Draft report on the implementation of Decision V/32 in responding to emergency situations

Secretariat of the Basel Convention

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**Table of Content**

1. Introduction
2. Background
	1. Enlargement of the scope of the Technical Cooperation Trust Fund of the Basel Convention
	2. Interim Guidelines
	3. Standard form for request for emergency assistance
3. The emergency trust fund
	1. Expediency of the procedures under the mechanism
	2. Adequacy of resources available for use under the mechanism
4. Cooperation with the Joint UNEP/OCHA Environment Unit in responding to emergency situations
5. Comparative study of similar mechanisms
6. Conclusions and recommendations

Annexes

1. Comparative table of emergency mechanisms
2. Relevant decisions
3. Form for request for emergency assistance
4. **Introduction**
5. By its decision BC-10/22 on the implementation of decision V/32 on the enlargement of the scope of the Technical Cooperation Trust Fund, the Conference of Parties to the Basel Convention requested the Secretariat to develop a draft report containing recommendations on the expediency of the procedures under the mechanism, the adequacy of resources available for use under the mechanism and cooperation with other international organizations and agencies in responding to emergency situations. As requested by the Parties, the report includes a comparative study of similar mechanisms in operation in other international organizations such as the International Atomic Energy Agency (IAEA) and the International Maritime Organization (IMO).
6. This report builds on the previous reports submitted to Parties at the sixth session of the Open-ended Working Group of the Basel Convention (September 2007), ninth meeting of the Conference of the Parties to the Basel Convention (June 2008), seventh session of the Open-ended Working Group of the Basel Convention (May 2010) and tenth meeting of the Conference of the Parties to the Basel Convention (October 2011).
7. **Background**
	1. **Enlargement of the scope of the Technical Cooperation Trust Fund of the Basel Convention**
8. By its decision V/32, the Conference of the Parties decided to enlarge the scope of the Technical Cooperation Trust Fund of the Basel Convention to assist the Contracting Parties which are developing countries or countries with economies in transition in cases of emergency and compensation for damages resulting from incidents arising from transboundary movements of hazardous wastes and other wastes and their disposal (the “V/32 mechanism”). This decision allows the Secretariat of the Basel Convention, upon request, to use the funds allocated to the Technical Cooperation Trust Fund:

(i) To assist a Party which is a developing country or a country with economy in transition in case of an incident occurring during a transboundary movement of hazardous wastes or other wastes covered by the Basel Convention in order:

a. To estimate the magnitude of damage occurred or damage that may occur and the measures needed to prevent damage;

b. To take appropriate emergency measures to prevent or mitigate the damage;

c. To help find those Parties and other entities in a position to give the assistance needed;

(ii) To provide compensation for damage to and reinstatement of the environment to Parties which are developing countries or countries with economies in transition, where damage occurs that is covered by the Liability and Compensation Protocol (“the Protocol”), up to the limits provided for in the Protocol, where such compensation and reinstatement is not adequate under the Protocol (**only to be operational once the Protocol enters into force**); and

(iii) To assist a developing country Party or Party with economy in transition in developing its capacity-building and transfer of technology and in putting in place measures to prevent accidents and damage to the environment caused by the transboundary movement of hazardous wastes and other wastes and their disposal.

* 1. **Interim Guidelines**
1. At its sixth meeting the Conference of the Parties adopted decision VI/14 on Interim guidelines for the implementation of decision V/32 on enlargement of the scope of the Trust Fund to Assist Developing and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention (“the interim guidelines”) which provide for a series of procedures through which emergency assistance can be sought by Parties and, following which, emergency assistance can be rendered.
	1. **Standard form for request for emergency assistance**
2. The Conference of the Parties at its ninth meeting adopted the Standard form for request for emergency assistance from the Technical Cooperation Trust Fund by developing and other countries (“Standard form”) that address which information should the request contain, as per the interim guidelines. The Standard form is available in all six official United Nations languages on the website of the Basel Convention at http://www.basel.int/Implementation/LegalMatters/EmergencyFund/tabid/2370/Default.aspx
3. **The emergency trust fund**
	1. **Expediency of the procedures under the mechanism**
4. The V/32 mechanism has only been triggered once to provide assistance to Côte d’Ivoire following an incident which involved the dumping of hazardous materials in August 2006. The Government of Côte d’Ivoire issued a formal request for assistance on 25 September 2006 following consultations with the Secretariat on the procedures set forth in the interim guidelines. In light of the above, the Secretariat’s experience in administering the V/32 mechanism is limited to the purposes of providing emergency assistance, as identified in Part I of the interim guidelines.
5. The Secretariat consulted the Expanded Bureau in accordance with the existing procedures. The third meeting of the Expanded Bureau of the seventh meeting of the Conference of the Parties, which happened to be meeting on 6 to 7 October 2006, supported the provision of emergency assistance to Côte d’Ivoire under decision V/32, to the extent that the matter fell within the scope of the Basel Convention. To this end, a “rapid assessment” mission under the emergency mechanism was carried out from 20 November to 1 December 2006.
6. Prior to requesting emergency assistance, the interim guidelines provide for the requesting Party to first:

(i) try to solve the problems with its own means;

(ii) take measures under the national system for emergency assistance in response to incidents, where such a system exists. If these measures are not sufficient the request for assistance may be made. The request must supply information specified in the guidelines.

