

COMMUNICATION

IMPLEMENTATION AND COMPLIANCE COMMITTEE (ICC):

MAIN OUTCOMES OF THE EIGHTH SESSION OF THE ICC
(GENEVA, 21-23 MARCH 2011)

AND

INVITATION FOR THE NOMINATION OF TEN MEMBERS OF THE ICC,
TO BE ELECTED BY THE TENTH MEETING OF THE CONFERENCE OF
THE PARTIES (COP-10)

MAIN OUTCOMES OF THE EIGHTH SESSION OF THE ICC (GENEVA, 21-23 MARCH 2011)

The Secretariat of the Basel Convention hereby informs Parties and Signatories to the Basel Convention as well as that of the Basel Convention Regional and Coordinating Centres that the report of the eighth session of the Implementation and Compliance Committee to the Basel Convention, held in Geneva on 21-23 March 2011, is available on the website of the Convention at: <http://www.basel.int/legalmatters/compcommittee/index.html>

The Secretariat further draws the attention of Parties and Signatories to the Basel Convention as well as that of the Basel Convention Regional and Coordinating Centres to the following main outcomes of that meeting:

Specific submissions

For the first time since its establishment, the Committee considered ten specific submissions: one submission from Oman with respect to difficulties faced by this Party in implementing and complying with its obligation to submit annual reports in accordance with article 13.3 of the Convention, and nine submissions from the Secretariat regarding Parties that have never submitted a national report in accordance with that same provision: Bhutan, Cape Verde, Eritrea, Guinea Bissau, Libyan Arab, Liberia, Nicaragua, Swaziland and Togo. In considering these submissions, the Committee aimed at identifying the facts and root causes of each matter and assisting in its resolution. Four Parties concerned by a submission attended, in person or via teleconference, discussions on the submission relevant to them. The cooperation of these four Parties, namely Bhutan, Eritrea, Guinea Bissau and Togo, greatly facilitated the work of the Committee in understanding the challenges faced by these Parties, their own efforts to address their difficulties, steps that they were in a position to take to submit at least part I of their national report, and how best the Committee could assist them in restoring compliance with the reporting obligation, for instance through the elaboration, in coordination with these Parties, of a voluntary compliance action plan. The Committee adopted decisions pertaining to the ten specific submissions it considered.

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Linked to the issue of the specific submissions, and as mandated by COP-9, the Committee considered how to address existing shortcomings and limitations in relation to the lack of specific submissions to the Committee. The Committee was more specifically mandated to develop recommendations in relation to the Committee's trigger options and in relation to the lack of resources to assist Parties that are determined to be facing difficulties in implementation and compliance.

Concerning the trigger issue, the Committee agreed to recommend that COP-10 adopt a decision amending the terms of reference by extending the scope of the Secretariat trigger. The Committee also agreed to recommend that COP-10 introduce a new paragraph to the Committee's terms of reference that would confer a triggering role to the Committee, under specific circumstances and provided no individual Party or the Secretariat have made or are likely to make use of the possibility to make a submission.

The Committee also considered the issue of lack of resources to assist Parties that are determined to be facing difficulties with implementation and compliance. The Committee agreed that this matter was of particular relevance, especially since its consideration of specific submissions had clearly evidenced that in order for implementation and compliance difficulties to be resolved, access to funding might be required. The Committee will therefore seek from COP-10 the authorization to direct the use of contributions to the implementation fund to assist individual Parties concerned by a specific submission in the event facilitative measures under paragraph 19 of the terms of reference, namely advice, non-binding recommendations and information, appear to not be sufficient to resolve the compliance matter.

General review

Illegal traffic

The Committee agreed to recommend that COP-10 establish a partnership on preventing and combating illegal traffic with a focus on capacity building (development of tools, training materials, hosting workshops and information exchange). Membership would extend to entities with a mandate to deliver such activities would be the primary partners. At the global level, these involve mainly intergovernmental organizations – WCO, Interpol, UNEP –, individual Parties, the BCRCs, informal networks (Asian Network, INECE IMPEL TFS, MEA REN, GCI), and the Secretariat. COP-10 will be asked to invite the Committee, in the context of its 2012-2013 programme of work, to take the necessary steps to prepare, in cooperation with concerned entities and for the consideration of the Conference of the Parties at its eleventh session, detailed terms of reference for this partnership.

