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مؤتمر الأطراف في اتفاقية بازل بشأن التحكم في نقل
النفايات الخطرة والتخلص منها عبر الحدود
الاجتماع التاسع
بالي، ٢٣ - ٢٧ حزيران/يونيه ٢٠٠٨
البند ١١ من جدول الأعمال المؤقت*
مسائل أخرى

تنظيم الاجتماع الحادي عشر لمؤتمر الأطراف (٢٠١٢) والفقرة ٧ من المادة ١٥ من
الاتفاقية

مذكرة من الأمانة

أولاً - مقدمة

١ - تنص الفقرة ٧ من المادة ١٥ من اتفاقية بازل على أن "يتولى مؤتمر الأطراف، بعد ثلاثة
أعوام من بدء سريان الاتفاقية، ومرة على الأقل كل ستة أعوام بعد ذلك، تقييم فعالية الاتفاقية
وينظر، إذا لزم الأمر، في فرض حظر كامل أو جزئي على عمليات نقل النفايات الخطرة والنفايات
الأخرى عبر الحدود على ضوء آخر المعلومات العلمية والبيئية والتقنية والاقتصادية".

ثانياً - التنفيذ

- ٢ - تلقى مؤتمر الأطراف، في اجتماعه الثالث، المعقود في أيلول/سبتمبر ١٩٩٥، أي بعد ثلاثة أعوام من بدء نفاذ الاتفاقية، دراسة تقييمية لفعالية اتفاقية بازل.^(١) وبعد أن نظر مؤتمر الأطراف في تلك الدراسة، اعتمد المقرر ١٠/٣، الذي دعا فيه غير الأطراف إلى التصديق على الاتفاقية لتعزيز تطبيقها على نطاق العالم. ومنذ ذلك الحين لم يجر استعراض آخر لفعالية الاتفاقية.
- ٣ - ويحتوي المرفق الأول^(٢) لهذه المذكرة معلومات إضافية عن عملية يمكن أن يتبعها مؤتمر الأطراف لإعداد تقييم لفعالية الاتفاقية في اجتماعه الحادي عشر في ٢٠١٢. ويورد المرفق الثاني، في شكل رسم بياني،^(٣) إطاراً محتملاً لهذه العملية.

ثالثاً - الإجراء المقترح

- ٤ - قد يود مؤتمر الأطراف أن يعتمد مقررًا على غرار ما يلي:
- إن مؤتمر الأطراف،
- إذ يشير إلى أن عام ٢٠١٢ سيصادف الذكرى العشرين لبدء نفاذ اتفاقية بازل،
- ١ - يقرر ضرورة إجراء تقييم لفعالية الاتفاقية في الاجتماع الحادي عشر لمؤتمر الأطراف وفقاً للفقرة ٧ من المادة ١٥ من الاتفاقية؛
- ٢ - يطلب إلى الأمانة أن تعد مقترحاً ينظر فيه الفريق العامل المفتوح العضوية في اجتماعه المقبل عملية تحضيرية لتقييم فعالية الاتفاقية بواسطة مؤتمر الأطراف في اجتماعه الحادي عشر، وتتضمن العملية، جملة أمور منها ما يلي:
- (أ) مراعاة أي تقييمات مهمة لأداء الاتفاقية والهيئات التابعة لها سواء كانت تجرى حالياً أو يزعم إجراؤها بتوجيه من مؤتمر الأطراف؛
- (ب) مراعاة أي أنشطة أو تطورات أخرى مهمة لأداء اتفاقية بازل؛
- (ج) اقتراح أنشطة أو برامج تجريبية أخرى، حسب الاقتضاء، يمكن أن تساعد مؤتمر الأطراف في إجراء تقييم لفعالية الاتفاقية في اجتماعه الحادي عشر؛
- (د) تحديد مؤشرات محتملة يمكن أن يطبقها مؤتمر الأطراف في اجتماعه الحادي عشر لقياس فعالية الاتفاقية؛
- (هـ) تحديد أي تكاليف إضافية قد تكون مرتبطة بأي عنصر من عناصر الاقتراح الخاص بعملية التحضير لتقييم فعالية الاتفاقية؛

(١) UNEP/CHW.3/INF/7.

(٢) لدواعي الاقتصاد في النفقات يتاح المرفق باللغة الإنجليزية فقط بصيغته الواردة دون تحريره رسمياً.