1. The Secretariat found that it took time for the requesting authority to source the relevant information which needs to be included in a request for assistance before it can be properly considered. The information required to be submitted by the requesting authority includes such details as, the description of hazardous wastes or other wastes involved, names of states involved in the transboundary movement, and the type and extent of damage that occurred or is likely to occur. While the interim guidelines provides for such information to be supplied in so far as it is known by the requesting authority, the Secretariat found that a number of weeks passed before a formal request for assistance that met the requirements under the interim guidelines was received.
2. In accordance with the interim guidelines for the implementation of decision V/32[[1]](#footnote-1) , when determining a response to a request for assistance by an eligible Party, the Executive Secretary of the Basel Convention is required to consult with the Expanded Bureau and, contributors to the Technical Cooperation Trust Fund.
3. The Secretariat found that its ability to promptly respond to the request for assistance submitted by Côte d’Ivoire was limited by the need to first consult with the Expanded Bureau and relevant donors to the Trust Fund. In the case of the request for the Côte d’Ivoire, the Expanded Bureau was able respond fairly rapidly to this request. This was, however, largely due to the fact that the Expanded Bureau happened to have a meeting scheduled in the weeks following the receipt of the request. The Secretariat found that many of the contributors were prompt to respond to consultations with the Executive Secretary so as to enable these contributions to be released to support the emergency assistance activities.
4. It is noted, however, that the emergency assistance envisaged by the V/32 mechanism includes (a) a rapid assessment to estimate the magnitude of damage that has occurred or damage that may occur and the measures needed to mitigate and prevent (further) damage; (b) emergency measures to prevent or mitigate the damage; (c) broker activities to help find those Parties and other entities in a position to give the assistance needed. The emergency assistance activities envisaged thus need to be put in place very soon after the occurrence of the incident, in order to effectively respond to, prevent, and mitigate, any damage which has been caused. However, three months elapsed between the incident and the mission.
5. The Secretariat considers this resulted from the procedures established by the interim guidelines. Accordingly, the outcome of the mission’s findings were applied to develop medium to long-term recommendations to prevent future emergency situations by, for example, improving the capacity of Côte d’Ivoire to respond to similar incidents and the development of a programme to rehabilitate the lagoon system in Abidjan.

*Lessons learned:*

1. The procedures set forth in the interim guidelines for the submission of requests for assistance, and the consultations to be undertaken by the Secretariat in acceding to such a request are not flexible in nature and they prevent the rapid emergency assistance activities which appear to have been intended by the interim guidelines.
	1. **Adequacy of resources available for use under the mechanism**

1. Contributions made for emergency assistance to the Technical Cooperation Trust Fund shall be used within the terms of paragraph 2 of decision V/32. These contributions to the Technical Cooperation Trust Fund can be earmarked for general emergency assistance or may be earmarked for concrete activities. Whenever contributions are earmarked for specific activities, they will be used accordingly.
2. In the event of an emergency, contributions earmarked for emergency assistance would be used first, followed by contributions which have not been earmarked.
3. Under the financial rules set forth in the interim guidelines[[2]](#footnote-2) there are the following limits for payments from the Technical Cooperation Trust Fund:

(a) Part 1 (emergency assistance): no more than 30 per cent of the available funds may be used for any single incident. A reserve of 30 per cent should be maintained for the next possible incident;

(b) Part 2 (compensation for damage to and reinstatement of the environment):

without the approval of the Expanded Bureau no more than 30 per cent of the funds not earmarked for specific activities available in the Fund may be used for any single incident;

(c) Part 3 (development of capacity-building, transfer of technology and putting in place measures to prevent accidents and damage to the environment caused by the transboundary movement of hazardous wastes and other wastes and their disposal): no more than 30 per cent of the amount of non-earmarked funds contributed for requests may be used without the approval of the Expanded Bureau.

1. A minimum reserve of 10 per cent of the contributions received that are earmarked for the emergency mechanism should never be used except with express approval of the Expanded Bureau.
2. It is noted that the interim guidelines provide for the Expanded Bureau to waive the limits on payments in respect of each incident in exceptional circumstances. However, the interim guidelines do not specify the criteria for an “exceptional circumstance”.
3. As of 30 June 2012, the total sum of USD 332,876 was available in the Technical Cooperation Trust Fund (“the Fund”) for use under the V/32 mechanism. Such funds are derived from contributions provided by the following eight donor countries: Australia, Denmark, Finland, France, New Zealand, Norway, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Table 1 below sets out information on the Fund balance at the time of drafting of this report.
4. On this basis, and on the basis of the funds currently available in the Fund, an amount of USD 33,287should be kept as a reserve, thus leaving a maximum of USD 299,589 to be used. As a result, the maximum amount available to be used in a single incident for emergency assistance is USD 99,863.

**Table 1. Status of contributions for emergency assistance to the Technical Cooperation Trust Fund**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Donor**  | **Year paid** | **Amount paid**  | **Expenditures****(amount in US$)**  | Balance in 2012 | Percentage used | Remarks |
| Australia | 2007 | 42,290 |  | 42,290 | 0% | (1) |
| Denmark | 2000 | 79,045 |  | 79,045 | 0% | (1) |
| Finland | 2000 | 22,105 |  | 22,105 | 0% | (1) |
| France | 2000 | 66,225 |  | 66,225 | 0% | (1) |
| New Zealand | 1999 | 10,000 |  | 10,000 | 0% | (1) |
| Norway | 2000 | 27,848 |  | 27,848 | 0% | (1) |
| Switzerland | 2000 | 50,000 |  | 50,000 | 0% | (1) |
| United Kingdom | 2000 | 50,000 | 14,637(2) | 35,363 | 29% | used for Côte d'Ivoire consultant expenses in November 2006 |
| **Balance** |  | **347,513** |  | **332,876** |  |  |

1. Earmarked for general emergency assistance
2. Expenditures incurred by the expert mission organized by the Secretariat to assist Côte d’Ivoire to estimate the magnitude of damage that occurred and the measures needed to mitigate and prevent further damage (“rapid assessment”) in response to their request for emergency assistance under the Emergency Trust Fund in 2006. The funds used to assist Côte d’Ivoire represented 4.8 % of the total of funds available at the time.

