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Lessons Learned from the MPPI and Benefits of Future Private-Public Partnerships in the Framework of the Basel Convention



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Lessons Learned from the MPPI and Benefits of Future Private-Public Partnerships in the Framework of the Basel Convention

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On behalf of the Federal Environment Agency (Germany)

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wunden werden kann und wie sie der Öffentlichkeit vermittelt werden kann. Sie beschreibt das Beispiel einer Partnerschaft im Rahmen des Basler Übereinkommens – die Moblitelefonpartnerschaftsinitiative (MPPI), ihre Durchführung, Organisation, ihre Herausforderungen und Lösungen. Im Weiteren identifiziert sie die Vorteile der MPPI für Länder, Konsumenten, Mobiltelefonhersteller und internationale Organisationen. Ebenso werden Informationen über grundsätzliche Vorteile einer ÖPP und Erfahrungen aus MPPI geliefert. Abschließende Anmerkungen und Empfehlungen zu Partnerschaften – aufbauend auf den Erfahrungen aus MPPI – die bei Einrichtung einer ÖPP berücksichtigt werden sollten, runden die Studie ab.

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1.0 Executive Summary

This report is about lessons learned from the Mobile Phone Partnership Initiative (MPPI), and provides a basis for any future public-private partnerships in the framework of international agreements, such as the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. It is intended to provide some guidance for governmental authorities and international organizations, interested in setting up public-private partnerships.

Different sections of the report describe different but important issues that one should be aware of when setting up and running a public-private partnership with multi stakeholder participation. It provides a general background information on partnerships; provides reasons why different organizations and individual countries are looking towards public-private partnerships to deliver on their international and domestic obligations; challenges faced in engaging different stakeholders starting with governments, industry, environmental organizations, and civil society; how each partner plays its role in any public-private partnership, some of which can be overcome by the way the partnership is established and how it is explained to the public; provides an example of a partnership that was established under the Basel Convention - Mobile Phone Partnership Initiative (MPPI), its operation, organization, challenges, and solutions; identifies benefits of MPPI to individual countries, consumers, mobile phone manufacturers, international organizations; provides information on general benefits as a result of public-private partnerships; provides lesson learned from the MPPI; provides concluding remarks on partnerships; and finally provides recommendations to be considered when setting up multi-stakeholder partnerships based on experience gained from the MPPI. It should be noted that it is very important to recognize that in order for public-private partnership to succeed a strong leadership is required to provide a strategic policy direction and to ensure that all approved activities are conducted on schedule. This fact is to be supported by sustainable financing of activities under the partnership, and of any pilot projects that may have been set up under the partnership.

2.0 Background/Introduction

In the early 80s there were a number of incidents that brought the transboundary movement of hazardous waste to the attention of UNEP's Governing Council, which eventually let to the adoption of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. The convention came into force in May of 1992, after 20th ratification, and became to be known as the Basel Convention.

During the process of negotiating the Basel Convention it became clear that working separately, often with competing agenda, too often lead to the development of a 'blame culture' in which opinions of some stakeholders or neglect of views of others was regarded sometimes as someone else's fault (whether business, the government, or the environmental community). A great deal of time was wasted to sort out these differences and to arrive at acceptable proposals.

To overcome these differences in opinion and different proposals it was evident that groups with different interests should try to work together in some partnership to identify common initiatives that would lead towards common goals under the Basel Convention, which could be widely accepted and implemented by all stakeholders. However, these stakeholders felt that in order to do that they should be engaged in their development from the beginning, and have an opportunity to influence its outcome.

Over the last 10 years or so, there have been some changes in the understanding of the role of government, the capacity of the private sector, environmental organizations, and civil society to address and implement on the ground solutions to deal with environmentally sound management of wastes. Shifts in the mindset of different stakeholders are progressively provided more fertile ground for such partnerships. They recognised that they can achieve their individual goals more effectively through working together rather than by working alone.

Partnerships are therefore essentially a mechanism designed to deliver effective, integrated and sustainable solutions to cultural, educational, social, economic and / or environmental challenges by building collaborative approaches. While the term 'partnership' can be used to describe many types of relationship, the "Partnering Initiative" specifically describes a formal working relationship between stakeholders from different sectors of society (business, government, environmental organizations, and civil society). Partnership is a cross-sector collaboration in which stakeholders work together in a transparent, equitable and mutually beneficial way. They agree to commit resources, share the risks as well as the benefits to work together towards a sustainable common goal.

3.0 Why Partnerships are Needed

The Principle 10 of the 1992 Rio Declaration can best reflect the need for new ideas and new approaches to tackle environmental issues. It says that: "environmental issues are best handled with the participation of all concerned citizens at the relevant level"

Based on the past experience under the Basel Convention it became evident that working in partnership could be at times difficult and finding necessary funds to support various new activities under the Basel Convention would be even a bigger challenge. Nevertheless, it became clear that new approaches are needed if we are to take the Basel Convention from being too marginalized and serving interests of view. One need only to ask what improvements in the waste management area have been made in developing countries in the last 15 years, since the Convention came into force, and what could have been done if all stakeholders were working in some partnership toward a common goal to promote environmentally sound management, capacity building, and promoting know-how.

Some countries have recognized that implementation of environmentally sound waste management strategy should include a collective actions of local communities, industry, business organizations, institutions, environmental and other non-governmental organizations, civil society, and governments. Increasingly, governments recognize the value and importance of participation by civil society in some partnership and in developing environmentally sound policies. Governments are responding to industries and public's desire to be included in decision-making processes on matters that affect them and started to establish partnerships with the following objectives:

- to enhance and strengthen the knowledge and participation of stakeholders, including industry, environmental organizations, civil society to promote awareness on environmentally sound management of wastes;
- to share experiences and best practices with respect to involvement in environmental decision making, in particular as it applies to environmentally sound management of wastes;
- to facilitate access to current information on non-governmental and governmental public participation initiatives;
- to work towards more effective participation in protecting the environment within the context of sustainable development; and
- to develop sustainable trust and acceptance between different stakeholders.

In the last few years some limited partnership initiatives have proven to be a successful when governments make a commitment to put in place an effective consultation with all stakeholders interested in the issue. One such initiative was the Mobile Phone Partnership Initiative (MPPI) established at the sixth meeting of the Conference of Parties (COP 6) in 2002. Parties adopted decisions calling upon different stakeholders to get involved in concrete activities to support the goals and objectives of the Basel Convention, in particular the Ministerial Declaration on Environmentally Sound Management. It requested the Secretariat of the Basel Convention to develop a work program, in consultation with the Open-Ended Working Group (OEWG), on environmentally sound management of

used and end-of-life mobile. It also identified the need to involve all stakeholders from different regions and recognized the importance of the Regional Training Centers as being a vehicle to promote such partnerships at a local level.

In addition to MPPI other examples of multi-stakeholder partnerships within UNEP have been initiated to deliver its programmes. In February 2003, the Governing Council, at its 22nd session, adopted a decision agreeing to develop a strategic approach to international chemical management (SAICM). It called upon a process to be followed that is open, transparent and inclusive providing all stakeholders with an opportunity to participate. The SAICM meeting itself, in adopting rules of procedure for their future deliberations, has recognized the importance of the environmental non-governmental organizations and private sector participation and adopted rules that would allow them to participate in the SAICM process on a level playing field with governments.

One should not question what international organizations or governments can do for partnerships but what different stakeholders together can contribute to the achievement of global environmental goals established by governments or international organizations. In order to do that, partnerships must be result oriented and created to meet objectives that no single stakeholder is able to achieve on their own. In any partnerships, organizations such as the Secretariat of the Basel Convention (SBC) or United Nations Environment Programme (UNEP) should play a relevant and valuable role as a 'convener', 'facilitator' or 'sponsor' rather than as a 'partner'. Depending on the task and goals at hand, it may have a direct or hands-off, operational or convening, central, high profile or behind-the scenes role to play. A core challenge in setting up partnerships is to seek models and processes that bring diverse stakeholders together, while allowing them to maintain their power base and meet their individual interests in a casual setting with outcomes which can be described as being voluntary in nature.

Some stakeholders believe that a specific problem can only be solved in a joint effort through some form of partnership. In such situations, governments can foster progress by proactively providing dialogue forums and support for pilot projects which demonstrate that cooperation among various stakeholders, having different interests, is beneficial to all participants and that trust among partners can be built up.

Because of voluntary character of partnerships, multi-stakeholder initiatives by stakeholders committed to finding sustainable solutions for specific social and environmental problems may pave the way towards a common environmental goal. Sometimes a two-track strategy of voluntary partnerships on the one hand, and multilateral agreements where solutions go beyond voluntary approaches on the other, might turn out to be a new way of international cooperation.

4.0 Partnership Examples-Mobile Phone Partnership Initiative - Operation, Organization, Difficulties and Solutions

In 2002, the Secretariat of the Basel Convention (SBC), with the support from the Government of Switzerland, launched a partnership initiative with the mobile phone manufacturers and other stakeholders (telecom operators, refurbishers, recyclers and environmental organizations) the Mobile Phone Partnership Initiative (MPPI). It was launched in December of 2002 during COP 6, when 10 mobile phone manufacturers signed a Declaration entering into sustainable partnership with the Basel Convention and in cooperation with other stakeholders, to develop and promote the environmentally sound management of end-of-life mobile phones. The text of their declaration is shown in Annex A.

