

25 April 2017

CIEL Intervention on Basel compliance committee

Given by David Azoulay

Thank you Mr. president,

As noted in the secretariat report on the evaluation of the amendment of Article 9 (c) of the Committee's terms of references, the secretariat has yet to make use of the secretariat trigger extension provided by the amendment.

In a legal analysis published in February of this year, the Center for International Environmental Law identified a specific implementation and compliance challenge relating to the implementation of Article 4.1 of the Convention (addressing the obligation for parties to ban the export of hazardous waste to the parties that have prohibited such imports) and Article 13.2 of the Convention (relating to the changes in national definition of hazardous waste), in the specific context of transboundary movement of hazardous waste to the territory of Parties to the Bamako Convention.

This implementation and compliance challenge falls squarely under the scope of the extended secretariat trigger pursuant to the amended version of Article 9 (c) and we would like to suggest that the secretariat looks into the issue raised by our legal analysis,

possibly prepare a submission to Committee, and use it to inform the preparation of the revised report evaluating the effectiveness of the amendment to Article 9 (c) of the terms of reference, to be presented at the thirteenth meeting of the Implementation and Compliance Committee

Furthermore, we note that the Committee agreed to include in its work programme for 2018–2019 the development of guidance on bilateral, multilateral or regional agreements or arrangements under Article 11 of the Convention, covering both the content of the agreements as well as their implementation. We would like to further invite the Committee to consider the particular issue identified in CIEL’s legal opinion, arising at the confluence of the Bamako Convention (a recognized Article 11 regional agreement) and the Basel Convention to inform this particular guidance. We look forward to working with the secretariat, Basel parties, and, should we be invited to do so, with the Committee, to further promote the implementation and compliance of the Basel Convention.