

**BASEL
CONVENTION**

Controlling transboundary movements
of hazardous wastes and their disposal

**ROTTERDAM
CONVENTION**

Sharing responsibility in the
trade of hazardous chemicals

**STOCKHOLM
CONVENTION**

Protecting human health and the environment
from persistent organic pollutants (POP)

THE BASEL CONVENTION MECHANISM FOR PROMOTING IMPLEMENTATION AND COMPLIANCE

First meeting of the Implementation Committee under the UNECE
Convention on the Protection and Use of Transboundary Watercourses
and International Lakes (5 June 2013, Geneva)

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I. Background and features

Background

- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (1989)
- Decision V/16 (1999) : Based on Article 15 paragraph 5 (e) of the Convention, COP-5 requested the Legal Working Group to develop a draft decision for the establishment of a compliance mechanism
- Decision VI/12 (2002), COP-6: establishment of the Mechanism for Promoting the Implementation of and Compliance with the obligation set out in the Basel Convention, and adoption of terms of reference
- Decision BC-IX/2 (2009): establishment of the implementation fund to assist any Party that is a developing country or a country with an economy in transition and is the subject of a submission to the Committee
- Terms of reference provisionally amended by Decision BC-10/11 (2011), amendment extended until COP-12 by Decision BC-11/8 (2013)
- The Committee administering the Mechanism is one of two subsidiary bodies to the COP

Features: objectives and nature

- Assist Parties to comply with their obligations under the Convention
- Facilitate, promote, monitor and aim to secure the implementation of and compliance with the obligations under the Convention
- The Committee shall be 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.
- It will pay particular attention to the special needs of developing countries and countries with economies in transition, and is intended to promote cooperation between all Parties.
- It should complement work performed by other Convention bodies and by the Basel Convention Regional Centres
- It is without prejudice to the Convention's provisions on dispute settlement

Features: composition

- 15 members nominated by Parties based on equitable geographical representation of the 5 regional groups of the UN, and elected by the COP
- Members to serve objectively and in the best interest of the Convention
- Members to have expertise relating to the subject matter of the Convention in areas including scientific, technical, socio-economic and/or legal fields.
- The Committee elects its own officers (5) based on equitable geographical representation of the 5 regional groups of the UN

Features: working arrangements

- The Committee is to meet at least once between each regular meeting of the COP and in conjunction with meetings of other Convention bodies
- RoP of COP applicable mutatis mutandis
- Decision making
 - Quorum of 10
 - Consensus for matters of substance or, if failure, 2/3 majority or 8 members whichever is greater
 - If no consensus, report and recommendations to reflect views of all Committee members
- Meeting: public, unless if dealing with specific submissions (closed unless the Party concerned and the Committee agree otherwise)
- Confidentiality of information received in confidence to be protected
- Consultation and information
- Report back to the COP, for its consideration
- Intersessional work