Mobile phones were selected for this first multi-stakeholder partnership due to the fact that:

- Mobile phones represent a electronic technology, which many people can relate to;
- The technology has a global application;
- Recently, the recovery of such waste electronic and electrical equipment has become a highly topical issue;
- A relatively limited number of manufacturers are involved in the associated global production.

To direct the work under the MPPI, the Mobile Phone Working Group (MPWG) was established with participation by Parties and Signatories to the Basel Convention, mobile phone manufacturers, and environmental non-governmental organizations (NGOs). The MPWG was chaired by a member, elected by the Group, and assisted by the Secretariat of the Basel Convention (SBC). This initiative, which started with manufacturers, was slowly expanded to include other stakeholders (telecom operators and their associations, recyclers, and refurbishers) as projects were developed. As appropriate, other stakeholders, such as: other UN bodies, academia, Basel Convention Regional Centers (BCRCs), and consumers were invited by the MPWG to join or otherwise participate actively in the work of the MPPI. It should be recognized that although most of the mobile phone manufacturers are competitors in their business, they agreed to work together towards a common goal of ensuring that used and end-of-life mobile phones are being managed in an environmentally sound manner. In addition to mobile phone manufacturers, three telecom operators joined the partnership as full members, and signed a declaration during the fourth meeting of the Basel Convention's Open-ended Working Group (OEWG) in July

of 2005. Furthermore, a number of observers have joined the MPWG and various project groups. The initiative was strongly supported by the Executive Director of United Nations Environment Programme (UNEP) and SBC.

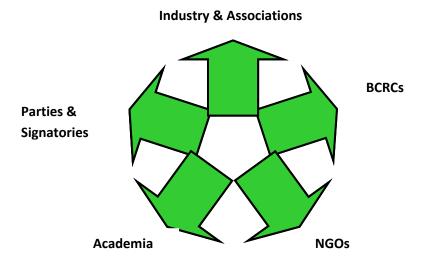


Figure 1: Partners in MPPI

The MPWG became the operational body to the OEWG on the environmentally sound management of used and end-of-life mobile phones. In March of 2003 the WPWG met in Geneva and developed its work program for 2003-2004 (shown in Annex B), its Terms of Reference (shown in Annex C) and submitted them to the OEWG for approval at its June 2003 meeting, where it was adopted.

The MPPI work program entrenched the objectives of the Basel Convention in the area of the environmentally sound management of used and end-of-life mobile phones. In particular, the work program was developed to:

- Achieve better product stewardship;
- Influence consumer behaviour towards more environmentally friendly actions;
- Promote the best refurbishing/recycling/disposal options;
- Mobilise political and institutional support for environmentally sound management;
- Raise awareness on environmentally sound management of used and end-of-life mobile phones;
- Implement Extended Producer Responsibility (EPR);

- Put Waste Electrical and Electronic Equipment (WEEE) on the political agenda;
- Result in an initiative that could be replicated to build new public/private partnerships for the environmentally sound management of hazardous and other waste streams.

The MPPI became Basel Convention's primary mechanism for advising Parties and Signatories on issues associated with environmentally sound management of used and end-of-life mobile phones.

As the work program was being implemented a number of project groups were established with broader stakeholder participation. The work programme of the MPPI consisted of 4 projects dealing with: reuse of used mobile phones after refurbishment/repair, collection and transboundary movement of used mobile phones, material recovery and recycling of end-of-life mobile phones, and awareness raising on design considerations. These project groups were as follows:

4.1 Project Group 1.1 – Refurbishment/Repair of Used Mobile Phones

The objective was to produce a guideline on environmentally sound refurbishment/repair of used mobile phones for re-use, and was geared to: refurbishment facilities, any organization that is involved in buying or selling refurbished mobile phones, repair facilities, environment and other regulatory agencies and authorities, environment and community groups, telecom operators, manufacturers, consumers of refurbished mobile phones, and distributors of mobile phones. It offers advice and guidance on the following areas:

- Guidance applicable to refurbishment facilities product handling and refurbishment.
- Management of components and materials removed from end-of-life wireless devices, including administrative measures.
- Guidance for mobile phone / mobile devices product handling and refurbishment.
- Remarketing of refurbished mobile devices.

The guideline was adopted by the MPWG, which encourages companies refurbishing used mobile devices, to implement practices in an environmentally sound manner, thereby protecting human health and the environment. Furthermore, it facilitates a process whereby products re-entering the market comply with applicable technical performance standards and applicable regulatory requirements.

4.2 Project Group 2.1 - Collection and Transboundary Movement

There were two objectives for this project group: to produce a guideline on environmentally sound collection of used and end-of-life mobile phones, and to produce a guideline on transboundary movement of collected mobile phones, more specifically:

Objective 1: To provide guidance on best practice for setting up collection schemes for end-of-life mobile phones to be refurbished or recycled; and

Objective 2: To provide guidance on implementation of control systems for transboundary movement of collected mobile phones destined for refurbishment and reuse and end-of-life mobile phones destined for recovery and recycling.

The guideline on the collection of used mobile phones, which was adopted by the MPWG, should raise awareness on this issue, and are intended to encourage countries to set-up collection schemes that best suit their need so that most of, if not all, end-of-life mobile phones are being collected and diverted from municipal landfills. Finally, the guideline on collection of used mobile phones should provide the basis for setting up pilot projects of different collection and treatment. The second guideline on the transboundary movement of collected mobile phones, which was also adopted by the MPWG, provides assistance to regulatory agencies and authorities, manufacturers, telecom operators, repair/refurbishment and recycling facilities that are involved in transboundary movement of used and end-of-life mobile phones.

It should be noted that during discussions of the transboundary movement of collected used and end-of-life mobile phones within the project group 2.1 views differed on how and when the Basel Convention should apply to the transboundary movement of used mobile phones destined for reuse after repair, refurbishment or upgrading in the importing country, and end-of-life mobile phones destined for material recovery and recycling. During these deliberations a number of issues came up which could be considered by Parties to the Basel Convention. To address these issues a number of options have been identified, ranging from improving the implementation of controls under the Basel Convention; to clarifying classification of some of the current waste listings; and streamlining some of the controls (notification procedures, shipments from non Annex VII countries to Annex VII countries). These issues were consolidated in the chairman's paper as there was no consensus on many of these issues. The chairman's paper is mentioned as item #4 in Section 11 of this report.

4.3 Project Group 3.1 - Material Recovery and Recycling of end-of-life Mobile Phones

The objective was to produce a guideline on environmentally sound material recovery and recycling of end-of-life mobile phones and to identify the state of the art recycling tech-

nologies, and to give recommendations for future development and investment in recycling infrastructure.

Regarding the scope of the project, the group decided to address the recycling process beginning at the point when the used mobile phones have been sorted and a decision was made to send the end-of-life mobile phones for material recovery and recycling. The group addressed the processing, recycling and/or disposal of all components of mobile phones, including the phone, the charging station, accessories and batteries.

This guideline, which was adopted by the MPWG, addresses the adequacy of the present material recovery and recycling infrastructure and its capacity for handling the increasing number of mobile phones that will become obsolete and will be directed to material recovery and recycling rather than landfill, incineration or some form of other improper disposal. It also includes recommendations to national authorities regarding programs and policies that can be implemented to ensure that material recovery and recycling of end-of-life mobile phones is conducted in an environmentally sound, as well as economically efficient, manner.

4.4 Project group 4.1A - Awareness Raising-Design Considerations

The objective was to produce a guideline on awareness raising on design considerations which would provide information to consumers to assure them that the way the current mobile phones are designed they do not pose any effects on health of consumers. Secondly, it is to recommend design features for new mobile phones that would facilitate their extended use and improve their end-of-life recycling and material recovery with economic efficiency and minimal environmental impact.

This guideline, which was adopted by the MPWG, examines end-of-life impacts, and how design changes might reduce them and enhance end-of-life management options; describes the evolution of design changes since the introduction of modern mobile telephony in the 1980s; describes current forces driving environmental design changes, substance restrictions and bans such as the European Union's Directives on the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (RoHS) and Waste from Electrical and Electronic Equipment (WEEE); and concludes with an exploration of still further possibilities of environmental design improvements, and challenges the mobile phone manufacturers to implement them.

4.5 Overall Guidance Document

In addition to these five technical guidelines, developed under MPPI, an overall Guidance Document on Environmentally Sound Management of Used and End-of-Life Mobile Phones was prepared. This Guidance Document summarizes the information contained in

all five technical guidelines, which includes executive summaries and recommendations. Other than Section 4 (dealing with transboundary movement of collected mobile phones), which was provisionally adopted, the Guidance Document was adopted by the ninth Conference of the Parties, to the Basel Convention held in Bali, Indonesia, 23-27 June, 2008.

Section 4 of the overall Guidance Document contains the contentious issue that arose within the project group 2.1. The crucial issue was the transboundary movement of used mobile phones destined for repair, refurbishment or upgrading and transboundary movement of already refurbished mobile phones for reuse. This issue underwent extensive discussions as different stakeholders presented different points of view on the applicability of the legally binding Basel Convention's provisions on transboundary movements of used goods. A great effort was made reaching to different stakeholders in order to find a compromise position reflected in the technical guideline on collected mobile phones. At the end two options were identified without providing any recommendations. It is now up to individual countries to decide which option to implement. The type of transboundary movement procedure to be applied depends on the condition of the collected mobile phones after evaluation and/or testing and labelling and after determination what is and what is not covered under the Basel Convention, as "wastes" under the Article 2.1 of the Convention. This compromise position, together with the chairman's paper on issues raised during the discussion of the Guideline on Transboundary Movement of Collected Mobile Phones, was presented to COP 9 for consideration by Parties.

