

V/16. Monitoring the implementation of and compliance with the obligations set out by the Basel Convention

The Conference

Requests the Legal Working Group to prepare a draft decision for adoption by the Conference of the Parties at its sixth meeting, establishing a mechanism for promoting implementation and compliance based on the draft elements annexed to the present decision.

Annex

MONITORING THE IMPLEMENTATION OF AND COMPLIANCE WITH THE
OBLIGATIONS SET OUT BY THE BASEL CONVENTION

1. The mechanism, to be administered by an existing or a new body, should monitor implementation of and compliance with the Basel Convention with a view to recommending the best way to promote full implementation of the provisions of the Convention. The mechanism should be transparent, cost-effective, preventive in nature, simple, flexible, non-binding and oriented in the direction of helping Parties to implement the provisions of the Basel Convention. It will pay particular attention to the needs of developing

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countries.

A. Composition and tenure

2. An existing body or a new body can administer the mechanism. If a new body is to be established:

(a) The number of its members should be limited and small (between 14 and 20);

(b) It may be composed of independent experts and/or State representatives, taking into account an equitable geographical distribution (e.g., ensuing representation from both developing and developed countries, from both hazardous waste exporting/producing and importing countries, and from different geographical regions);

(c) Members could be elected by the Conference of the Parties;

(d) The body should meet as often as necessary;

(e) The term of the body could range between one and three years or from one meeting of the Conference of the Parties to the next meeting of the Conference of the Parties, and possibly be renewable.

B. Functions

3. The body could have the following functions:

(a) To provide Parties with advice, recommendations and information relating to:

(i) Establishing and strengthening of domestic regulatory regimes;

(ii) Enforcing and implementing laws, including border controls;

(iii) Ensuring the environmentally sound management and disposal of hazardous wastes;

(iv) Training customs and other personnel;

(v) Procuring technical and financial assistance from external sources;

(vi) Establishing and developing means of detecting and eradicating illegal traffic, including investigating, sampling and testing;

(b) To consult with Parties on ways to facilitate their implementation of and compliance with the obligations set out by the Basel Convention;

(c) To monitor, assess and facilitate reporting under article 13 of the Basel Convention;

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(d) To monitor and assist individual Parties in their efforts to implement decisions of the Conference of the Parties on compliance;

(e) To consult other bodies as required;

(f) To make recommendations on monitoring and compliance issues, including priorities;

(g) To report to the Conference of the Parties and its subsidiary bodies.

4. In addition to performing the functions listed under subparagraphs 3 (a)-(g) above, the body may provide assistance in individual cases when specific implementation and compliance questions are raised. In these cases, the assistance of the body may be invoked:

(a) By a Party (or Parties) with respect to its (their) own activities or activities of other Parties in which it is (they are) directly involved;

(b) By the Conference of the Parties, and its subsidiary bodies where so mandated by the Conference of the Parties.