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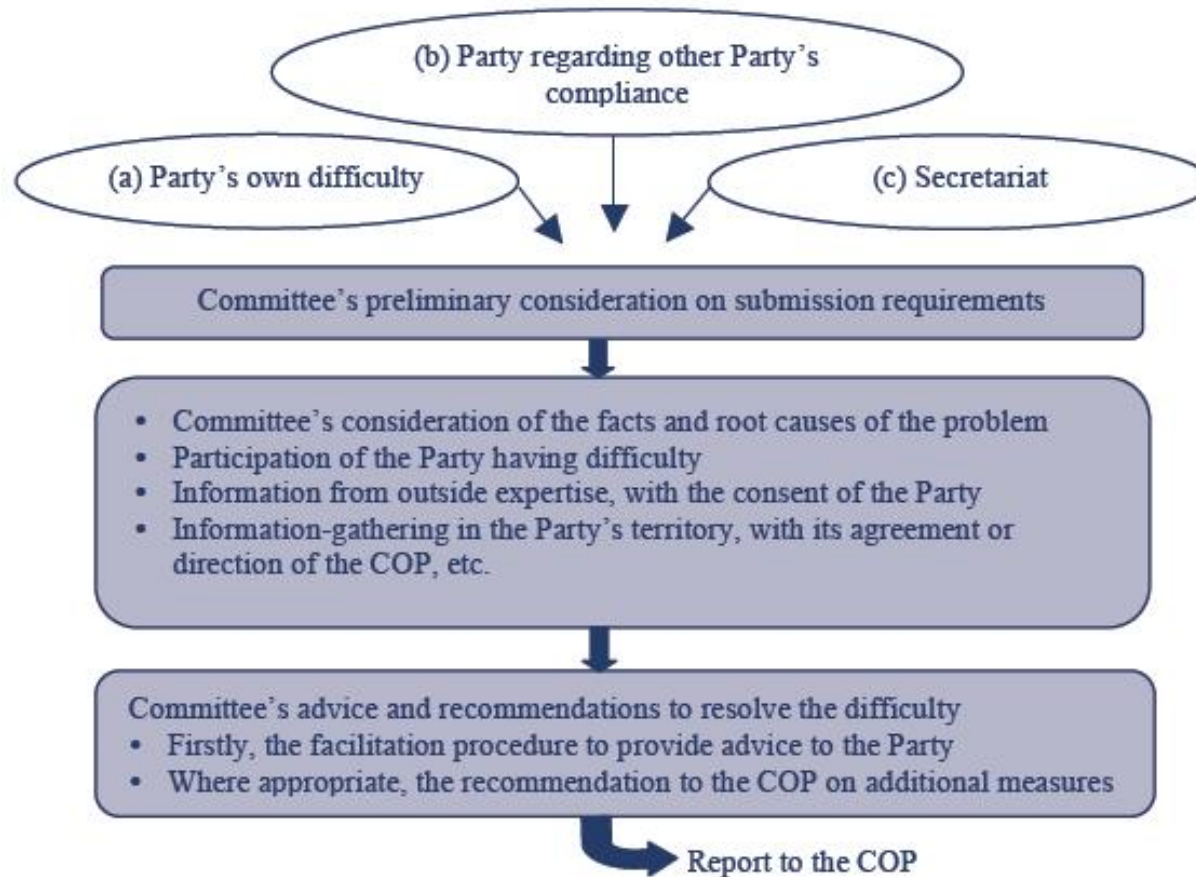
A. Specific submissions

Specific submissions: mandate

ToR para 19:

« The Committee shall consider any submission made to it in accordance with paragraph 9 with a view to determining the facts and root causes of the matter of concern and, assist in its resolution. (...) »

Specific submission (Para.9 procedure)



Specific submissions: measures

- **Measures by the Committee:**

- Provision to the Party, after coordination with that Party, with advice, non-binding recommendation and information, inter alia:
 - Establishing/strengthening its domestic/regional regulatory regimes
 - Facilitation of assistance in particular to developing countries/countries with economies in transition
 - Elaboration of voluntary Compliance action plans
 - Any follow-up arrangements for progress reporting to the ICC, including through national reporting
- Advice, non-binding recommendations and information other than those listed above should be provided in agreement with that Party.

- **Additional measures by the COP:**

- Provision of further support, including prioritization of technical assistance and capacity building and access to financial resources, or
- Issuing a cautionary statement

Specific submissions: other features

• Implementation fund

- Governance: BC financial rules (rule 4), Decision IX/2, Decision BC-10/11, Decision BC-11/8
- For the benefit of developing country parties or parties with economies in transition concerned by a specific submissions that have submitted a voluntary compliance action plan to the Committee
- The plan has to be approved by the Committee and specific actions to be funded must be identified by the Committee.
- The Committee is authorized to make recommendations to the Executive Secretary on the use of the implementation fund

• Legal framework programme

- To review and assess upon request, national legislation to implement the provisions of the Convention and to assist parties in the preparation of new legislation or the amendment of existing legislation.

Specific submissions: cases

- No specific submissions received by the Committee by the time of COP-9 (2009): Committee mandated to address existing “shortcomings and limitations in relation to the lack of specific submissions”
- First Party self submission: Oman (July 2009) for national reporting difficulties
- 9 Secretariat submissions concerning Parties having never submitted a national report: Bhutan, Cape Verde, Eritrea, Guinea Bissau, Liberia, Libya, Nicaragua, Swaziland, Togo (November 2010)
- Nicaragua compliance matter resolved, 9 submissions under consideration