4.6 Experiences from testing guidelines

As part of the second phase of the MPPI, the mobile industry partners made a commitment to test the four technical guidelines (guideline on the refurbishment of used mobile phones, guideline on material recovery and recycling of end-of-life mobile phones, guideline on awareness raising - design considerations, and guideline on the collection of used and end-of-life mobile phones) in a facility type environment, to see if any changes are required to recommendations that are contained in these guidelines.

A number of telecom operators, who are involved in the collection of used and end-of-life mobile phones; original equipment manufacturers; refurbishers; and recyclers participated in these evaluation studies and provided recommendation on required changes to respective guidelines. Most of the suggested changes were to the recommendation section in the guidelines and were not significant in nature. These changes, which were reflected in the revised guidelines, were approved by the MPWG and issued as final guidelines (dated March 25, 2009).

It should be noted that the evaluation of the use/implementation of these approved guidelines by stakeholders in developed or developing countries was not conducted as part of this study. This evaluation could be carried out in two years after these revised technical guidelines were approved. All guidelines were approved in March of 2009 and such evaluation could be carried out in 2011.

5.0 Consultation with Stakeholders

Partnerships vary according to the stakeholders/partners involved. Although there are some principles that stakeholders should follow when engaging in partnerships, a willingness to engage in consultations fairly and transparently in the interests of everyone involved. Unlike the public sector, the private sector is more able to take risks, while at times it can be difficult to work with, in particular with governments who have always regulatory approach in mind.

Therefore, it is crucial for all stakeholders to be as open and transparent as possible about every aspect of the planned public-private partnership where collaboration, motivations, capacity to deliver, success factors, time commitment and leadership support are very important. In consultations with different stakeholders it became obvious that the most important consideration for a successful partnership is the importance of upholding the principles of equity, transparency, and mutual benefit when engaging in public-private partnerships with multi stakeholder participation. It should be recognized that each stakeholder brings to the partnership a different set of values, priorities, resources and competencies that can be brought together to achieve a common vision. The notion of multistakeholder partnership, however, implies that multiple public and private partners share the benefits and responsibilities of their collaboration. In consultation with different stakeholders the following issues, some of which already mentioned above, were identified as being critical to ensure an effective partnership:

- Openness, transparency and clear communication to build trust and mutual understanding;
- Clarity of roles, responsibilities, goals and "ground rules" and outputs expected;
- Respect for differences in approach, competence, timeframes and objectives of different partners;
- Clear indication of resource needs and contributions expected;
- Commitment of core organizational competencies;

- Strong leadership to provide direction and strategic policy advice;
- Application of the same professional rigour and discipline focused on achieving targets;
- Deliverables, that would come out of the partnership;
- Focus on achieving mutual benefit in a manner that enables partners to meet their own objectives as well as common goals;
- Transparency and provision of regular information and updates for governments and other stakeholders not directly involved in the partnership.

5.1 Challenge to Engage Governments in General

In general, a government body should be the host for public-private partnerships, because governments make policy, and government officials implement policy. There are countries whose governments may not be a conducive host for dialogue with the private sector, due to corruption and other factors that made business unwilling to come to a public sector and speak frankly on environmental issues. In such cases governments must work towards achieving results in order to rebuild some credibility over time and make some commitment to allocate resources for this effort.

It should be recognized that different issues require different government partners, and at different governmental levels (central, regional, local). The government host who strongly believes in public-private partnerships will find ways to allocate substantial resources from its own funds to support this initiative.

The ideal public-private partnership should engage all parts of government affected by the issue at hand. In practice, it may be necessary to begin with a department that has a main responsibility for the issue, and then start to engage other key ministries or agencies. Once key ministries are on site it can then engage other ministries and agencies as projects are more clearly defined. Finally, it should be recognized that different countries and their governments may have different priorities and public-private partnerships may not be high on their priority list. This would impact on the level of participation and level of resource allocation towards such partnerships. Many developing countries and countries with economies in transition, which are interested in partnerships, have limited resources for such consultations and are not always willing to actively participate in global partnerships due to resource implications. To overcome these difficulties there is a challenge to find additional resources to be allocated to developing countries and countries in transition to be able to actively participate in such partnerships.

5.2 Challenge to Engage Industry

It has been an experience that setting up public-private partnerships a number of companies actively engaged in such partnerships remains relatively small. Many industries are selective in the type of partnership they want to be involved in. Any reference in international conventions or agreements to management of hazardous waste or waste in general does not stimulate manufacturing industry to join such partnerships.

There are industries that remain sceptical about benefits of such public-private partnerships, especially when different stakeholders may have a totally different agenda. It was very clear that there always will be the need to demonstrate that partnerships can be an effective solution to challenges while simultaneously bringing benefits to companies, which they can use to promote their corporate responsibility and market their products.

For some industries involvement in public-private partnerships provide an opportunity to share experiences, so that those companies with less environmental protection experience can learn from the experience of others. They can also work with others to raise performance standards and be more active in promoting best practices and learn from such partnerships. Generally industry associations, such as chambers of commerce, who have a large membership, have a broader perspective on the business environment. However, these broad membership associations have less in-depth appreciation of sectoral issues, and have a limited grasp of smaller firm concerns. On the other hand sectoral associations and small businesses tend to have a deeper understanding in certain areas, but their depth can degenerate into tunnel-vision. They are often quite effective in informal dialogue, but their narrow mandate can be a drawback in more formal public-private partnerships.

Industry traditionally can use their influence to support governments in adopting the voluntary recommendations as well as encourage new partnerships with other companies that have similar objectives. However, most companies remain sceptical about the benefits of public—private partnership, whose main objective may not be an economical viability for their companies and would embark on protection of human health and the environment at the expense of economic growth. There continues to be the need to demonstrate that partnerships can be an effective solution to development challenges while simultaneously bringing benefits to companies. They need to realize that management of end-of-life products, they produce, should be carried out in an environmentally sound, as well as in an economically efficient manner.

To assist in convincing industry to participate in public-private partnerships here are some of the rationale that can be used:

(i) Can provide leadership and recognition

Industry can champion and demonstrate the case for public-private partnership with its employees, peers and other leaders through engaging in dialogue and debate and sharing of good practices. It could provide improved business image among regulators, customers and general public who purchase their products. It could improve employee morale when they hear that the company is participating in a partnership that could lead to better protection of public health and the environment.

(ii) Can define what it means for your company

It can identify challenges that create the most strategic opportunities and risks for a particular company's values, and operations, and focus partnership efforts on addressing these challenges.

(iii) Can make it happen

It can leverage core corporate competencies, skills, resources, and business disciplines to support and evaluate partnerships. It can define objectives clearly from the beginning, and be flexible and prepared to adapt to the changing needs of the partnership.

(iv) Can be transparent about it

It can engage actively and openly with peers, other organizations, and other stakeholders to share experiences, remedy mistakes, identify new partnership opportunities, and replicate existing initiatives.

5.3 Challenge to Engage NGOs

At the beginning of any partnership it becomes a challenge to engage environmental non-governmental organizations (NGOs) due to their lack of trust and mutual understanding of the industry that is willing to participate. The distrust/suspicion and lack of mutual understanding or respect are interwoven in most responses when NGOs are approached to join public-private partnership. One example is where NGOs are not able or willing to talk about the 'business case' or 'economic viability' and expect business to 'do good things' because they are worthy things. At times some NGOs don't appreciate profit motive of industry, which can get in the way of practical cooperation. Of course, the reverse is totally true in terms of business understanding what makes NGOs and the public sector 'tick'. That tension is driven by marketplace realities as more and more investment in R&D comes from the private sector which is costly for them. NGOs need to recognize the profit motive of industry, and be ready to participate in public-private partnerships that try to balance environmental and economic interests.

Finally, it is important to engage NGOs at the beginning of any partnership so that they can make their input from the start, and be able to influence establishment of goals and objectives for the partnership they are planning to join.

5.4 Challenge to Engage Developing Countries

Generally, smaller developing countries and countries with economies in transition, will find it more difficult to establish public-private partnerships, or to participate in any globally established partnerships.

Participation by government officials in any public-private partnership is limited due to the fact that after years of poor pay, low capacity and bad management culture have negatively impacted chains of command. In many situations due to the fact that officials have to deal with many issues, there is a lack of expertise on a particular issue on which the partnership is being organized. This is supplemented by the fact that there may be limited manpower and resources to be engaged in public-private partnerships, especially if meetings are outside of the country, or when they have to allocate their own resources to participate in large number of teleconferences or meetings. Furthermore, due to a lack of understanding of these problems results in an inability of participants to contribute effectively to discussions within the partnership.

