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**Conference of the Parties to the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal**
Seventh meeting
Geneva, 25-29 October 2004
Item 6 of the provisional agenda *

**Report for the period 2003–2004 on the work of the
Committee for Administering the Mechanism for Promoting
the Implementation and Compliance of the Basel
Convention and proposed work programme for the
committee for the period 2005–2006**

Note by the Secretariat

The Secretariat has the honour to present, in the annex to the present note, a report for the period 2003-2004 and a proposed work programme for the period 2005-2006 of the Committee for Administering the Mechanism for Promoting the Implementation and Compliance of the Basel Convention.

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Annex

Mechanism for promoting implementation and compliance

Report for the period 2003-2004 on the work of the Committee for Administering the Mechanism for Promoting the Implementation and Compliance of the Basel Convention and proposed work programme for the committee for the period 2005-2006

I. Background

1. By decision VI/12, the Conference of the Parties established a mechanism for promoting implementation of and compliance with the Basel Convention. By decision VI/13, the Conference of the Parties called for the nomination of candidates for membership of the committee that would administer this mechanism and mandated the Open-ended Working Group to elect the first members of the committee on behalf of the Conference of the Parties.

2. The terms of reference for the mechanism, annexed to decision VI/12, provide among other things that:

“23. The Committee shall report to each ordinary meeting of the Conference of the Parties on the work it has carried out to fulfil its functions under paragraphs 19 and 20 for the information and/or the consideration of the Conference of the Parties.

24. The Committee shall also report to each ordinary meeting of the Conference of the Parties on any conclusions and/or recommendations it has developed under paragraph 21 and on its suggestions for any future work that may be required on general issues of compliance and implementation, for the consideration and approval of the Conference of the Parties.”

3. Paragraph 19 of the terms of reference sets forth a “facilitation procedure” which the committee is to follow when considering a submission. Paragraph 20 of the terms of reference provides that the committee will make a “recommendation to the Conference of the Parties on additional measures” to be taken following the conclusion of the facilitation procedure whenever the committee considers that such measures are necessary to address compliance difficulties.

4. Paragraph 21 of the terms of reference provides for a “general review” process, which permits the committee to review general issues of compliance and implementation under the Convention, as directed by the Conference of Parties.

II. Implementation

5. Pursuant to decision VI/13, the Open-ended Working Group adopted, at its first meeting, decision OEWG-I/2 electing, on behalf of the Conference of the Parties, the following members of the committee for administering the mechanism for promoting implementation and compliance:

From the African region

Mr. Rachid Ouali – Algeria (for one term)
Mr. Prakash Kowlessar – Mauritius (for two terms)
Mr. Ibrahima Sow – Senegal (for two terms)

From the Asian region

Mr. Xia Yingxian – People’s Republic of China (for two terms)
Professor Akiho Shibata – Japan (for two terms)
Ms. Hajah Rosnani Ibrahim – Malaysia (for one term)

From the Central and Eastern European region

Mr. Givi Kalandadze – Georgia (for two terms)
 Mr. Gordana Petkovic – Serbia and Montenegro (for one term)
 Mr. Pavel Suian – Romania (for two terms)

From the Latin American and Caribbean region

Mr. Miguel Angel Hildmann – Argentina (for two terms)
 Mrs. Maria Angelica Ikeda – Brazil (for one term)
 Mr. Mauricio Garcia-Velasco – Mexico (for two terms)

From the Western European and other countries region

Mr. Hugh Adsett – Canada (for two terms)
 Mr. Veit Koester – Denmark (for one term)
 Mr. Roy Watkinson – United Kingdom (for two terms)

6. Because of other professional commitments, two members have been replaced since their election: China nominated Ms. Wang Qian to replace Mr. Xia Yingxian, and Canada nominated Ms. Anne Daniel to replace Mr. Hugh Adsett.

7. The committee held its first meeting on 19 October 2003, during which the members of the bureau of the committee were elected as follows.

Chair: Mr. Roy Watkinson (United Kingdom)

Vice-Chair: Mr. Miguel Hildmann (Argentina)
 Mr. Pavel Suian (Romania)
 Mr. Ibrahima Sow (Senegal)

Rapporteur: Mr. Akiho Shibata (Japan)

8. The second session of the committee was held on 29 April 2004. The committee also consulted by e-mail and other means between sessions concerning procedural matters and future activities.