Specific submissions: latest developments

- For Bhutan and Togo (Decisions CC-9/2 and CC-9/9), Committee approved **Voluntary Compliance Actions Plans** and decided that resources in the implementation fund up to 50 000 US \$ could be used for the purposes of covering costs associated with:
 - Training on the development of inventories
 - The establishment of a methodology for the inventory
 - The development of an inventory
- Guinea Bissau, Eritrea and Oman invited to submit a voluntary compliance action plan
- Progress made by Bhutan, Guinea Bissau, Libya, Oman, Swaziland and Togo
- Secretariat to consider whether to make additional submissions

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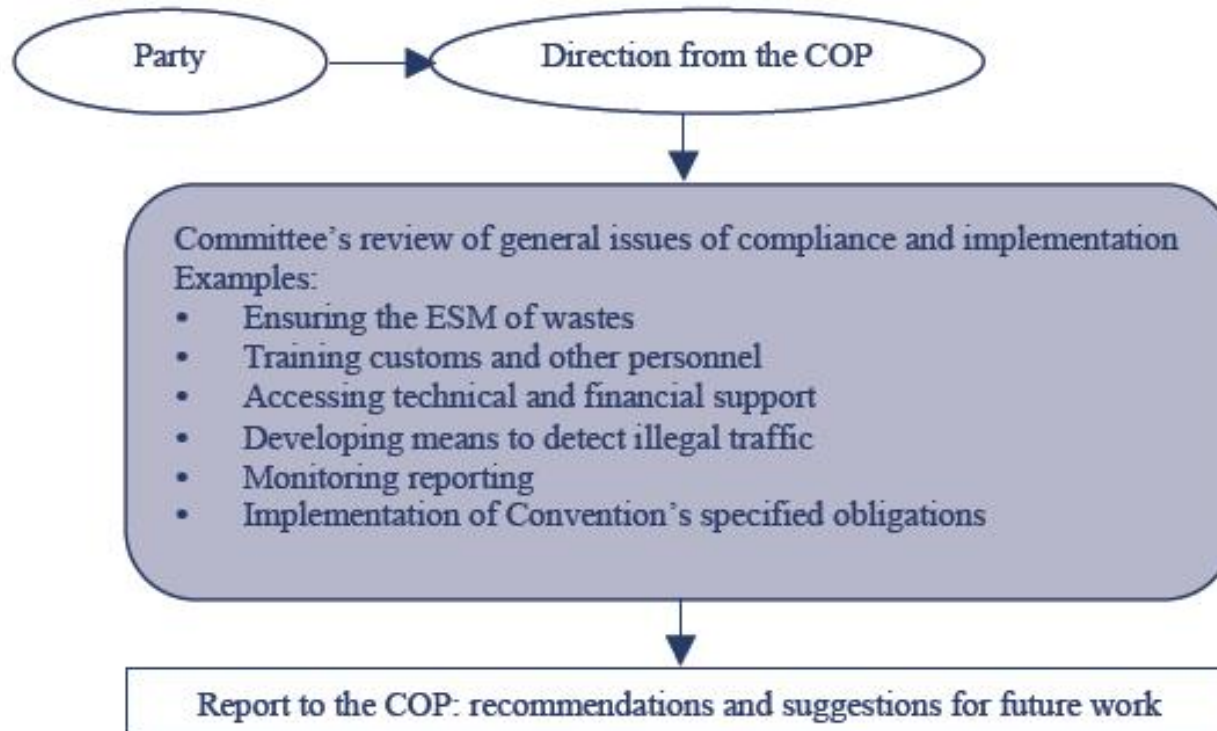
B. General review

General review: mandate

ToR, paragraph 21:

“The Committee shall, as directed by the Conference of the Parties, review general issues of compliance and implementation under the Convention (...)”

General Review (Para.21 procedure)



General review: activities

Scope of activities

- Designation of FP and CA
- National reporting
- National legislation
- Illegal Traffic
- Insurance, bond and guarantee
- Control system (...)

Nature of activities

- Review Parties' difficulties in meeting specific obligations,
- Identify ways of addressing these difficulties,
- Review current guidance documents or develop new guidance documents, and
- Make recommendations to the COP on other steps that could be taken to improve the implementation and compliance with the Convention

General review: examples of current activities

- Development of guidance on the take-back provision
- Classification of Parties' individual compliance performance with national reporting
- Dialogue with other compliance bodies
- Development of guidance on the development of inventories
- Review of Checklist for the legislator
- Updating of the Guide to the control system

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Compliance under the Rotterdam and the Stockholm Conventions?

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THANK YOU!

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