When public-private partnerships are established in these countries, there seems to be a feeling that many developing countries and countries with economies in transition tend not to trust the private sector to deliver ESM solutions via voluntary approaches, and favour more of a regulatory approach. Some developing countries are concerned that partnerships may undermine the legitimacy of governments as the providers of public goods and guardians of social welfare. Initiatives such as provision of awareness raising activities, training, hosting workshops, and implementing pilot projects that would benefit these countries immediately, may have a positive influence on getting their participation. However, it is a fact that many companies are already investing in developing countries and countries with economies in transition. Authorities in these countries need to recognize this and should find sufficient time to nourish such partnerships.

Even when such additional resources have been found for developing country participation, lack of participation in global partnerships may be due to time differences between different regions to attend teleconferences, frequency of such teleconferences, working language, and quality of telephone connections. There will always be a challenge to satisfy all participants. In addition solutions must be found to address these issues and extra effort should be devoted to translating important documents to native language of participants, which will certainly result in much better participation.

5.5 Challenge to Engage Different Regions

The combination of past historical governance systems in different regions, and remnants of authoritarian rule have often served to create business environments consisting of overly complex legal and regulatory frameworks, overly burdensome business registration, licensing and tax regimes. Governments in many regions of the world due to different cultures and economic situations often do not understand the private sector very well. This failure to understand the private sector has not contributed to constructive dialogues, and any attempt to establish public-private partnership initiatives. Through a combination of historical influences, lack of capacity and lack of incentives, governments tend not to be very adept at listening to the private sector. For its part, the private sector often makes contradictory and unrealistic demands on governments of developing countries and countries with economies in transition. Governments often exhibit considerable resistance to open and transparent systems as they try to preserve their authority, power and hierarchical status. At the same time citizens distrust their governments, especially where there has been a history of dictatorship, political instability or large-scale corruption. These conditions can serve as negative incentives to setting up private-public partnerships that would try to identify some voluntary initiatives and bring all stakeholders closer together in search of common solutions.

Nevertheless, collaboration between the private and public sectors is strongly recommended. It should be recognized that in many regions of the world, in developing countries, private sector is only one part of the business sector, and often not the largest part. State-Owned Enterprises (SOEs) often have a strong voice at all levels of government. As is the case with larger firms, they tend to prefer one-on-one discussions with governments or particular stakeholder rather than in multi stakeholder partnerships. SOEs are rarely active participants in any public-private partnerships where all stakeholders are represented and have an equal voice. Therefore, governments in many developing countries and countries with economies in transition tend to rely on advice from environmental NGOs on ESM policies in isolation rather than getting a balanced informed advice from their private sector, SOEs and NGOs to ensure all views are properly taken into consideration.

6.0 How each Partner Plays its Role & Proposals for Future Good Practices

How each partner plays its role in any public-private partnership depends on a number of factors, some of which can be overcome by the way the partnership is established and how it is explained to them. When setting up a partnership all attempt should be made to overcome negative perceptions associated with business, industry, and other private involvement. Impartiality of content, transparency, co-operative interaction of partners, etc will reassure public and the society at large that the partnership is in the public interests.

Here are some proposals that should be addressed when setting up public-private partnerships, in order to help each partner to actively participate in partnerships, minimizing any confrontations, and identifying ways how each partner should play to work in a constructive manner:

• Consider whether the correct conditions exist for a successful public-private partnership

It is important to establish whether the basic preconditions for such partnership apply. Have previous initiatives by individual stakeholders result in a success? Does the complexity of the issue demand a multi stakeholder approach?

Clear understanding of partners' motives and expectations

It is essential to identify what are motives and expectations of each partner and potential costs and benefits of such a partnership to the public and private partners. It will also require willingness by partners to provide financial and in-kind contributions to the achievement of common goals under such public-private partnership with multi stakeholder participation.

Balanced and Inclusive Stakeholder Participation

Balanced and inclusive stakeholder participation is critical and can be accomplished through a variety of ways. The objective, of course, is to find the "right" stakeholders that have a substantial interest in the issue and willingness to contribute resources and know-how. At the same time it should be recognized that while involvement by all stakeholders is desirable, it also can slow a process down considerably because it is more difficult to satisfy all interest of different stakeholders. However, the greater the inclusivity at the beginning the greater will be the potential for success.

• Clearly articulate goals, transparency and sustainability

At the beginning of any partnership there is a need to establish clear goals, objectives, priority activities, schedules, equitable distribution of costs and benefits, and performance indicators. Furthermore, one needs to establish mechanisms to measure and monitor performance, a process for adjudicating disputes, all of which can be incorporated in the Terms of Reference (TOR).

Agree on the need for and type of a written partnership declaration

The exact shape of the declaration will depend on the projects to be undertaken and the make up of the partnership. Such declaration should identify some of the principles considered above, including objectives, vision, funding, and responsibilities of those that eventually would sign such a declaration.

Should have a strong leadership

Strong leadership is also a key to a successful collaborative process within a public-private partnership and will create an environment on how each partner will play its role. It is important to designate a leader, or chairperson, who will provide strategic policy direction and moral support, secure or help others to secure financial support. This person should be willing to take risks to resolve an impasse in negotiations quickly and definitively. In most situations the partnership should select that leader/chairperson from its membership.

Ensure adequate and appropriate support staff

Staff allocated to work within a partnership should be from an organization that strongly believes in the partnership and is willing to support it. Such support can come from knowledgeable consultants which can be hired to support the partnership. It is also critical to ensure the partnership has the necessary administrative support to prepare and distribute documents quickly and in transparent manner.

• Ensure adequate and sustainable resources

It is important to ensure that at the start of any public-private partnership adequate resources are identified for activities to be carried out, and be sustainable for the duration of these activities. Furthermore, if pilot projects have been established under the partnership these projects should continue to be implemented following the completion of the partnership. That is why sustainable financing of these projects should be encouraged and established during the operation of the partnership.

• Create capacity for stakeholders to understand information

Because not all stakeholders come to a public-private partnership with the same knowledge or experience, it is typical for some stakeholders sometimes to feel left out of the process. This is very common with participants from developing countries and countries with economies in transition. It is important for all stakeholders to have access to adequate information and financial and human resources to help them fully participate. Additional steps should be taken to provide answers to their questions on the conduct of such a partnership. Without this, some stakeholders may conclude they are being mislead or excluded by the other stakeholders from major decisions that are being taken.

Facilitation mechanism may be required

In situations where disagreements amongst stakeholders, who have significantly different perspectives or opinions, could not be resolved internally via some selected advisory group stakeholders, a "third party" facilitator, who has no stake in the issue or debate, can make a significant contribution to helping to resolve an impasse. The key to a facilitator's success is independence and objectivity. A facilitator must be asked to consult jointly and equally with all stakeholders.

7.0 Benefits of Partnerships in General and MPPI

7.1 Benefits of Partnerships in General

It has been mentioned that to set up a public-private partnerships it is a challenge due to the fact that you may have different stakeholders with different agenda and different objectives. Nevertheless, the effort to set up a public-private partnership with multi-stakeholders is a worthy initiative, which can yield a number of benefits, some of which could be characterised as:

Access to knowledge

Drawing upon know-how of various stakeholders, their views on the issue being discussed, and to have a better understanding of how the issue is being seen by different stakeholders.

Access to people

Drawing upon a wider 'pool' of specialists, having a technical expertise and experience of different stakeholders, having access to skills of people assigned to the partnership, and making contacts, and making business connections.

• Human resource development

Enhanced professional skills and competencies are acquired by those who participate in the partnership, and provide an opportunity to improve their knowledge of the issue.

• Reputation, Credibility and International Visibility

It improves reputation and credibility of stakeholders participating in the partnership. It raises international profile for local businesses and organizations and provides for increased international visibility for a particular stakeholder.

• Effectiveness and Efficiency

It creates more appropriate outcome due to multi stakeholder reviews. Furthermore, it achieves reduced (or shared) costs and better delivery systems.

• Networking Benefits

- Benefits gained by a particular stakeholder from information shared through the partnership.
- Gaining increased experience of dealing with international organizations and other stakeholders.
- Opportunity to influence policies of other stakeholders.
- Enhanced knowledge of activities of other stakeholders.
- Establishment of new contacts with other stakeholders (governments, international organizations, NGOs, private sector).
- New business opportunities.
- Sharing implementation of initiatives thus avoiding duplication.
- Networking amongst different stakeholders.

• Developmental Opportunities

- Staff development opportunities.
- Enhanced staff expertise through working with other stakeholders.
- Easier and quicker access to required information.
- Enhanced funding for projects to be initiated.
- Opportunities to identify research needs and opportunity to participate in ongoing activities.
- Confidence building and trust between all involved stakeholders to tackle future problems

7.2 Benefits of MPPI

7.2.1 Benefits to Governments

- Confidence that second-hand (refurbished) phones are of a satisfactory standard with respect to product safety, quality, longevity and environmental performance.
- Confidence that local refurbishers and recyclers, respecting MPPI guidelines, and follow the best recommended practise.
- Confidence that both importers & local reprocessors are aware of the best practise with respect to refurbishment and material recovery and recycling.

- Confidence that exporters and importers (local reprocessors) are aware of the rules and procedures that govern transboundary movements of used and end-of-life mobile phones.
- Training and expert advice is available on environmentally sound refurbishment and material recovery and recycling practices.
- Information is available on different efficient collection schemes and on suggested procedures for transboundary movement of collected mobile phones.