Table 2. Overview of the distribution of funds available for emergency assistance as per 30 June 2012

|  |  |  |
| --- | --- | --- |
|  | Amount in US$ | Percentage |
| Earmarked for general emergency assistance  | 199,726 | 70% |
| Earmarked for concrete activities | 0 | 0% |
| Minimum reserve  | 33,287 | 10% |
| Maximum available to be used in a single incident | 99,863 | 30% |
| **Total balance of the Fund** | **332,876**  | **100%** |

*Lessons learned:*

1. In summary, the amount of funds which are available for use determines the scale by which emergency assistance can be rendered. The emergency assistance mission that was conducted in Côte d’Ivoire was very modest in nature. More comprehensive and responsive assistance to prevent and mitigate the short-term effects of the incident would have required resources beyond those available in the Fund for this case, noting the potential magnitude of emergency response activities to address any incidents involving hazardous wastes.
2. **Cooperation with the Joint UNEP/OCHA Environment Unit in responding to emergency situations**
3. Under the interim guidelines, the Secretariat is to undertake broker activities which would include: helping find those Parties and other entities in a position to give the assistance needed; to act as a broker between the country that is the victim of an incident and potential donors (financial or in-kind); to maintain a list of and establish contact with entities, such as other international organizations involved in the field of emergency response, research institutions, private companies, non-governmental organizations or public institutions, with expertise in the relevant fields of emergency response; and to encourage and facilitate, bilateral or multilateral assistance arrangements among and between Parties.
4. The interim guidelines further note the role to be played by the UNEP/OCHA Environment Unit. The interim guidelines recalls the mandate of UNEP/OCHA which is to improve the international response to environmental emergencies by serving as a clearing-house for information and a switchboard for disaster notification, and alerting and acting as a broker between affected and donor countries. The interim guidelines thus provide that the Secretariat should use the services provided by the Joint UNEP/OCHA Environment Unit in offering its emergency assistance.
5. In respect of the emergency assistance offered to Côte d’Ivoire, the Secretariat enjoyed close and effective cooperation with the UNEP/OCHA Environment Unit. In particular, the Secretariat and the UNEP/OCHA Environment Unit exchanged information so as to avoid duplication and to ensure that each entity was kept informed of the activities of the other. The Secretariat found that the UNEP/OCHA Environment Unit was better equipped to offer rapid emergency response to the incident, as it had greater field presence and operational structures. The Secretariat, on the other hand, had the technical expertise necessary to address the hazardous materials in question.
6. It is noted that other international organizations were also providing emergency assistance in response to the incident, within the remits of their particular competence, e.g. health implications of the incident by the World Health Organization.
7. Given the limited resources by which the Secretariat was able to offer rapid emergency assistance in response to this incident, the Secretariat sought to provide support to the emergency response operations of other international organizations and entities, in addition to the technical assistance mission which it undertook in November-December 2006.
8. The Secretariat signed a Letter of Agreement with the Joint UNEP/OCHA Environment Unit of the United Nations Office for the Coordination of Humanitarian Affairs and the United Nations Environment Programme on 28 March 2011 with the purpose to provide a framework of cooperation and understanding and to facilitate collaboration between the Parties with regard to the response to incidents involving the transboundary movement of hazardous wastes and other wastes and their disposal.
9. The objectives of this Agreement will be achieved through regular and ad hoc exchange of information and meetings between the Secretariat and the Joint UNEP/OCHA Environment Unit as well as through concrete cooperation in cases of incidents involving the transboundary movement of hazardous wastes and other wastes and their disposal.

*Lessons learned:*

1. The Secretariat found that it was possible to cooperate positively with other international organizations in responding to emergency situations. The best way was with the Joint UNEP/OCHA Environment Unit to coordinate activities so as to ensure there is no duplication of efforts. Furthermore, the Secretariat found that cooperating with other international organizations served to alleviate the limitations placed on the V/32 mechanism due to the lack of resources and lengthy procedures to be followed before emergency assistance can be rendered.
2. **Comparative study of similar mechanisms**
3. A number of emergency response mechanisms are in operation in other international organizations such as the International Atomic Energy Agency (IAEA), the International Maritime Organization (IMO), and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) through the Joint UNEP/OCHA Environment Unit.
4. **International Atomic Energy Agency (IAEA)**
5. The IAEA has an international response system that includes, but is not limited to, nuclear or radiological incidents and emergencies of actual, potential or perceived radiological significance for more than one State.
6. The type of emergency assistance to all member States provided in the IAEA international response system is as follows:

(1) exchange of official information among States/relevant international organizations;

(2) provision of assistance to States/relevant international organizations upon request; and

