. The Secretariat of the Basel Convention shall be the Secretariat of the Partnership.
32. The functions of the Secretariat shall be to facilitate the Partnership’s activities as necessary, in accordance with the relevant provisions of Article 16 of the Basel Convention on the Control of the Transboundary Movements of Hazardous Wastes and relevant decisions adopted by the Conference of the Parties.

Decision-making

33. Decisions on all matters shall be made by consensus.
34. Decisions taken by the Partnership shall only be effective as between the partners. Any decision taken under the Partnership cannot create or abrogate rights or responsibilities of Parties under the Basel Convention.
35. In the event of any disagreement or conflict between the partners, the conflicts procedure as set out in paragraph 50 below shall apply.

Confidentiality

36. The Chatham House Rule shall apply to all activities under the Partnership, including meetings and inter-sessional correspondence. The Chatham House Rule states that participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant may be revealed.
37. The obligation of confidentiality set out herein shall subsist for all partners beyond the duration of their membership to the Partnership.

Public Information

38. Information released on behalf of the Partnership shall be agreed to by all partners. Such information shall be released through the Secretariat of the Basel Convention.

Financing Mechanism

39. The Officers shall develop an annual budget and work-plan, based on the available resources and mandate provided by the Conference of the Parties to the Basel Convention, and shall submit the draft budget and work-plan to the Working Group of the Partnership for approval.
40. Upon approving the budget, the Partnership shall agree to an equitable division of contributions to meet the budgetary requirements of the Partnership for that year.
41. Contributions from partners shall be paid promptly and, at the latest, four months from the date of approval of the budget by the partners.

42. The funds for the Partnership shall be held on trust for the Partnership in the Basel Convention Trust Fund. The Officers and the Secretariat shall liaise to provide a financial report in relation to these funds at the second ordinary meeting of the Partnership each year.
43. [On the date of commencement of their membership of the Partnership, each partner shall enter into a Memorandum of Understanding with the Secretariat, acting on behalf of the Conference of the Parties, detailing their financial obligations to the Partnership. Amendments to the Memorandum shall become effective only by agreement of both parties.]

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Publications and Logos

44. For documents that are produced by the Partnership, but which will not be approved or adopted by the Conference of the Parties to the Basel Convention, or the Open-ended Working Group as directed by the Conference of the Parties, the following shall apply:
 - i. The Basel Convention logo shall be placed on the front cover,
 - ii. Partnership specific graphics can be used as part of the design of the front cover, and
 - iii. Names and logos of partners shall appear under a list of acknowledgements on the inside cover.
45. For documents that are produced by the Partnership, but which will be approved or adopted by the Conference of the Parties to the Basel Convention, or the Open-ended Working Group as directed by the Conference of the Parties, the following shall apply:
 - i. The logos of the Basel Convention, United Nations Environment Programme and United Nations shall be placed on the front cover,
 - ii. Partnership specific graphics can be used as part of the design of the front cover, and
 - iii. Names and logos of partners shall appear under a list of acknowledgements on the inside cover.
46. Partners shall not use the names or logos of the Basel Convention, United Nations Environment Programme and the United Nations in their own publication without the prior written authorization of each of those organizations in relation to each specific use.

Legal Liability

47. Neither the Partnership nor any of the partners shall be held liable for any direct, incidental, consequential, indirect or punitive damages arising out of any activity, policy, and or other action undertaken by any party, including partners, in the context of the Partnership and its functioning.
48. The United Nations, the United Nations Environment Programme, the Conference of the Parties to the Basel Convention and the Secretariat of the Basel Convention shall not be responsible for dealing with any legal action, claim or other demand arising from or attributable to the operation of this Partnership, or the activities implemented thereunder.
49. Nothing under the Partnership shall be deemed a waiver of any privileges and immunities of the United Nations.

Conflict Resolution / Arbitration

50. In the event of a conflict, dispute or difference that arises between partners, which is not covered under the present Terms of Reference, the following process shall be followed:
 - i. Partners with grievances shall submit their respective grievances to the Officers.
 - ii. The Officers shall discuss the situation with the complainant partner and the aggrieved partner, and then come to a decision regarding the conflict. If resolution is not achieved, the voting mechanism under the Basel Rules of Procedure¹² will be invoked as a way to resolve the conflict.
 - iii. In order to continue membership with the Partnership, the partners concerned shall comply with the decision arrived at by the Officers using the above-mentioned procedure.

¹¹ This will be discussed further once the small working group of the Interim Group on PACE presents its conclusions.