7.2.2 Benefits to Consumers

- Confidence that the new refurbished/second-hand products are of high quality.
- Confidence (esp. for those in developing countries and countries with economies in transition) that the refurbisher who indirectly provided their new refurbished/second-hand product is taking their *Producer Responsibility* obligations seriously.
- Confidence that when they wish to dispose of their used mobile & accessories, that an
 appropriate system is in place to ensure environmentally sound disposal for their unwanted product.

7.2.3. Benefits to Industry (Manufacturers, Telecom Operators, Refurbishers, Reprocessors, and Recyclers)

- Confidence that sub-contractors, handling used mobile phones & accessories, are delivering low-risk products into developing markets that meet acceptable product safety, quality, longevity and environmental standards.
- Increased credibility associated with recovery systems for end-of-life mobile (EOL) phones, that ascribe to the guidelines developed under the MPPI.
- Confidence that they are working in accordance with guidelines that assure their customers of a high calibre service/product.
- A source of information on good practise with respect to regulations and the state-of-the-art technologies for refurbishment, recycling and associated shipment rules.
- Opportunities to gain new knowledge and experience on environmentally sound management of used and end-of-life mobile phones.
- Raised international profile for local businesses and organizations.
- Delivery on Corporate Social and Environmental Responsibility targets.

- Raising mobile phone brand identity internationally when its manufacturer participates in partnerships promoting environmentally sound management.
- Ability to implement MPPI activities at the local level that would be difficult without partnership resources.
- Shared costs in implementing partnership activities and results of the partnership.
- Opportunity for increased market share when consumers in different countries identify products with producer responsibility initiatives.
- Longer term economic benefits from increased involvement with other stakeholders, international organizations, and state officials in developing countries and countries with economies in transition.
- Potential future synergies with other private sector partners.

7.2.4 Benefits to International Organizations that host such a partnership (UNEP)

- Make concrete contribution to the implementation of sustainable development goals, outlined in environmental agreements, such as the Basel Convention.
- Contribute towards the implementation of Agenda 21, and Johannesburg Plan of Implementation.
- Supplements government's initiatives to deliver on goals and objectives under various environmental agreements.
- Promotes cooperative sustainable and transparent working arrangements with different stakeholders.
- Participate in pilot project in different UN regions which could stimulate other public/private partnerships.

8.0 Lesson learned from MPPI and Partnerships in General

8.1 *MPPI*

Parties and Signatories to the Basel Convention, together with mobile phone manufacturers and representatives of network providers have spent much of their time developing work programme, its terms of reference, and participating in various discussions dealing with environmentally sound management of used and end-of-life mobile phones.

At the beginning, the partnership was established with limited number of partners, those that had an important stake in such a partnership and did not wanted to be outdone by their competitors. The mobile phone manufacturers, who were selected as first possible partners, wanted to make sure that their used and end-of-life products do not wind up in facilities that do not operate in an environmentally sound manner. Also, they were concerned that such a global partnership may propose initiatives that could impact on their market share and ability to influence future design of their mobile phones. Following these initial stages of discussions the membership of the MPPI was broadened to more than 30 different stakeholders. In addition to the mobile phone manufacturers it included members from Parties and Signatories to the Basel Convention, BCRCs, telecom operators, and a number of observers from refurbishment and recycling industries, associations, and NGOs. To deliver on its work program the Mobile Phone Working Group (MPWG) was established which in turn set-up four project groups responsible for development of technical guidelines on environmentally sound management of used and end-of-life mobile phones.

It should be recognized that although all these stakeholders jointed the partnership with different agenda in mind, different objectives, five technical guidelines (refurbishment/repair of used mobile phones, collection of used mobile phones, transboundary movement of collected mobile phones, material recovery and recycling of end-of-life mobile hones, and awareness raising on design considerations) were developed by these four project groups. They were then approved by the MPWG, and were disseminated to Parties and Signatories for implementation.

As mentioned previously the MPWG developed an overall Guidance Document on Environmentally Sound Management of Used and End-of-Life Mobile Phones, which incorporates all executive summaries and recommendations taken from five guidelines, and an overall glossary of terms. Other than section 4, the original Guidance Document was adopted by the ninth Conference of the Parties to the Basel Convention held in Bali, Indonesia, 23-27 June, 2008. Finally, a chairman's paper was developed on issues of concern that arose during discussions of the transboundary movement procedures.

In participating in a first public-private partnership dealing with mobile phones under the Basel Convention, valuable lessons can be learned, which can have a direct relevance to any future public-private partnerships. Here is a summary of some of the lesson learned form the MPPI, many of which are similar to those listed in Sections 5 and 6 above:

 At the every beginning it is necessary to achieve a common understanding of complex policy issues among diverse stakeholders to be invited to join the partnership, reflecting the different interests of the participants, in order to create an ownership of products to be developed.

- Developing trust amongst different stakeholders is not always easy. Confidence building among different stakeholders with different agenda is very important and should be done at the beginning. Social, educational and cultural differences influence understanding of participation and modes of communication.
- Need to involve all stakeholders from the beginning of any initiative, so that no one feels being left out from decisions that are being taken especially as these apply to establishing objectives for the partnership.
- Need to establish at the beginning how to maintain a transparent process as far as participation and decision making. This can be reflected in the Terms of Reference (TOR). Roles of different partners, identification of responsibilities, objectives/goals and "ground rules" can be integrated into TOR. Finally it should be recognized that TOR could be modified during the life of the partnership.
- Communication among different stakeholders with different communication skills can lead to participatory manipulation, where individuals with better communication skills and of perceived higher social status can dominate discussions.
- Reaching consensus is not always easy, due to different interest groups with different
 agenda and historical experiences. Sometime the process could become cumbersome
 to reach consensus and approval of reports. Therefore, in setting up public-private
 partnership procedure to deal with problem resolution should be developed in advance
 and incorporated in the TOR.
- It is difficult to engage industry partners in initiatives under any international conventions or agreements that deal with management of hazardous or toxic waste, and more specifically when hazardous waste is part of the title of the convention or agreement.
- It will always be a challenge to market conventions, agreements or regulations on
 waste management to industry partners that are in the business of manufacturing
 products and not in the waste management business. Some see very little linkages
 between the two. Producer responsibilities for whole life cycle management of products are not always accepted as good environmental practice.
- Partnership should start with relatively small group of individual companies who have strong environmental policies and objectives, and then should be expanded to other similar companies, business associations, consumer groups, trade unions, and NGOs.
- There is less interest in developing countries and countries with economies in transition to develop sustainable partnerships where industry is involved. Officials in

those countries tend to rely more on regulatory approaches rather than promoting voluntary partnerships with the private sector.

- When setting up global partnerships, there needs to be a balanced participation from different stakeholders. In addition organizers need to put emphasis on engaging more developing countries and NGOs in its meetings and teleconferences.
- Need to develop well defined work program with clear milestones. The work program should also be flexible, so that activities can be adjusted as you go along.
- Need to allocate adequate budget with sustainable resources at the beginning of any
 particular partnership, resources that can be used to finance various projects,
 administrative support, consultancy, translation, and facilitate participation from
 developing countries and counties with economies in transition in physical meetings
 and teleconferences.
- Getting resources from the private sector to facilitate participation from developing countries, coordination of activities, translation and production of reports is very difficult. Private sector is more receptive to finance well defined pilot projects.
- The implementation of pilot projects in developing countries can run into some difficulties due to competitive nature of some of the industries and their unwillingness to provide resources. Difficult to convince some industry partners to fund pilot projects when such pilot projects would benefit their competitors. Nevertheless, many of these pilot projects should continue after the partnership is terminated, and sustainable resources are necessary for this effort.
- Some times it is difficult to find dedicated and competent officials to chair the working group and project groups that would be established. It is very important to have a strong leadership in providing strategic advice and direction for the partnership. This leadership should be converted towards chairing of various working groups and project group that would be established under the partnership.
- An effective coordination of all activities and project is very important.
- In developing various products the process should take into consideration a step by step approach, allowing those with less knowledge of the issue to make their contribution.
- Provide regular updates on partnership's activities and provide ample time for input and comments on documents distributed.

Meeting and teleconferences should be well planned where agenda and all supporting
documents are disseminated well in advance for active participation. It should be
recognized that participants in the partnership are required to allocate some of their
time to provide technical and policy advice during meetings or teleconferences.

8.2 Partnership in General

In addition to these points learned from the MPPI, there were a number of lessons that could be learned from other public-private partnership with stakeholders from different background and with different agenda. Most of these are not limited to the MPPI but partnerships in general, some of which are outlined in Section 5 and merit their reproduction again:

- Lack of trust and mutual understanding. Distrust/suspicion and lack of mutual understanding of other partner's issues is often leading obstacle to reaching any consensus. As an example some NGOs are not able or willing to talk about the industry issues, interest, business cases, economic viability but thinking that business is 'evil' because of the profit motive, this can get in the way of practical cooperation. Of course, the reverse is true in terms of some business are not willing to understand what is the environmental and social agenda of NGOs and the public sector.
- Lack of clarity and communication. The lack of clearly defined or communicated goals, roles and responsibilities is seen as another important obstacle. This lack of clarity can lead to differing analysis of what each partner can, or should, bring to the table.
- Lack of skills and competencies. The lack of necessary skill sets and competencies ranging from technical and managerial to behavioural and attitudinal could have an impact on effectiveness of a partnership.
- **Proper context.** The context in which the partnership operates is critical. If the environment (political, social, and economic) is not conducive to support and nourish a particular partnership, it has little chance of success.
- **Different** *modus operandi*. Linked to lack of mutual understanding is the fact that there are often "culture clashes" due to different methods of working, different accountabilities, and divergent objectives.
- **Different timeframes.** There are always frustrations by different partners when operating on different timeframes. For example, industry tends to be slow to move up to the point that it has made a decision and then it wants quick action and delivery. NGOs on the other hand tend to be incredibly keen and/or demanding and then seem

to be slow to deliver. The governments are often quick to engage, but then get stuck in bureaucracy and it can take a long time to get any decisions or additional funding.