(3) provision of timely, truthful, consistent and appropriate public information

1. The IAEA through the Incident and Emergency Centre (IEC) maintains communications arrangements with relevant international organizations in order to coordinate any international response to a nuclear or radiological emergency. A number of international organizations are Parties to the two Emergency Conventions and have established warning points, and others have agreements with the IAEA for the purpose of response coordination. These International Organizations are: European Commission, European Police Office-EUROPOL, Food and Agriculture Organization of the United Nations, International Atomic Energy Agency, International Criminal Police Organization, International Maritime Organization, Nuclear Energy Agency of the Organization for Economic Cooperation and Development, Pan American Health Organization, United Nations Environment Programme, United Nations Office for the Coordination of Humanitarian Affairs, United Nations Office for Outer Space Affairs, World Health Organization, World Meteorological Organization, in cooperation with the International Civil Aviation Organization and the United Nations Scientific Committee on the Effects of Atomic Radiation.
2. In general, the IAEA needs to be prepared to respond timely, appropriately and efficiently to any situation that may have actual or potential radiological consequences to health, property or the environment and which would require the IAEA’s involvement. In addition, it should be able to respond to radiation safety and/or security related requests from Member States, relevant international organizations and the media/public with urgency.
3. A difference between the international response system of IAEA and the emergency assistance under the Basel Convention is that notification is mandatory for any nuclear accident involving facilities and activities listed in Article 1 of the Convention on Early Notification of a Nuclear Accident.
4. The emergency assistance in the IAEA international response system is to all member States. In the case of the emergency assistance under the Basel Convention, in accordance with decision V/32, the Secretariat may, upon request, assist a Party to the Convention which is a developing country or a country with economy in transition in case of an incident occurring during a transboundary movement of hazardous wastes and other wastes covered by the Convention.
5. The IAEA through the IEC maintains communications arrangements with other 14 relevant international organizations in order to coordinate any international response to a nuclear or radiological emergency. The Secretariat only maintains arrangements with the United Nations Office for the Coordination of Humanitarian Affairs, through the Joint UNEP/OCHA Environment Unit using a Letter of Agreement.
6. **International Maritime Organization (IMO)**
7. The International Maritime Organization is the specialized UN agency responsible for measures to improve the safety and security of international shipping and to prevent marine pollution from ships. It is also involved in legal matters, including liability and compensation issues and the facilitation of international maritime traffic. The IMO is the Secretariat to a wide array of international conventions governing all aspects of shipping, several of which are related to the transportation of nuclear substances by ship and to prevention, preparedness and response to pollution incidents from ships.
8. The International Maritime Organization has general responsibilities relevant to emergency response in accordance with the OPRC Convention 1990 International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 and it’s HNS Protocol on Preparedness, Response and Co-operation to Pollution incidents by Hazardous and Noxious Substances, 2000. The HNS Protocol, in particular, although not explicitly stating so, would, by its definition of hazardous and noxious substances, also normally extend to marine pollution incidents involving nuclear and radioactive substances occurring at sea or in port. The HNS Protocol entered into force in June 2007.
9. Under the provisions of the HNS Protocol 2000:
* *Pollution incident by hazardous and noxious substances* (hereinafter referred to as "pollution incident") means any occurrence or series of occurrences having the same origin, including fire or explosion, which results or may result in a discharge, release or emission of hazardous and noxious substances and which poses or may pose a threat to the marine environment, or to the coastline or related interests of one or more States, and which requires emergency action or immediate response; and
* *Hazardous and noxious substances* means any substance other than oil which, if introduced into the marine environment is likely to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.
1. IMO’s responsibilities under the provisions of the HNS Protocol 2000 during an emergency are to perform the following functions and activities, resources permitting, when requested by a Party to do so:
* to receive, collate and disseminate on request the information provided by Parties and relevant information provided by other sources;
* to analyse the information provided by Parties and relevant information provided by other sources and provide advice or information to States;
* to facilitate the provision of technical assistance and advice, upon the request of States faced with major pollution incidents; and
* to provide assistance in identifying sources of provisional financing of the costs of assistance for the provision of advisory services, technical support and equipment for the purpose of responding to a pollution incident, when the severity of the incident so justifies.
1. As provided for under the 1973 Intervention Protocol[[3]](#footnote-3), the IMO also maintains and up-to-date list of recognized regional centres of expertise with specialised oil and/or HNS preparedness and response, as a source of potential experts for rapid deployment, if required.

While these are the specific responsibilities of the Organization as identified in the Protocol, the IMO is more generally available to:

* co-operate with other agencies and organizations to facilitate the delivery of assistance in the event of a nuclear accident or radiological emergency involving or affecting a vessel(s) at sea or in port;
* serve as a liaison and channel for communications with the maritime community, in the event of a nuclear emergencies or radioactive incidents at sea or in port; and
* facilitate access to specific technical information and expertise with national maritime focal points and the maritime community at large.
1. Organization: The International Maritime Organization, through its Marine Environment Division, has the responsibility for the Organization’s role and activities related to emergency preparedness and response to marine pollution incidents and on maintains direct contact and continuous liaison with the competent authorities of Member States, national maritime authorities and regional maritime organizations, all of which can be accessed and called upon in the event of an emergency.
2. The Organization also has some basic internal capacity in terms of preparedness for and response to pollution incidents from ships and manages this role through its Marine Environment Division. Emergency functions include tracking of incidents, information gathering, reporting, and, on occasion, mobilization of resources and technical assistance upon request by Member States. IMO does not have 24/7 capability.
3. In addition, IMO promotes and assists Member States’ preparedness efforts through its Integrated Technical Cooperation Programme (ITCP), created for the sole purpose of assisting countries in building up their human and institutional capacities for compliance with IMO’s regulatory framework, including the OPRC Convention 1990 and its OPRC-HNS Protocol 2000, which collectively address preparedness, response and co-operation to oil spills and releases of HNS into the marine environment.
4. The role of IMO and of MED in marine pollution incidents will vary on a case-by-case basis, depending on specific needs, magnitude of the incident, geographical location, and political considerations. The role of MED can involve anything from tracking, monitoring and co-ordination from IMO Headquarters in London, to deployment of experts and/or IMO staff members to provide on-site assistance to a requesting Member State or affected country. There are a number of possibilities that exist for the provision of on-site assistance that may be undertaken in response to a given incident, as identified under the provisions of the OPRC Convention (articles 7 and 12) and of the OPRC-HNS Protocol (articles 5 and10), which indicate that the Organization will:
* facilitate the provision of technical assistance and advice, upon request of States faced with major pollution incidents, and;
* assist in identifying sources of provisional financing of response costs such as the provision of advisory services, and technical support and equipment for the response to a pollution incident.
1. The options that exist for the provision of on-site assistance, are as follows:
2. Consultants deployed by IMO;
3. IMO staff;
4. Brokering, facilitation and Co-ordination of international assistance.
5. There are several similarities between the IMO emergency preparedness and response to marine pollution incidents and the emergency mechanism of the Basel Convention as explained above. IMO is more active in tracking of incidents, information gathering, reporting, and, on mobilization of resources and technical assistance upon request by Member States. IMO also promotes and assists Member States’ preparedness efforts through its Integrated Technical Cooperation Programme (ITCP).