٣ - يدعو الأطراف والجهات الأخرى إلى أن تحيل إلى الأمانة، بحلول ____ ٢٠٠٩، آراءها والمعلومات ذات الصلة التي يمكن أن تساعد في التحضير لتقييم فعالية الاتفاقية ويطلب إلى الأمانة أن تقوم بتجميع هذه الآراء والمعلومات وأن تقدمها إلى الفريق العامل المفتوح العضوية في دورته القادمة للنظر فيها؛

٤ - يطلب إلى الفريق العامل المفتوح العضوية:

(أ) أن يضع توصيات لعملية تحضيرية لتقييم فعالية الاتفاقية، مع مراعاة المقترحات التي أعدتها الأمانة وأي آراء ومعلومات ترد من الأطراف والجهات الأخرى؛

(ب) أن يحيل هذه التوصيات إلى مؤتمر الأطراف للنظر فيها في اجتماعه العاشر؛

٥ - يناشد جميع الأعضاء وأصحاب المصلحة الآخرين القادرين على تقديم مساهمات مالية أو عينية أن تفعل ذلك للمساعدة فيما يلي:

(أ) إعداد مقترح لعملية تحضيرية لتقييم فعالية الاتفاقية؛

(ب) التحضير لأنشطة أو برامج تجريبية إضافية، حسب الاقتضاء، يمكن أن تساعد مؤتمر الأطراف في إجراء تقييم لفعالية الاتفاقية والنظر في آليات محتملة لتعزيز فعالية الاتفاقية على ضوء أحدث المعلومات العلمية والبيئية والتقنية والاقتصادية.

Annex I

Possible process to prepare for an evaluation of the effectiveness of the Convention by the Conference of the Parties at its eleventh meeting in 2012

I. Procedural history

1. Paragraph 7 of Article 15 of the Basel Convention provides that the “Conference of the Parties shall undertake three years after the entry into force of this Convention, and at least every six years thereafter, an evaluation of its effectiveness and, if deemed necessary, to consider the adoption of a complete or partial ban of transboundary movements of hazardous wastes and other wastes in light of the latest scientific, environmental, technical and economic information.”³

2. Three years after the entry into force of the Convention, the Conference of the Parties received a study on the “Evaluation and Effectiveness of the Basel Convention and the Control of Transboundary Movements of Hazardous Wastes and their Disposal”.⁴ Having considered this study the Conference of the Parties adopted decision III/10 on the evaluation of the effectiveness of the Basel Convention. No subsequent review of the effectiveness of the Basel Convention has been carried out by the Conference of the Parties.

3. At its sixth session, convened in September 2007, the Open-ended Working Group considered whether the ninth meeting of the Conference of the Parties (“COP 9”) should conduct an evaluation of the effectiveness of the Convention in accordance with paragraph 7 of article 15 of the Convention. However, several delegations expressed the view that “although a review conference would be appropriate and desirable, they were concerned that there was insufficient time to prepare sufficiently before June 2008”.⁵

4. Subsequently, in February 2008, the Secretariat requested the guidance of the Expanded Bureau of the eighth meeting of the Conference of the Parties on the organization of the tenth and eleventh meetings of the Conference of the Parties in 2010 and 2012, respectively. Specifically, the Secretariat requested the Expanded Bureau to consider whether the tenth meeting of the Conference of the Parties should focus on a successor arrangement to the current Strategic Plan for the Implementation of the Basel Convention, which will come to an end in 2010, and whether the eleventh meeting of the Conference of the Parties should serve as an evaluation conference pursuant to paragraph 7 of article 15 of the Convention. Noting the concerns expressed at the sixth meeting of the Open-ended Working Group, the Secretariat proposed that a process preparing for an evaluation conference could be initiated at COP 9 to allow sufficient time for such preparations. The Expanded Bureau proposed that regional consultations could be undertaken on these

³ Article 15(5) of the Basel Convention further provides:

“The Conference of the Parties shall keep under continuous review and evaluation the effective implementation of this Convention, and, in addition, shall:

- (a) Promote the harmonization of appropriate policies, strategies and measures for minimizing harm to human health and the environment by hazardous wastes and other wastes;
- (b) Consider and adopt, as required, amendments to this convention and its annexes, taking into consideration, inter alia, available scientific, technical, economic and environmental information;
- (c) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention in light of experience gained in its operation and the operation of the agreements and arrangements envisaged in Article 11;
- (d) Consider and adopt protocols as required; and
- (e) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention.

⁴ UNEP/CHW.3/INF.7.

⁵ UNEP/CHW/OEWG/6/29, at paragraph 187.

proposals. At the time of preparation of the present note, no feedback had been received by the Secretariat on the proposals.

II. Review processes

5. The Conference of the Parties has already initiated a number of processes which involve an evaluation of either the operation of the Basel Convention and its organs, or the mechanisms intended to enhance implementation of the Convention. In particular, work is on-going on:

(a) **The development of a successor arrangement to the Strategic Plan for the Implementation of the Basel Convention which expires in 2010:** By its decision VI/1, the sixth meeting of the Conference of the Parties adopted a Strategic Plan for the Implementation of the Basel Convention (to 2010) to serve as a means to give further effect to the Basel Declaration on Environmentally Sound Management. As the Strategic Plan is due to expire in 2010, the ninth meeting of the Conference of the Parties will be invited to adopt a workplan for initiating a review of the Strategic Plan, and to mandate the preparation of a strategic framework for the implementation of the Basel Convention for the period 2010-2020 (Decision VI/1; Decision VIII/10; and OEWG-VI/28);