- Process should be equally managed by all partners. Shared management and decision making authority is often critical to success. When one partner is viewed as having more control over the process or outcomes of a project than others, or if that partner is selected to chair a project group, difficulties sometimes arise. It is important to overcome this by ensuring that all partners are treated equally and provided with equal status within the partnership.
- **Up-front planning.** Efforts are needed to advance plans for budgets and resources. The lack of planning and delays can deflate expectations and leave partnership without adequate resources in the early stages of the process. The result may jeopardize stakeholder ownership of the partnership.
- Conflict resolution. Conflict resolution has two important features that should also be clearly defined at the beginning of any partnership, and reflected in the Terms of Reference (TOR). First, a facilitated process with co-management team of stakeholders selected from the partnership can avoid or resolve most conflicts before they escalate. Second, because all conflicts cannot be avoided, clearly articulated and collectively developed conflict management ground rules should be established at the beginning and reflected in TOR.
- Open communications among participants. Open and transparent formal and informal communication is critical to build trust among different stakeholders and be able to take ownership of final products. Information that is withheld, sent only to selected partners as confidential, or that is suspected of being withheld, threatens trust. Yet, overloading stakeholders with written material is not always helpful. Participants should periodically identify what information is available and/or needed by participants. The importance of informal communications by phone, by e-mail can be very important in building trust.

8.3 Role of partnerships in the framework of Basel Convention

Basel Convention, negotiated during 80s when international traffic in hazardous wastes was on the increase, deals mainly with the control of transboundary movement of hazardous waste and their disposal. Action was needed as a number of developed countries were looking for cheaper disposal options globally due to increasing quantities of hazardous waste they generated, and lack of environmentally sound and economically feasible disposal options. In 1987 UNEP's Governing Council asked the Executive Director of UNEP to convene a working group to prepare a global convention on the control of transboundary movement of hazardous wastes. On March 22, 1989 the Convention was

adopted by 116 states present at the conference in Basel Switzerland, which became known as the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. The Convention came into force in May of 1992, after the 20th ratification.

One could say that during Convention's first decade (1989-1999), the activities were principally devoted to setting up a framework for controlling the transboundary movements of hazardous wastes. This included procedures for prior notification of competent authorities of countries concerned of proposed shipments, obtaining an informed consent before any shipment is allowed, and putting in place a waste tracking system via the movement document (manifest). It also included a development of general criteria for environmentally sound management, which was adopted during the second meeting of the Conference of the Parties to the Basel Convention.

In the following decade, 2000-2010, the Parties to the Basel Convention started to put more emphasis on developing technical guidelines on environmentally sound management of wastes and setting up public- private partnership to assist in this effort and to meet the objectives of the Basel Convention.

These new public-private partnerships under the Basel Convention are voluntary and creative initiatives that support Convention's objectives by offering forums for dialogue and practical action by all stakeholders. Participation is comprised of all levels of government, industry and business sectors, non-governmental environmental organizations, academia and other international institutions and bodies. Distinct from other programmes of the Convention partnerships are an effective way to address complex and emerging issues through the work of a range of experts committed to achieving common and technically viable solutions.

9.0 Conclusion

Many public-private partnerships with multi stakeholder participation can help individual companies meet some of their own business needs and objectives. These include:

- promoting company's own values, principles, policies and traditions;
- protecting corporate brand and reputation;
- meeting host government requirements; developing new products and services; and
- entering untapped markets in developing countries and countries with economies in transition.

Furthermore, there is growing evidence that most successful companies will be those who engage in new forms of public-private partnerships as a fundamental part of doing business, alongside more traditional lines. This is likely to be especially important in the high potential, and challenging emerging markets such as: China, India, Brazil, Russia, and South Africa. These new forms of partnership are still the exception rather than the rule. Much work is needed for such public-private partnerships to become a reality unless challenges such as funding, incentives, better information provision, evaluation, sharing of good practices, and training are more systematically being addressed. None of these challenges are easy, but these public-private partnerships offer useful approaches and ideas for the way forward. It can be concluded that taking part in public-private partnerships stakeholders often realize significant benefits through collaboration, which is a process that is helping to solve complex issues. It has been proven that regardless of the type of multi-stakeholder involvement, prior consensus should be sought at least on objectives of the partnership, and the division of roles and responsibilities of each partner. Furthermore, to have a successful partnership a buy-in by both the public and private sector is essential. Both have to commit significant resources to a public-private partnership (whether financial or in kind). Buy-in is particularly important in countries who are heavily dependent on donor funding for various projects.

Proper planning of meetings and teleconferences is vital where agendas and supporting documents are prepared and distributed well ahead of each meeting. It is important to carefully set priorities and to ensure that activities follow one another in an orderly fashion rather than trying to tackle a large wish list. It has been proven that starting with easier tasks is more beneficial and leaving the more difficult ones for later, a strategy that builds momentum for tackling tougher and problematic tasks. Respect for all stakeholders participating in a public-private partnership keeps stakeholders coming back to meetings or teleconferences and all participants feel motivated to contribute, and also feel that their contributions can make a difference. Furthermore, it is important to encourage most of the participants raise and discuss issues at meetings and teleconferences, rather than relying on only few to carry the debate on issues.

Business associations may not be essential to a partnership in the short-term; but public-private partnership cannot be sustained without capable association participation. In most cases associations represent small and medium size enterprises in addition to large multinational enterprises. In addition to being represented by associations an outreach to small businesses should be undertaken, by inviting them to submit proposals in writing and involving them in selected project groups that may be established by the partnership. Whenever possible, such associations of small enterprises or participation by medium size and small enterprises should be strengthened by encouraging governments to offer incentives such as tax breaks or training opportunities for small enterprises to join partnerships.

As mentioned previously voluntary public-private partnerships, not only can contribute to further an implementation of a particular priority activity, but can also contribute to the implementation of inter-governmental commitments in Agenda 21, the Programme for the Further Implementation of Agenda 21, and the Johannesburg Plan of Implementation of the World Summit on Sustainable Development(WSSD). It provides a venue for partnerships to network, identify partners, create synergies between partnerships and learn from each other's experiences. Partnerships can also improve the quality of implementation by involving those relevant stakeholders, whose activities have direct impact on sustainable development, as an effective vehicle for promoting sustainable development. At the same time it should be recognized that there is no substitute for governmental action. It should be seen that partnerships are meant to supplement and complement actions and commitments by governments. In the context of the WSSD the partnership process and its follow up should be developed and implemented in accordance with the following criteria and guidelines¹:

- (a) Partnerships are voluntary initiatives undertaken by governments and relevant stakeholders, e.g. major groups and institutional stakeholders;
- (b) Partnerships should contribute to the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21, and the Johannesburg Plan of Implementation, and should not divert from commitments contained in those agreements;
- (c) Partnerships are not intended to substitute commitments made by Governments but to supplement the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21, and the Johannesburg Plan of Implementation;
- (d) Partnerships should add a positive value to the implementation process and should not be merely reflecting existing arrangements;
- (e) Partnerships should bear in mind the economic, social and environmental dimensions of sustainable development in their design and implementation;
- (f) Partnerships should be based on predictable and sustained resources for their implementation include mobilizing new resources and, where relevant, result in transfer of technology to, and capacity building in, developing countries;
- (g) It is desirable that partnerships have a sectoral and geographical balance;

United Nations (UN) summit that took place from 26 August to 4 September 2002 <u>Johannesburg Plan of Implementation</u> of the World Summit on Sustainable Development(WSSD)

- (h) Partnerships should be designed and implemented in a transparent and accountable manner. In this regard, they should exchange relevant information with Governments and other relevant stakeholders;
- (i) Partnerships should be publicly announced with the intention of sharing the specific contribution that they make to the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21, and the Johannesburg Plan of Implementation;
- (j) Partnerships should be consistent with national laws, national strategies for the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21, and the Johannesburg Plan of Implementation, as well as the priorities of countries where their implementation takes place;
- (k) The leading partner of a partnership initiative should inform the <u>national focal</u> <u>point for sustainable development</u> of the involved country/countries about the initiation and progress of the partnership, and all partners should bear in mind the guidance provided by Governments; and
- (l) The involvement of international institutions and United Nations funds, programmes and agencies in partnerships should conform to the inter-governmentally agreed mandates and should not lead to the diversion to partnerships of resources otherwise allocated for their mandated programmes.

10.0 Recommendations for Future Action & Selection of Good Practices

It can be said that partnership's success or failure depends on the strength of relationships between individuals that take part in partnerships. As such they are just as prone to misconceptions, misunderstandings and unchallenged assumptions as any other social connection. Before embarking on any partnership, therefore, it is crucial for all partners to be as open and transparent as possible about every aspect of the planned collaboration, including motivations, capacity to deliver, partnership's objectives, expected outcomes, time commitment, resources available and leadership support.