**c) United Nations Office for the Coordination of Humanitarian Affairs (OCHA)**

1. As mentioned above, the Secretariat signed a Letter of Agreement with the Joint UNEP/OCHA Environment Unit on 28 March 2011, in order to be able to respond timely, appropriately and efficiently to any request for emergency assistance by a Party to the Convention which is a developing country or a country with economy in transition.
2. A table comparing similar mechanisms is set out in Annex I to the present report.

**6. Conclusions and recommendations**

1. The Secretariat found that its ability to promptly respond to the request for assistance submitted by Côte d’Ivoire was limited by the need to first consult with the Expanded Bureau.

Recommendation 1: the Conference of the Parties might wish to consider amending the procedures under the interim guidelines to allow the Executive Secretary to consult the Bureau of the Conference of the Parties, on behalf of the Expanded Bureau.

1. The Executive Secretary should continue consulting with contributors, in the specific cases where contributions to the Trust Fund have been earmarked for concrete activities. The consultation with national experts and the relevant reporting should continue.
2. Few requests for assistance have been received by the Secretariat from eligible countries so far.

Recommendation 2: The Secretariat should prepare a leaflet to explain the procedures to be followed by Parties to apply for emergency assistance including the Standard form for request for emergency assistance from the Technical Cooperation Trust Fund. This leaflet should be available on the website of the Basel Convention.

1. It is important that each Party keeps the information on focal points and competent authorities updated.

Recommendation 3: The Competent authority should be available through phone, email, and/or fax; serve as the primary contact/interlocutor for the Secretariat; process requests and/or offers of international assistance for environmental emergencies; and provide relevant information on emergencies and keep communication with the National Focal Point for environmental emergencies.

1. The contributions available for emergency assistance in the Technical Cooperation Trust Fund appear to be adequate to fulfil the first type of assistance to be provided by the Secretariat, in line with decision V/32, which is to estimate the magnitude of damage and the measures needed (“quick assessment”). However, the level of funding does not seem sufficient if a more comprehensive and responsive assistance was to be conducted to prevent and mitigate the short-term effects of an incident.

Recommendation 4: The Secretariat’s role in implementing the guidelines would mainly focus on assisting countries to estimate the magnitude of damage and the measures needed (“quick assessment”) and to play a “broker role” to help find those Parties and other entities in a position to provide the assistance needed.

Recommendation 5: The Secretariat should request the assistance of the Joint UNEP/OCHA Environment Unit using the Letter of Agreement signed in 2011.

1. The IAEA and IMO are active in providing training. IAEA for the implementation of standards for emergency response preparedness in Member States (in accordance with the Statutes) and in developing appropriate training programmes for personnel to deal with nuclear accidents or radiological emergencies.
2. IMO promotes and assists Member States’ preparedness efforts through its Integrated Technical Cooperation Programme (ITCP), created for the sole purpose of assisting countries in building up their human and institutional capacities for compliance with IMO’s regulatory framework, including the OPRC Convention 1990 and its OPRC-HNS Protocol 2000, which collectively address preparedness, response and co-operation to oil spills and releases of HNS into the marine environment.

Recommendation 6: Similar to IAEA’s activities to assist Parties in emergency response preparedness, and in line with the mandate received in the Part III of the Interim guidelines on “development of capacity building, transfer of technology and putting in place measures to prevent accidents and damage [...]”, the Secretariat could work with relevant partners, such as the Joint UNEP/OCHA Environment Unit on the prevention of incidents and enhancing preparedness of the countries to deal with emergencies.

Recommendation 7: The Secretariat, as in the case of IAEA and IMO, could be requested to work with the Joint UNEP/OCHA Environment Unit in order to made available to Parties guidance materials like the Disaster Waste Management Guidelines and the [Disaster Waste Management Contingency Plan Guidelines](http://ochanet.unocha.org/p/Documents/DWMG_Annex%20XII.pdf) published both by the Joint UNEP/OCHA Environment Unit.

1. The Secretariat has a close and effective cooperation with the UNEP/OCHA Environment Unit. The UNEP/OCHA Environment Unit is better equipped to offer rapid response to emergencies, as it has greater field presence and operational structures. The Secretariat, on the other hand, has the technical expertise necessary to address the hazardous materials in question.

Recommendation 5: The Secretariat should continue the cooperation and collaboration with the Joint UNEP/OCHA Environment Unit using the Letter of Agreement that was signed with the Joint UNEP/OCHA Environment Unit of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and the United Nations Environment Programme (UNEP) on 28 March 2011 with the purpose to provide a framework of cooperation and understanding and to facilitate collaboration between the Parties with regard to the response to incidents involving the transboundary movement of hazardous wastes and other wastes and their disposal.