(b) **The enhancement of cooperation and coordination among the Basel, Rotterdam and Stockholm Conventions:** The ninth meeting of the Conference of the Parties will be invited to adopt the recommendation developed by the *Ad Hoc* Joint Working Group on Cooperation and Coordination among the Basel, Rotterdam and Stockholm conventions. The consideration of this item, as well as the possible implementation of the recommendation, is likely to require consideration of the effectiveness of the operation of the Convention at the national level and an evaluation of the operation of the Secretariat at COP 9 and at a later date (process initiated by decision VIII/8);

(c) **Review of the operation of the Basel Convention regional and coordinating centres:** The ninth meeting of the Conference of the Parties will receive the text of a report on the review of the Basel Convention regional and coordinating centres, which was initiated by decision VIII/4 of the Conference of the Parties at its eighth meeting. The ninth meeting of the Conference of the Parties will also be invited to mandate the Open-ended Working Group to further develop the conclusions and recommendations set out in the report of the review, and to mandate, among other things, the development of a work plan for strengthening the Basel Convention regional and coordinating centres and the development of a set of indicators to measure performance and impediments in relation to the functions and impacts of the centres (Decision VIII/4);

(d) **Review of the implementation of decision V/32 on the enlargement of the scope of the Trust Fund to Assist Developing Countries and other Countries in Need of Assistance in the Implementation of the Basel Convention:** A report on the experiences of the Secretariat, and comments from Parties, on the implementation of decision V/32 will be presented, further to decision OEWG-VI/14. The Conference of the Parties will be invited to mandate the Open-ended Working Group to review the implementation of decision V/32 and to develop a series of recommendations thereon for consideration by the Conference of the Parties at its tenth meeting (Decision VIII/10, Section IV.B; and OEWG-VI/14).

(e) **Addressing the interpretation of paragraph 5 of Article 17 of the Basel Convention:** The Open-ended Working Group was mandated by COP 8 to address further the issue of the interpretation of paragraph 5 of article 17 of the Basel Convention, taking account of the perception of ambiguity held by many Parties, with a view to resolving it at the earliest opportunity, and to develop a draft decision to reach an agreed interpretation by the Parties in accordance with international law for consideration by the Conference of the Parties at its next meeting. The Open-ended Working Group, at its sixth session, developed a “non-exhaustive list of possible elements for a draft decision to reach an agreed interpretation of paragraph 5 of article 17 of the Basel Convention” which will be presented to COP 9 for consideration (Decision VIII/30).

III. Proposed action

6. The theme of COP 9, “Waste Management for Human Health and Livelihood”, provides an opportunity to recall the fundamental objectives of the Convention, that is, “to protect, by strict control, human health and the environment against the adverse effects which may result from the generation and management of hazardous wastes and other wastes”. COP 9 may, therefore, be a suitable occasion upon which to initiate a process to evaluate whether the Basel Convention has been effective in promoting the achievement of these objectives, or whether the Conference of the Parties could consider other mechanisms by which to promote attainment of these objectives.

7. The on-going processes identified in the preceding section directly relate to the operation and effectiveness of the Convention and its bodies. The Conference of the Parties may, therefore, wish to consider whether it would be appropriate and efficient to initiate a process leading towards an evaluation of the effectiveness of the Convention at the eleventh meeting of the Conference of the Parties in accordance with paragraph 7 of article 15 of the Convention in 2012 and, by that process:

(a) Bring all on-going review processes and new processes initiated by COP 9 under a single framework. Annex II contains a diagram which illustrates a possible framework for such a process;

(b) Mandate work to be undertaken during the intersessional period between COP 9 and COP 10 to identify other matters that should properly be addressed in an evaluation of the effectiveness of the Basel Convention;

(c) Mandate work on further activities or pilot programmes or proposals for further activities or pilot programmes, as appropriate, that would assist in the evaluation of the effectiveness of the Convention and present possible mechanisms to enhance the effectiveness of the Convention in light of the latest scientific, environmental, technical and economic information.;

(d) Mandate work on the development of indicators to measure the effectiveness of the Basel Convention, for presentation to COP 10 which could, in turn, provide directions on the products to be presented to COP 11 to enable an evaluation to take place at COP 11.

8. By initiating such a process at COP 9, there may be sufficient time to undertake activities necessary to collect the data and information required for a reliable and comprehensive evaluation of the effectiveness of the Convention as a whole, rather than proceeding on the basis of disparate review processes continuing in parallel. Thus, COP 10 might serve as an opportunity to monitor the progress of various review activities. Furthermore, by providing that some of the relevant preliminary assessments could be undertaken by COP 10, Parties could ensure that COP 11 is not tasked with more work than it could feasibly complete. Thus, for example, preliminary recommendations on the successor arrangement to the Strategic Plan could be undertaken at COP 10, while being subject to further review at COP 11, taking into account the output of consultations and negotiations on other matters.

9. In considering whether such an evaluation process might be established, Parties may also wish to have regard to:

(a) How and by what body should preparations for such an evaluation be undertaken;

(b) The possible content and form of an outcome from the evaluation;

(c) How to bear the costs of such a process, if additional costs would be incurred.