9. During the first and second sessions, the committee considered procedural matters that were raised in the terms of reference but were not clarified, namely:

(a) **Time periods for submitting cases to the committee** The committee made four proposals on this subject: first, that there be an indicative timeframe for submissions; second, that, subject to priorities, nature and urgency, the committee might consider cases in a different order than that in which it received them; third, that the committee use its best endeavours to consider cases as expeditiously as possible; and, fourth, that Parties be encouraged to confirm the receipt of submissions sent by the Secretariat. It was agreed that submissions should be transmitted by the Secretariat to the Basel Convention focal points of the relevant Parties and the permanent missions to the United Nations offices in Geneva for those Parties. Copies would be sent to the foreign ministry of any Party without a permanent mission in Geneva;

(b) **Submissions made to the committee by the Secretariat** The committee agreed that submissions from the Secretariat should be forwarded to the chair of the committee and that the chair should request the Secretariat to distribute the submission to the relevant Parties. The committee also agreed that the submissions made by the Secretariat should describe the matter of concern and the relevant provision of the Convention, as required for other submissions. With respect to the three months' period for consultations with a Party prior to submission of a matter to the committee by the Secretariat, it was agreed that if good faith efforts were being made by a Party to work with the Secretariat to resolve a situation of non-reporting, it would not be appropriate for the Secretariat to trigger the non-compliance procedure;

(c) **Language of submissions** While recognizing that submissions should not be excluded from consideration if they were not submitted in English, it was noted that, currently, the Committee lacked the capacity and financial means to provide for translation;

(d) **Report of the committee** While recognizing that committee meetings dealing with specific submissions relating to the compliance of an individual Party would not be public and that the committee would protect the confidentiality of information received in confidence, it

was agreed that the committee would post an appropriate summary of its deliberations on the Basel Convention web site in order to promote transparency with respect to its work.

10. In addition, in the absence of submissions, the committee turned its attention to the power of general review under paragraph 21 of the terms of reference, which permits the committee to undertake a general review of issues of compliance and implementation when directed to do so by the Conference of the Parties. In the proposed work programme contained in the annex to the draft decision for consideration of the Conference of the Parties, the committee identified possible activities which the Conference of the Parties could direct it to undertake in exercise of the general review mandate to facilitate implementation of the Convention, having regard to the special needs of developing countries and countries with economies in transition.

11. The committee also decided that it would prepare a brief guide for Parties explaining in clear terms the procedures of the committee such as the procedure for transmitting information and the deadlines established under article 14 of the terms of reference.

12. The committee also discussed its own financing, including the need to have sufficient funds to enable the Committee to address submissions thoroughly and to ensure that committee members, especially from developing countries and countries with economies in transition, could participate in meetings.

13. To the present, the committee has not received any submissions from Parties or the Secretariat. Accordingly, there are no items for the Committee to report on under paragraphs 19 and 20 of the terms of reference.

III. Proposed action

14. At its seventh meeting, the Conference of the Parties may wish to consider adopting a decision along the following lines:

The Conference of the Parties,

Bearing in mind the provisions of the Basel Convention,

Recalling decision VI/12, in which the Conference of the Parties established a mechanism for promoting implementation of and compliance with the Basel Convention,

Recalling also the terms of reference of the mechanism set forth in the appendix to decision VI/12, and, particularly paragraph 21 providing for the review by the committee for administering the mechanism for promoting implementation and compliance of general issues of compliance and implementation as directed by the Conference of the Parties,

Also noting the requirement for environmentally sound management of hazardous and other wastes as defined by the Convention,

1. *Approves* the work programme for 2005-2006 of the Committee for Administering the Mechanism for Promoting the Implementation of and Compliance with the Basel Convention, contained in the annex to the present decision;

2. *Recognizes* the need to provide the committee with sufficient funding in order to enable it to function effectively and to carry out its work programme;

3. *Requests* the committee to report to the eighth meeting of the Conference of the Parties on the work it has carried out to fulfil its functions under paragraphs 19 and 20 of the terms of reference of the mechanism for promoting implementation of and compliance with the Basel Convention;

4. *Calls upon* Parties to make use of the mechanism for promoting implementation of and compliance with the Basel Convention, noting that it is non-confrontational, transparent, cost-effective and preventive in nature, simple, flexible, non-binding and oriented in the direction of helping parties to implement the provisions of the Basel Convention, that it pays particular attention to the special needs of developing

countries and countries with economies in transition, and that it is intended to promote cooperation between all Parties.

Annex

Work programme for 2005–2006 of the Committee for Administering the Mechanism for Promoting the Implementation and Compliance of the Basel Convention

1. During the biennium 2005-2006, the committee shall review the following general issues in accordance with paragraph 21 of the terms of reference and in accordance with the priorities and budget decided by the Conference of the Parties:
 - (a) Identification and analysis of difficulties relating to reporting obligations under the Basel Convention;
 - (b) Identification and analysis of difficulties relating to designation and functioning of national competent authorities and focal points;
 - (c) Identification and analysis of difficulties relating to development of national legislation to implement effectively the Basel Convention.
 2. In doing so, the committee shall take full account of the previous discussions and decisions by the Basel Convention bodies on the relevant issues, and shall also take account of its mandate to complement the work performed by other convention bodies and by the Basel Convention regional centres.
 3. When the committee receives specific submissions in accordance with paragraph 9 of the terms of reference, it shall give priority to dealing with such submissions.
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