There are a number of recommendations that one can suggest for a successful partnership with multi stakeholder participation, some of which are based on proposals for future good practices which are listed in chapter 6 of this report.

First and most important of all suggestions is that partnerships must be based on *trust*. While, there are many ways in which such trust can be gained, it has to be recognised that this is generally a very time-consuming process. Nevertheless, without a basis of trust, it

is highly likely that problems will emerge down the road in the process of delivery. Trust is also something that is based on personal relationships between different stakeholders.

Second, it is important for all partnerships to have a clear *focus*. Partnerships must actually deliver something tangible and beneficial to most stakeholders and should focus on issues at hand, if they are to be worthwhile.

Third, all partnerships must have strong and dedicated *leaders*, who will act as champions on a particular issue and are willing to act as chairs or co-chairs.

A fourth fundamental element of partnership is the need to focus on *sustainability* from the very beginning when various activities and projects are being developed, including sustainable resources. The issue of sustainability is closely related to producing an output that is worthwhile for all partners and is sustainable. There is sometimes a tendency to spend too much time focusing on the partnership discussions, and not enough in actually delivering practical benefits for partners.

At the same time it should be recognized that partnerships are usually time-bound, and cannot therefore continue to provide resources (financial and in-kind) indefinitely.

Sixth, it is important for partnerships to invest time in *networking* activities. Partners are to be kept regularly informed of a partnership's activities, by distributing status reports and participating in face to face meetings or teleconferences. It is essential that those involved in the partnership develop and implement effective means for communicating information about the partnership's activities to all its members.

Seventh, it is important for partnership to establish a mechanism to resolve any disputes or conflicts that could occur. Conflict resolution has two important features that should also be clearly defined at the beginning of any partnership, and reflected in the Terms of Reference (TOR). First, a facilitated process with co-management team of stakeholders selected from the partnership that can try to resolve most conflicts before they escalate. Second, because some conflicts cannot be avoided, or easily resolved, clearly articulated and collectively developed conflict management ground rules should be established at the beginning and reflected in TOR.

A final important practical issue is the need for *transparency*. It is important to provide sound information for all partners without withholding information from different stakeholders, operates and how to balance environmental and economic interests of different industries.

In addition to above, suggestions made in Section 6 should also be considered, when establishing a successful partnership with multi stakeholder participation.

Once all the above mentioned issues have been addressed, the next step should be to develop for consideration by potential partners: scoping document on the partnership with its vision, goals, objectives, working principles; draft work plan with objectives, activities, schedules and identification of those who will lead different activities; Terms of Reference for any working groups and project groups that would be established; selection of competent and balanced chairs or co-chairs from the partnership membership; establishment of an advisory group for problem resolution; organizational structure and reporting mechanism; and if necessary a declaration or memorandum of understanding for partners to sign which would identify their role in the partnership, commitment of their time and resources.

Finally, once the partnership has been established it is important to evaluate the process to be used to ensure that all conditions have been met. To help in the evaluation process a check list has been developed, and is shown in Annex D.

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Annex A

MPPI Partner's Declaration²

"On the occasion of the sixth meeting of the Conference of the Parties to the Basel Convention and having regard to the Basel Declaration on Environmentally Sound Management (ESM),

We, the manufacturers of mobile phones,

Recognizing that we have a role to play, in partnership with the Secretariat of the Basel Convention, in identifying good management practices and providing guidance related to the sound management of end-of-life mobile phones;

Subject to the necessary support, expertise and, where appropriate, leadership of other stakeholders (in particular network providers), which are critical to the success of any programme that addresses end-of-life (EOL) product recovery; and

Having regard to the Guidelines on Cooperation between the United Nations and the Business Community which encourages business partners to advance and adhere to the principles of the UN Secretary General's Global Compact;

Declare our intention to:

<u>Contribute</u> towards meeting the goals and objectives of the Basel Convention and the Basel Declaration on Environmentally Sound Management;

<u>Promote</u> the sound management of end-of-life mobile phones with the aim of protecting human health and the environment;

<u>Take</u> all reasonable steps for ensuring responsible design and manufacturing and contribute towards products stewardship;

<u>Enter</u> into a sustainable partnership with the Basel Convention in cooperation with other stakeholders³ to develop and promote the environmentally sound management of end-of-life mobile phones:

<u>Participate</u> in working group(s) including the aforementioned stakeholders as appropriate, whose purpose is to define responsibilities, elaborate a work programme and to consider the following:

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MPPI-Work Program, Terms of Reference, Information Notes, and Power point Presentations, 2003-2007

Such as other UN bodies and agencies, network providers, operators and recyclers

- Initiatives (regulatory, voluntary, economic) for reused phones that re-enter the market to ensure high quality and standards that satisfy the product requirements of manufacturers, network providers and operators alike
- Rules that govern transboundary movements of mobile phones to be reused
- Advise on any programmes, legislation and/or regulations for an effective collection of endof-life mobile phones
- Rules that apply to transboundary movement of end-of-life mobile phones to be sent for refurbishing, recycling and recovery
- Guidance on environmentally sound practices for recycling and recovery;
- Elaboration of the role of the Basel Convention Regional Centres to assist countries in developing legislation, establishing potential recycling companies, raising awareness, dissemination of information and capacity building

To this end we will play an active role in developing a work programme with other stakeholders and join in the effort to take appropriate actions to achieve environmentally sound management of end-of-life mobile phones."

Annex B

MPPI Work Programme 2003–2004⁴

At its sixth meeting, in Geneva in December 2002, the Conference of the Parties established a small group of experts from Parties and/or signatories interested in a sustainable partnership on the environmentally sound management of end-of-life mobile telephones plus representatives of the mobile phone manufacturers and a representative of the secretariat (decision VI/31). The Conference indicated that, as appropriate, other stakeholders⁵ would be invited by the group to participate actively in its work.

That group, the Mobile Phone Working Group, will have responsibility for the Initiative's work programme, and will work under the guidance of the Open-ended Working Group. The mandates of the Mobile Phone Working Group and the roles and responsibilities of the Mobile Phone Working Group, the Open-ended Working Group and the secretariat of the Basel Convention are itemized in decision VI/31.

Nothing in this Work Programme shall prohibit any partner in the Mobile Phone Partnership Initiative or member of the Mobile Phone Working Group from undertaking additional action to promote the environmentally sound management of mobile phones.

OBJECTIVES

The overall objective of the Mobile Phone Partnership Initiative work programme is to promote the objectives of the Convention in the area of the environmentally sound management of end-of-life mobile telephones. In particular, the Mobile Phone Partnership Initiative work programme should:

- Achieve better product stewardship;
- Influence consumer behaviour towards more environmentally friendly actions:
- Promote the best refurbishing/recycling/disposal options;
- Mobilize political and institutional support for environmentally sound management;
- Result in an Initiative that could be replicated to build new public/private partnerships for the environmentally sound management of hazardous and other waste streams.

-

MPPI-Work Program, Terms of Reference, Information Notes, and Power point Presentations, 2003-2007.

Such as other United Nations bodies and agencies, network providers, operators and recyclers.

In meeting its objectives, decision VI/31 indicates that the Mobile Phone Partnership Initiative work programme is required to consider:⁶

- Initiatives (regulatory, voluntary, economic) for reused phones that re-enter the market to ensure high quality and standards that satisfy the product requirements of manufacturers, network providers and operators alike;
- Rules that govern transboundary movements of mobile phones to be reused;
- Advice on any programmes, legislation and /or regulations for an effective collection of end-of-life mobile phones;
- Rules that apply to transboundary movement of end-of-life mobile phones to be sent for refurbishing, recycling and recovery;
- Guidance on environmentally sound practices for recycling and recovery;
- Elaboration of the role of the Basel Convention Regional Centres in assisting countries in developing legislation, establishing potential recycling companies, raising awareness, disseminating information and capacity-building.

STAKEHOLDERS

Manufacturers

Improved end-of-life management, product design and consumer participation can all contribute to minimizing adverse environmental impacts of mobile phones. Manufacturers of these products have already committed themselves to contributing to meeting this challenge, and their practical efforts to date require acknowledgement.

Manufacturers have made significant progress over the past 15 years in redesigning mobile phones that are more environmentally conscious. Their voluntary efforts have resulted in a significant reduction in the amount of materials used in mobile phones, the use of more environmentally friendly materials, more energy-efficient chargers, and batteries that are also smaller, made of more environmentally conscious materials and much more efficient in their use of resources. (For example, the average weight of a mobile phone has reduced from over 0.5 kg to less than 0.1kg, cadmium has been eliminated from batteries, chargers use a tenth of the energy and phones can run 10 times longer between recharging).

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Mobile phone manufacturers committed themselves to consider the following six bullet points under the 12 December 2002 Declaration, "Sustainable Partnership on the Environmentally Sound Management of End-of-Life Mobile Phones".

In general, the further commitment of manufacturers to the Mobile Phone Partnership Initiative reflects their company commitments to continuous improvement, and their actions under the Mobile Phone Partnership Initiative will build upon this responsible track record.