**Annex I**

**Comparative table of emergency mechanisms**

| Convention /Organization | Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal (1989) | Convention on Assistance in Case of Nuclear Accident or Radiological Emergency (1986) and the Convention on Early Notification of a Nuclear Accident (1986) | International Convention on Oil Pollution preparedness, Response and Co-operation (1990) and Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances (2000) | United Nations Office for the Coordination of Humanitarian Affairs (OCHA |
| --- | --- | --- | --- | --- |
| Mechanism | Enlargement of the scope of the Technical Cooperation Trust Fund established under the Basel Convention  | The International Atomic Energy Agency (IAEA) international response system  | International Convention on Oil Pollution preparedness, Response and Co-operation (OPRC) and the Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances (OPRC-HNS) relevant to emergency response | Joint UNEP/OCHA Environment Unit (1994) |
| Purpose /scope | Assist the contracting Parties which are developing countries or countries with economies in transition in cases of emergency and compensation for damage resulting from incidents arising from transboundary movements of hazardous wastes and other wastes and their disposal.  | The scope of the international response system includes, but is not limited to, nuclear or radiological incidents and emergencies of actual, potential or perceived radiological significance for more than one State. Relevant facilities and activities include: any nuclear reactor wherever located; any nuclear fuel cycle facility; any radioactive waste management facility; the transport and storage of nuclear fuels or radioactive wastes; the manufacture, use, storage, disposal and transport of radioisotopes for agricultural, medical and related scientific and research purposes; the use of radioisotopes for power generation in space objects; and others.The scope of the international response system also covers nuclear or radiological incidents and emergencies such as those involving loss, unauthorized removal, misuse or abuse of radioactive and/or nuclear material; health effects and provision of medical care; the spill or spread of radioactive material; events where the radiological consequences exceed a State’s response capabilities; and events resulting from the malicious use of radioactive or nuclear material. | Designate IMO, through the Marine Environment Division, to undertake a number of functions in connection with the response to oil and HNS pollution incidents, subject to availability of adequate resources, when requested by a Party to do so:i) to receive, collate and disseminate, on request, the information provided by Parties and relevant information provided by other sources, and;ii) to analyse the information provided by the Parties and relevant information provided by other sources and provide advice or information to States;iii) to facilitate the provision of technical assistance and advice, upon request of States faced with major pollution incidents; and  iv) to provide assistance in identifying sources of provisional financing of costs to assist in identifying sources of provisional financing of response costs such as the provision of advisory services, and technical support and equipment for the response to a pollution incident. | United Nations mechanism to mobilize and coordinate emergency assistance to countries affected by environmental emergencies and natural disasters with significant environmental impact.In 1989, UN General Assembly Resolution 44/224 was adopted, recognizing the need to strengthen international cooperation in monitoring, assessing and anticipating environmental threats and rendering assistance in cases of environmental emergencies. Governments had come to recognize the connections between environmental conditions, human health andthe success of development efforts. Member states also determined that there was a need to improve international response to environmental emergencies and dedicated the UN to that role.In 1993, governments concluded that a special international tool to respond to environmental emergencies was needed, but that the environmental knowledge found in UNEP should be integrated into existing UN natural disaster response mechanisms. As a result, the Joint UNEP/OCHA Environment Unit (JEU) was established as cooperation between UNEP technical expertise and the humanitarian responsecoordination structure of OCHA. |
| Type of emergency assistance provided | In accordance with decision V/32 of COP 5 the Secretariat may, upon request, assist a Party that has suffered an incident : * Rapid assessment: To estimate the magnitude of the damage that has occurred or damage that may occur and the measures needed to mitigate and prevent (further) damage ;
* Emergency measures: To take appropriate emergency measures to prevent or mitigate the damage;
* Broker activities: to help find those Parties and other entities in a position to give the assistance needed
 | Facilitate the:  (1) exchange of official information among States/relevant international organizations; (2) provision of assistance to States/relevant international organizations upon request; and (3) provision of timely, truthful, consistent and appropriate public information | The International Maritime Organization (IMO) is more generally available to:* co-operate with other agencies and organizations to facilitate the delivery of assistance in the event of a nuclear accident or radiological emergency involving or affecting a vessel(s) at sea or in port;
* serve as a liaison and channel for communications with the maritime community, in the event of a nuclear emergencies or radioactive incidents at sea or in port; and
* facilitate access to specific technical information and expertise with national maritime focal points and the maritime community at large.
 | The Joint UNEP/OCHA Environment Unit plays a de facto lead role in coordinating the response to environmental emergencies.*Environmental emergencies* are defined as “sudden-onset disasters or accidents resulting from natural, technological or human-induced factors, or a combination of these, that causes or threatens to cause severe environmental damage as well as loss of human lives and property.” The term includes “secondary consequences from natural hazards such as earthquakes, storms, floods, tsunamis, wild land fires, landslides and/or man-made disasters such as industrial accidents, transport accidents, chemical spills, oil spills and a multitude of other types of emergencies.”(UNEP/GC.22/INF/5, 13 November 2002) |
| Eligibility  | Parties to the Convention which are developing countries or countries with economies in transition[[4]](#footnote-4)  | All Parties to the Convention | All Member States | All Member States of the United Nations |
| Notification/Reporting | By standard form for request for emergency assistance from the Technical Cooperation Trust Fund by developing and other countries (available at: http://www.basel.int/Implementation/LegalMatters/EmergencyFund/tabid/2370/Default.aspx) | Mandatory for any nuclear accident involving facilities and activities listed in Article 1. (Convention on Early Notification of a Nuclear Accident) | While Parties are encouraged to notify the IMO of oil pollution accidents, it is not obligatory | They are two stages: Alerts (The stage when awareness about an incident potentially requiring international environmental emergency assistance is established) and Requests (The stage when a country formally asks for international environmental emergency assistance).Under Alerts countries monitor potential secondary environmental consequences following the impact of naturaldisasters, large industrial accidents or other forms of man-made disasters; contact, without delay, the JEU if there is doubt on how the incident should be handled and/or if it is uncertain whether the incident can be handled by national resources. Provide available information on the nature of the incident, location and description using the “Assistance Request Report”; and ensure the appropriate authority formally requests international assistance or issues a statement welcoming offers of such assistance.Under Requests countries provide technical information in cooperation with the JEU using the “Assistance Request Report” as a checklist (to be verified, signed and returned), or submit the form directly to the JEU fax number. If it is, for any reason, not possible to issue a formal request, ensure that a statement, welcoming offers of international assistance, is forwarded to regional and/or in-country UN representation and/or JEU and be prepared to exchange technical information about the incident using the “Assistance Request Report” as a checklist. Inform other relevant national authorities about the request for international assistance and prepare for receipt of international assistance. |
| Applying for Emergency Assistance | Requests for emergency assistance should be submitted in written form (letter, fax, electronic mail) | By an emergency communication with the IAEA ( facsimile, emergency web site, telephone electronic mail)The Incident and Emergency Centre (IEC) does not recognize information sent in any coded form as a valid communication. All communication should be in an uncoded form and preferably in English. | Designated competent authorities of Member States and national operational contact points | Submit the form “Assistance Request Report” directly to the Joint UNEP/OCHA Environment Unit by fax. If it is, for any reason, not possible to issue a formal request, ensure that a statement, welcoming offers of international assistance, is forwarded to regional and/or in-country UN representation and/or JEU |
| Who should submit the request for assistance | The interim guidelines do not specify who should submit the request. | The Permanent Mission, or the relevant nationalcompetent authority, is the Government representative that is expected to requestIAEA emergency assistance under the terms of the Assistance Convention. | No specification on who should submit the request. | Officially designated National Focal Point(s) |
| Procedure  | In accordance with decision VI/14 [[5]](#footnote-5) the Executive Secretary of the Basel Convention in consultation with the Expanded Bureau, using a quick procedure, may provide assistance to a Party to the Convention from the Technical Cooperation Fund. The Executive Secretary will also consult with contributors, especially in cases where contributions to the Trust Fund are earmarked with conditions. Upon receiving a request for emergency assistance, the secretariat shall consult with experts, through the national focal point, in order to clarify the urgency, the imminence of the threat or the type of measures necessary to be taken for that specific incident.All decisions taken should be reported to the Expanded Bureau, Working Groups and to the next meeting of the Conference of the Parties.Task ForceAll activities of emergency assistance shall be coordinated by the Executive Secretary (ES). Whenever necessary, the ES shall establish a Task Force for her/his support , which will handle all required tasks of emergency assistance.  | If a State needs assistance in the event of a nuclear or radiological emergency, whether or not such an event originates on its territory or is under its jurisdiction or control, it may, in accordance with the Assistance Convention, request assistance from orthrough the IAEA. The requesting State is responsible for overall direction, support and supervision of any assistance within its territory. To facilitate the prompt provision of assistance, it is expected that a State requesting assistance will specify, to the IAEA’s IEC, the scope and type of assistance required.Upon receiving a request for assistance, the IAEA’s IEC Communicate with the requesting contact point, via telephone, to authenticate and to verify the request received.• Evaluate technically the request received.• Provide initial advice to the requesting State, as appropriate.• Alert the appropriate Response Assistance Network of the IAEA (RANET) national competent authorities (through National Warning Points-NWPs (if necessary).• Assess the IAEA’s own capability to provide the emergency assistancerequested and request any appropriate RANET capabilities to place on standby their available resources.* Develop the terms of reference (assistance action plan) for implementing the emergency assistance requested, if necessary in coordination with relevant international organizations.
* Propose the terms of reference (assistance action plan) to the requesting State.
* Obtain deployment authorization from the relevant National Competent Authority for an Emergency Abroad-NCA(A)s upon acceptance of the action plan by the State requesting emergency assistance.
* Facilitate the emergency assistance as described in the IAEA’s RANETpublication.
 | The Organization also has some basic internal capacity in terms of preparedness for and response to pollution incidents from ships and manages this role through its Marine Environment Division. Emergency functions include tracking of incidents, information gathering, reporting, and, on occasion, mobilization of resources and technical assistance upon request by Member States. IMO does not have 24/7 capability.  | The international environmental emergency assistance is provided in a cycle which includes the following six stages: preparedness, alerts, requests, receipt, provision and post-mission activities. |
| Criteria/Operations | * An incident falling within the scope of these Guidelines must have occurred;
* There must be a grave and imminent threat that (further) damage will be caused by the incident;
* Any request must relate to measures which are deemed urgent, necessary, reasonable and justifiable as jointly agreed by the affected Party and by the secretariat.
* The request is admissible only if and to the extent the damage arises out of or results from hazardous properties of the hazardous wastes and other wastes involved in the incident;
* The developing country or country with economy in transition requires assistance in order to be capable of effectively preventing or mitigating the damage.
 | * Normal/Ready mode
* Basic response mode
* Full response node