¹² Rules 39 – 51 of the Rules of Procedure of the Basel Convention

Overriding Authority of the Conference of the Parties to the Basel Convention

51. The Conference of the Parties to the Basel Convention shall have overriding authority over all activities under the Partnership.
52. In the event of ambiguity in the present Terms of Reference, the Rules of Procedure of the Basel Convention shall apply.

Annex 1

WORK PLAN 2009-2010

A set of activities have been identified that would assist, in particular developing countries and countries with economies in transition, to manage the used and end-of-life computing equipment in an environmentally sound manner:

1. Develop tools (inter alia guidelines) and activities on environmentally sound refurbishment/repair, including criteria for testing, certification and labelling;
2. Develop tools (inter alia guidelines) and activities on environmentally sound recycling and material recovery, including facility certification;
3. Develop and promote pilot schemes for environmentally sound management of used and end-of-life computing equipment towards the achievement of the Millennium Development Goals;
4. Develop awareness raising and training programme activities.

Annex 2

DUTIES OF THE WORKING GROUP TO PACE

The Working Group shall oversee the execution of the 2009-2010 Work Plan for PACE and take the lead in awareness raising, outreach, coordination and resource mobilization in relation to activities undertaken by the Project Groups of PACE;

Other such activities as agreed by consensus of the Partnership and approved by the Conference of the Parties or the Open-ended Working Group of the Basel Convention.

The Officers of the Working Group of the Partnership for Action on Computing Equipment shall be responsible for and liaise with the Secretariat of the Basel Convention to fulfil the following duties:

Administration

- Develop an annual work plan to be [presented / proposed] to the Partnership for its approval;
- Ensuring timely implementation of the work plan adopted by the Partnership;
- Coordinate activities within the Partnership, in particular between the Project Groups and the Working Group;
- Liaise with the Secretariat in relation to the functions carried out by the Secretariat to facilitate the activities of the Partnership.

Membership

- Receive and consider requests for membership of the Partnership, as communicated to the Secretariat;
- Review membership of the Partnership for the purpose of making recommendations to the Working Group of the Partnership;
- Transmit any objections or recommendations relating to requests for membership to the Working Group of the Partnership.

Financial

- Prepare appropriate and sustainable financing mechanism proposals for the Partnership;
- Liaise with the Secretariat to provide financial reports on the Partnership funds retained in the Basel Convention Trust Fund and prepare an annual budget for the Partnership;
- Liaise with the Secretariat to conclude Memoranda of Understanding with all partners on entry to the Partnership.

Annex V

List of members of the Interim Group on PACE

MEMBERS OF THE INTERIM GROUP ON THE PARTNERSHIP FOR ACTION ON COMPUTING EQUIPMENT

Country

Australia	Ms. Emily HARRIS Mr. Damien HALL
Canada	Ms. Josée LANCTOT
Chile	Mr. Osvaldo ALVAREZ
European Commission	Mr. Kurt VAN DER HERTEN
Germany	Mr. Joachim WUTTKE
Japan	Ms. Fuyumi NAITO Mr. Michikazu KOJIMA Mr. Takahiro HASEGAWA Mr. Atsushi TERAZONO Ms. Aya YOSHIDA Mr. Junya KIKUHARA (Consultant from EX Corporation)
Kenya	Mr. Francis Njuguna KIHUMBA
Mexico	Mr. José María LORENZO ALONSO
Norway	Mr. Ole THOMAS THOMASSEN
Republic of Korea	Mr. David CHUNG
Switzerland	Mr. Marco BULETTI
United Kingdom of Great Britain and Northern Ireland	Mr. Andrew HOWARTH
United States of America	Mr. Robert TONETTI

Industry

Bureau of International Recycling (BIR)	Mr. Ross BARTLEY
International Precious Metals Institute (IPMI)	Mr. John BULLOCK
Institute of Scrap Recycling Industries (ISRI)	Mr. Eric HARRIS
Information Technology Industry Council (ITIC)	Mr. Paul HAGEN
Information Technology Industry Council (ITIC)	Mr. Rick GOSS

NGO and Civil Society

Basel Action Network	Mr. Jim PUCKETT
Basel Convention Regional Centre (Egypt)	Doctor Said DAHROUG
Basel Convention Regional Centre (Nigeria)	Professor Oladele OSIBANJO
Institute of Environment and Resource (IER)	Ms. Wen-Ling CHIU
United Nations University	Mr. Ruediger KUEHR

Secretariat of the Basel Convention

SBC	Ms. Claudia FENEROL
SBC	Ms. Yvonne EWANG-SANVINCENTI
SBC (Consultant)	Mr. John MYSLICKI