The challenge arises primarily not from any lack of responsible effort from manufacturers but from the popularity of the product, its extremely rapid growth across the globe, and from the perceived and real obsolescence of mobile phone models. The popularity of the product is reflected in the growth in the global market, from 16 million subscribers in 1991 to more than 1 billion mobile phones today. In 2002 alone, almost 400 million new mobile phones were manufactured. Worldwide, the average life of the mobile phone in the hands of the first user is about 1.5 years; in poorer countries where cost is a greater factor, it is 2.5 years; in more developed countries, it can be as low as 1 year.

Appropriate refurbishing can and does extend the usable life of the mobile phone considerably and delays the end of life for large numbers of mobile phones for up to seven years. However, the introduction of 400 million-plus new mobile phones per year to the existing stockpile is an indication of the size of the challenge to be addressed.

Other stakeholders

The stakeholder set needed to address this challenge includes but also extends beyond manufacturers. It includes governments (at international, national, provincial and municipal levels), environmental non-government organizations, recyclers, network providers/operators and consumers.

Decision VI/31 explicitly anticipates that other stakeholders (in particular, other United Nations bodies, network providers, operators and recyclers) will be invited where appropriate by the Mobile Phone Working Group to participate actively in its work, and are critical for success. Discussion to date has centred on the timing and nature of such involvement and the balance to be struck between ensuring the Mobile Phone Working Group is comprehensive in membership without being so large as to be unwieldy.

The prevailing view appears to be that it would be useful to build momentum at a manageable pace and focus input from sectors outside the initial membership on specific projects and/or within subgroups.

A similar initiative supported by UNEP is the Global e-Sustainability Initiative (GeSI) formed in June 2001 by a number of telecommunication network operators and equipment providers. Both

GeSI and the GSM Association (representing network operators⁷) are invited observers to the Mobile Phone Working Group to ensure full advantage is taken of any potential synergies.

RESOURCES

All stakeholders currently involved in this Initiative have demonstrated a commitment. Parties and Signatories to the Convention, together with manufacturers and representatives of the network providers, have spent much time agreeing the deliverables of this programme. Manufacturers estimate that since June 2002 they have dedicated resources equivalent to almost US\$ 270,000 to the development of the Initiative.

The key element of this Initiative involves the provision of past experience and knowledge of the parameters that make an effective end-of-life solution to the management of used mobile phones. Manufacturers, network operators and those involved in the recycling and refurbishment of used mobile phones bring this experience to the Partnership. All participants have confirmed that the intellectual input, which is the key resource that underpins the success of the Mobile Phone Partnership Initiative, will be freely available for the duration of the partnership.

However, funds will be needed to disseminate outcomes and facilitate the transfer of knowledge and know-how to countries that are considering launching collection and recovery schemes and looking for the best available practices. The implementation of the project proposals represents a set of logical, interrelated and mutually supportive activities that can be carried out in a phased manner.

ELEMENTS OF THE WORK PROGRAMME

The elements of the Work Programme have been developed bearing in mind the need to:

- Address the six thematic areas detailed above:
- Consider geographic/regional need and economic interest and the best environmental return for Convention resources;
- Build upon voluntary work by stakeholders to date;
- Build upon existing resource strengths such as the Basel Convention Regional Centres;
- Complement the work of like initiatives such as the Global e-Sustainability Initiative (GeSI).

Finally, given that the entire life-cycle management of mobile phones is a complex issue involving many players, a stepwise approach for this partnership project has been suggested in the draft Work Programme, involving different stakeholders at different stages.

The following categories of work are proposed for consideration for adoption by the Open-ended Working Group. As a dynamic programme, it is expected that specific projects will vary over

The GSM Association comprises over 680 second- and third-generation wireless network operators. The Association's members provide digital wireless services to over 825 million customers in 193 countries (as at end February 2003).

time, within and between the four categories. Project profiles, to be elaborated by project groups, are in Attachment C of document UNEP/CHW/OEWG/1/INF/17.

1. Reuse of used mobile phones

- Initiatives (regulatory, voluntary, and economic) for reused phones that re-enter the market to ensure high quality and standards that satisfy the product requirements of manufacturers, network providers and operators alike.
- Project 1.1 Development of guidelines for refurbishment and for refurbished mobile phones to re-enter the market

2. Collection and transboundary movement of used mobile phones

- Advice on programmes, legislation and/or regulations for an effective collection of end-of-life mobile phones.
- Rules that govern transboundary movements of mobile phones to be reused or recycled.
- Project 2.1 Best practice guidelines for collection schemes and transboundary movement of used phones
- Project 2.2 Trial of implementation of collection and treatment scheme

3. Recovery and recycling of end-of-life mobile phones

- Guidance on environmentally sound practices for recycling and recovery.
- Project 3.1 Identification of existing best environmentally sound practices for recovery and recycling of mobile phones

4. Awareness-raising and training

• Elaboration of the role of the Basel Convention Regional Centres to assist countries in developing legislation, establishing potential recycling companies, raising awareness, disseminating information and capacity-building.

Project 4.1 Awareness-raising and training

- Design and use
- Collection
- Reuse
- Recycling

A priority task for project groups will be to elaborate project profiles and develop firm cost estimates.

Annex C

MPWG's Terms of Reference and Organizational Structure⁸

The Mobile Phone Working Group was established under decision VI/31 of the sixth meeting of the Conference of the Parties to the Basel Convention. Decision VI/31 includes most importantly the full text of the commitment from mobile phone manufacturers, *Sustainable Partnership on the Environmentally Sound Management of End-of-Life Mobile Phones*.

The Mobile Phone Working Group is the operational body to the Open-ended Working Group of the Basel Convention on the environmentally sound management of end-of-life mobile telephones. It is the Basel Convention's primary mechanism for progressing the Mobile Phone Partnership Initiative, including with respect to:

- Advice to the Parties and signatories;
- Consultations between experts, industry and the Parties and signatories to the Convention;
- Initiation and oversight of projects under the Mobile Phone Partnership Initiative work programme.

Membership and operation

The Mobile Phone Working Group comprises experts from Parties and Signatories interested in the Mobile Phone Partnership Initiative plus representatives of the mobile phone manufacturers and the secretariat of the Basel Convention. As appropriate, other stakeholders (such as other United Nations bodies, network providers, operators and recyclers, non-governmental organizations and consumers) will be invited by the Group to join or otherwise participate actively in the work of the Mobile Phone Working Group. This involvement will normally be through project groups, involving a broader stakeholder set, to oversee and conduct specific projects. A priority task for project groups will be to elaborate project profiles and develop firm cost estimates.

The Mobile Phone Working Group is chaired by a member, elected by the Group, and assisted by the secretariat of the Basel Convention. The contact within the secretariat is the Senior Programme Officer responsible for Basel Convention Partnerships.

The recommendations of the Mobile Phone Working Group have no legal or binding status.

The Mobile Phone Working Group shall operate on a consensus basis.

MPPI-Work Program, Terms of Reference, Information Notes, and Power point Presentations, 2003-2007.

Duties and responsibilities

The Mobile Phone Working Group is established under decision VI/31 of the Conference of the Parties to the Basel Convention and is governed by that decision. It is mandated to:

- (a) Elaborate draft terms of reference for the group, including its working structure (e.g. for subgroups);
- (b) Develop, in cooperation with the secretariat, a draft concrete work programme setting priorities and identifying specific programmes for the environmentally sound management of end-of-life mobile phones, taking into account the fields of common interest for cooperative work identified in the announcement by the mobile telephone manufacturers;
 - (c) Work intersessionally;
 - (d) Set priorities based on the work programme;
- (e) Initiate and oversee the implementation of the work programme of the Mobile Phone Partnership Initiative, noting that the work programme is a dynamic document;
- (f) Work in a transparent way by making information or reports of meetings available to Parties, signatories, non-governmental organizations and other stakeholders;
- (g) Ensure that intersessional inputs or comments from Parties, signatories, non-governmental organizations and other stakeholders are considered by the Group;
- (h) Report regularly, through its Chair, to the Open-ended Working Group and to the Conference of the Parties.

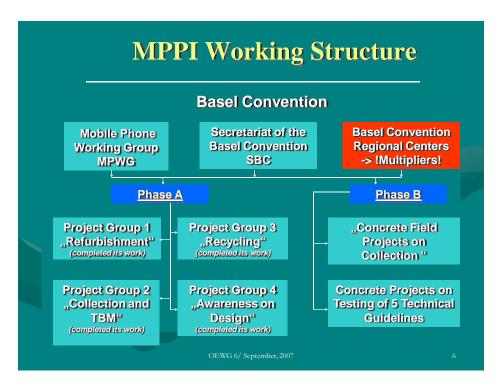


Figure 2: MPPI Working Structure

Annex D Process Evaluation Chart

Conditions for Partnership	Yes	No	Remarks
Motives and expectations of partners' are clear			
Stakeholder participation is balanced and inclusive			
Partnership is transparent and sustainable			
Goals are clearly articulated			
Written partnership declaration was agreed to			
Strong leadership is in place			
Adequate and appropriate support staff is ensured			
Facilitation mechanism is in place			
Communications among partners and participants is clear and open			
Conflict resolution mechanism is in place			
Process is equally managed by stakeholders			
Trust and mutual understanding is in place			
Terms of Reference (TOR) have been developed			
Partners have appropriate skills and competencies			
Partners have same modus operandi			
Partners have same timeframes			
Partnership is planned up-front			
Guidelines are well accepted by partners and reflected in the TOR			