National reporting

The Committee considered several national reporting issues, including an assessment of the status of national reporting, of difficulties faced by Parties in submitting national reports and their needs for assistance; the development of additional tools to assist Parties, namely the development of a model or benchmark report; the classification, on a regional basis, of Parties' compliance performance with respect to national reporting; and how to promote and facilitate the exchange of information on best available practices between developed countries and developing countries, including countries with economies in transition, on development of national reporting. Specific recommendations on all the national reporting issues that the Committee was tasked to review will be put forward to COP-10.

National legislation

The Committee recommends that COP-10 invite Parties to undertake a self evaluation of how far their existing legal framework conforms to the Check List for the Legislator elaborated by the Committee, that the Committee be mandated to review such evaluations and also to develop a legal capacity building strategy under the Convention to improve implementation of, and compliance with articles 4 paragraph 4 and 9 paragraph 5 of the Convention.

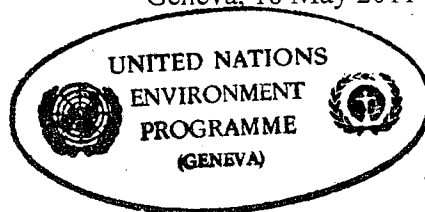
INVITATION FOR THE NOMINATION OF TEN MEMBERS OF THE ICC, TO BE ELECTED BY COP-10

The Secretariat draws the attention of Parties to the fact that the tenth meeting of the Conference of the Parties is, in accordance with paragraph 6 of the terms of reference of the mechanism for promoting implementation and compliance, required to elect for two full terms ten new members of the Committee to replace those members whose period of office will expire at COP-10 (see table attached). The Secretariat reminds Parties that, in line with paragraphs 3 and 5 of the above mentioned terms of reference, the Committee consists of 15 members nominated by the Parties - serving objectively and in the best interest of the Convention, with expertise relating to the subject matter of the Convention in areas including scientific, technical, socio-economic and/or legal fields - and based on equitable geographical representation of the five regional groups of the United Nations.

Thank you in advance for your kind attention and cooperation.

NS

Secretariat of the Basel Convention
Geneva, 18 May 2011



To: Focal Points and Competent Authorities of Parties and Signatories to the Basel Convention, Basel Convention Regional and Coordinating Centres

cc: Permanent Missions to the United Nations in Geneva
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Members of the Implementation and Compliance Committee

Committee for 2007-2008	Committee for 2009-2011	Committee for 2012-2013
Mr. Avignon Muusya Mwinzi, alternate to Mr. Ratemo Michieka (Kenya)	Mr. Dessalegne Mesfin Fanta (Ethiopia)	Mr. Dessalegne Mesfin Fanta (Ethiopia)
Mr. Larsey Mensah (Ghana)	Mr. Larsey Mensah (Ghana)	To be elected by COP 10
Mrs. Farah Bouqartacha (Morocco)	Mrs. Farah Bouqartacha (Morocco)	To be elected by COP 10
Mr. Rasio Ridho Sani (Indonesia)	Mr. Rasio Ridho Sani (Indonesia)	To be elected by COP 10
Mr. Suh-Yong Chung (Republic of Korea)	Mr. Suh-Yong Chung (Republic of Korea)	To be elected by COP 10
Mr. Abdul Hamid (Pakistan)	Mrs. Leela Padmini Batuwitage (Sri Lanka)	Mrs. Leela Padmini Batuwitage (Sri Lanka)
Mrs. Gordana Petkovic (Serbia)	Mrs. Gordana Petkovic (Serbia)	To be elected by COP 10
Mrs. Ilze Donina (Latvia)	Mrs. Zdenka Bubenikova (Czech Republic)	Mrs. Zdenka Bubenikova (Czech Republic)
Mrs. Krystina Panek-Gonde (Poland)	Mr. Marek Poricky, alternate to Mrs. Krystina Panek-Gonde (Poland)	To be elected by COP 10
Mr. Osvaldo Alvarez (Chile)	Mr. Osvaldo Alvarez (Chile)	To be elected by COP 10
Mrs. Gillian Guthrie (Jamaica)	Mrs. Gillian Guthrie (Jamaica)	To be elected by COP 10
Ms. Yocasta Valenzuela (Dominican Republic)	Mrs. Pauline Davies, alternate to Mrs. Jacqueline Alvarez (Uruguay)	Mrs. Pauline Davies (Uruguay)
Mr. Damien Hall (Australia)	Mr. Damien Hall (Australia)	To be elected by COP 10
Mr. Martin Widstam (Sweden)	Mr. Martin Widstam (Sweden)	To be elected by COP 10
Mr. Jurg Bally (Switzerland)	Mr. Roy Watkinson (United Kingdom)	Mr. Roy Watkinson (United Kingdom)