

**COMMITTEE OF EXPERTS ON THE
TRANSPORT OF DANGEROUS GOODS**

**Sub-Committee of Experts on the
Transport of Dangerous Goods**

(Twenty-first session,
Geneva, 4-13 December 2000,
agenda item 3)

IMPLEMENTATION OF RESOLUTION 1999/65

Makeup of the New UN Committee

Transmitted by the Experts from the Italy and United States of America

Introduction

1. While the decision to reorganize the Committee in the coming biennium and the new Committee's draft terms of reference were approved by ECOSOC in accordance with Resolution 1999/65 as shown in Annex 2 to document ST/SG/AC.10/2000/41, an outstanding issue is the makeup of the new Committee. While this matter was again taken up in the IOMC meeting in Rome no decisions were made and to date no consensus proposal on the makeup of the Committee has been developed. In the absence of a consensus agreement on the makeup, this issue will be left to the Council to resolve. Given the heavy work load of ECOSOC, it can be expected that little time will be available to discuss the makeup of the Committee at the ECOSOC meeting. Developing a consensus recommendation at the UN Committee level is in the best interest of the future Committee. This Committee meeting offers the last opportunity to provide ECOSOC with a consensus opinion. This paper is offered in the hope of reaching such a consensus.

Committee's Terms of Reference

2. The draft terms of reference for the Committee which were developed by the IOMC Coordinating Group and the Committee that were approved by ECOSOC are as follows:

“The reconfigured Committee shall deal with strategic issues rather than technical issues. It is not envisaged that it will review, change or revisit technical recommendations of the Subcommittees. Accordingly, its main functions shall be to:

- (a) Approve the work programmes for the Subcommittees in the light of available resources;
- (b) Coordinate strategic and policy directions in areas of shared interests and overlap;
- (c) Give formal endorsement to the recommendations of the Subcommittees and provide the mechanism for channelling them to the Economic and Social Council;
- (d) Facilitate and coordinate the smooth running of the Subcommittees.”

The terms of reference were specified narrowly out of concern that the Committee being made up of representatives with expertise in Transport and GHS might inappropriately over ride decisions of the Subcommittees where the expertise in these areas reside. The Committee's terms of reference would normally translate into the following Committee actions:

- 1. approving for conveyance to ECOSOC for adoption and without changing amendments to

documents that the Subcommittee's are responsible (e.g.; amendments to the UN Recommendations);

2. approving the work plans of the two Subcommittees for the coming biennium for adoption by ECOSOC;
3. deciding on the allocation of meeting days during the coming biennium; and
4. conveying communications between the two subcommittees.

Available Options for the Makeup of the Committee

4. It would appear that at this point two options on the makeup of the Committee are likely to be approved:

- (a) a large Committee open to any country wishing to participate; or
- (b) a small Committee with limited and equal participation by both Subcommittees.

4. A practical point which may have some bearing on the makeup of the Committee is the timing of the Committee meetings, particularly if the option of a large Committee is followed. The rules of procedure would preclude scheduling the Committee meeting in December at the end of each biennium immediately following the fourth series of Transport and GHS Subcommittee meetings. Documents provided to the Committee would have to be prepared and made available to the Committee participants three months in advance of the meeting. Given the additional time constraint of preparing documents from the Committee for approval by ECOSOC, the Committee meetings would most likely be scheduled for April of the year following the last Subcommittee meetings of the biennium. While it has been widely assumed that participation in the Committee would not impose additional travel expenses as the Committee meeting was expected to be in December and since delegates to the Subcommittees would normally also serve as Committee delegates, it must now be acknowledged that participation in Committee meetings could require additional travel expenses for delegates. The need to schedule Committee at a different time may not be necessary in the case of a small Committee.

5. A large committee with open participation is more likely to result in some imbalance in the representation of GHS and Transport interests at the Committee level. For example, some participating countries may not have industries heavily involved in the production and further processing of chemicals and therefore not consider resolution of transport issues on dangerous goods a high priority. It is also possible that a number of countries could choose to ignore the meetings of the two subcommittees and await the meeting of the committee and attempt to open discussions on issues already addressed by the subcommittees. In addition, simply by virtue of the number of participants, the likelihood of the Committee venturing beyond the intentions of the terms of reference increase.

6. The experts from Italy and the United States believe that given the limited terms of reference, the most cost effective approach is to have a small Committee. A small Committee with equal representation of the members of each subcommittee would assure a the balance of Transport and GHS interests within the Committee and such a Committee would be less inclined to deviate from the terms of reference that have already been adopted. Decisions would be made on the basis of consensus.

7. Given the limited terms of reference of the Committee, the experts from Italy and the United States recommend that the officers of each Subcommittee, namely the Chairman and Vice Chairman, be the

designated participants to the Committee.