Response actions and urgency of the response will vary according to the magnitude and seriousness of the event. | The role of IMO and of MED in marine pollution incidents will vary on a case-by-case basis, depending on specific needs, magnitude of the incident, geographical location, and political considerations. The role of MED can involve anything from tracking, monitoring and co-ordination from IMO Headquarters in London, to deployment of experts and/or IMO staff members to provide on-site assistance to a requesting Member State or affected country. There are a number of possibilities that exist for the provision of on-site assistance that may be undertaken in response to a given incident, as identified under the provisions of the OPRC Convention (articles 7 and 12) and of the OPRC-HNS Protocol (article 5 and10), which indicate that the Organization will:* facilitate the provision of technical assistance and advice, upon request of States faced with major pollution incidents, and;
* assist in identifying sources of provisional financing of response costs such as the provision of advisory services, and technical support and equipment for the response to a pollution incident.
 | To mobilize and coordinate international assistance, the Joint UNEP/OCHA Environment Unit endeavours to be the primary point of contact for countries affected by environmental emergencies or natural hazards with significant environmental impact. Upon alert of an incident, the JEU will advise on immediate actions and, if necessary, forward a request for assistance to potential donor countries in cooperation with the affected country. The JEU is available 24/7 to mobilize assistance for those facing emergencies. |
| Cooperation  | The Secretariat will serve as the focal point of contact with local authorities, media, donor countries and agencies and other organizations present in the field (i.e. Office of the United Nations High Commissioner for Refugees (UNCHR), United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Pan American Health Organization ( PAHO)) and provide updates on the evolving situation.The Secretariat should use the services provided by the Joint UNEP/OCHA Environment Unit in offering its emergency assistance. These services could include rapid assessment through international experts, the implementation of emergency measures, and the broker function between the affected country and donor countries that are ready and willing to assist. | The IEC maintains communications arrangements with relevant international organizations in order to coordinate any international response to a nuclear or radiological emergency. A number of international organizations are Parties to the twoEmergency Conventions and have established warning points, and others have agreements with the IAEA for the purpose of response coordination (European Commission, European Police Office-EUROPOL, Food and Agriculture Organization of the United Nations, International Atomic Energy Agency, International Criminal Police Organization, International Maritime Organization, Nuclear Energy Agency of the Organization for Economic Cooperation and Development, Pan American Health Organization, United Nations Environment Programme, United Nations Office for the Coordination of Humanitarian Affairs, United Nations Office for Outer Space Affairs, World Health Organization, World Meteorological Organization, in cooperation with the International Civil Aviation Organization and the United Nations Scientific Committee on the Effects of Atomic Radiation. | IMO, through MED, will instead play a brokering and facilitation role to ensure that that the basic response needs of a marine pollution incident are accurately identified, and that the necessary expertise and equipment is provided. Coordination of assistance will then be undertaken so that duplication is avoided, and the resources deployed match the identified needs. IMO also has an essential role, as the UN organization responsible for maritime issues, to balance the demands of the affected Member State with the response being undertaken by the Polluter, in a fair and neutral way. | The Joint UNEP/OCHA Environment Unit is housed in OCHA’s Emergency Services Branch (ESB) and has full access to OCHA’s tools and services for coordination of response, including the United Nations Disaster Assessment and Coordination (UNDAC) teams. The JEU links to UNEP through the Post-Conflict and Disaster Management Branch (PCDMB) also based in Geneva, Switzerland which is responsible for UNEP’s work in areas of the world where the environment is impacted by conflicts and disasters, or where the environment is a factor contributing to conflicts and disaster impacts.Through its network of donors, the JEU has access to a pool of international experts capable of deploying to an affected country upon request. Depending on the nature of the incident, i.e., type of hazard/accident and impact, and/or type of substance involved, the JEU will endeavour to tailor-fit the expertise needed. The expert(s) may be deployed independently or as a part of an UNDAC or EC-MIC mission to assess the incident, perform sampling, and, if possible, analyze the results in-country. Some donor countries have also developed customized environmental assessment modules that can be deployed as a part of an overall relief operation. Upon completion of the assessment, the expert(s) will give emergency advice on how to contain the impact of the incident and what urgent mitigation actions need to be taken. In cases where special technical expertise and/or equipment are needed to manage the incident, and these capacities are not available in the affected country, the JEU can facilitate the mobilization of such resources. These resources can also be drawn upon if countries wish to receive technical advice in preparedness and contingency planning for national environmental emergencies. |
| Tools available  | * Interim guidelines for the implementation of decision V/32 on enlargement of the scope of the Trust Fund to Assist Developing and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention

available at: http://www.basel.int/Implementation/LegalMatters/EmergencyFund/tabid/2370/Default.aspx* Standard form for request for emergency assistance from the Technical Cooperation Trust Fund by developing and other countries

available at: <http://www.basel.int/Implementation/LegalMatters/EmergencyFund/tabid/2370/Default.aspx>* Disaster Waste Management Guidelines published by the Joint UNEP/OCHA Environment Unit, available at <http://ochanet.unocha.org/p/Documents/DWG%20Annex%20XII.Disaster%20waste%20management%20contingency%20planning.pdf>
* [Disaster Waste Management Contingency Plan Guidelines](http://ochanet.unocha.org/p/Documents/DWMG_Annex%20XII.pdf) published by the Joint UNEP/OCHA Environment Unit, available at

http://ochanet.unocha.org/p/Documents/DWMG\_Annex%20XII.pdf | * IAEA Emergency Notification and Assistance Technical Operations Manual – ENATOM (available at: http://www-pub.iaea.org/MTCD/publications/PDF/ENATOM2007\_web.pdf
* IAEA Response and Assistance Network – RANET (available at: http://www-pub.iaea.org/MTCD/publications/PDF/Ranet2010\_web.pdf)
* Response Plan for Incidents and Emergencies – REPLIE (available at: http://www-ns.iaea.org/tech-areas/emergency/iaea-response-system.asp?s=1&l=4#3)
 | Through its OPRC-HNS Technical Group, a subsidiary body of one of IMO’s main Committees composed of technical experts from Member States and observing organizations, IMO develops tools, resources, manuals and guidance documents to help countries ratify and implement the OPRC Convention and its HNS Protocol and to improve preparedness and response to oil and HNS incidents at the national and international level. One example of the types of manuals produced by this group is the Manual on Chemical Pollution – Section 2, Search and recovery of packaged goods lost at sea, which also covers the loss of packaged radioactive materials. | * Disaster Waste Management Guidelines published by the Joint UNEP/OCHA Environment Unit, available at <http://ochanet.unocha.org/p/Documents/DWG%20Annex%20XII.Disaster%20waste%20management%20contingency%20planning.pdf>
* [Disaster Waste Management Contingency Plan Guidelines](http://ochanet.unocha.org/p/Documents/DWMG_Annex%20XII.pdf) published by the Joint UNEP/OCHA Environment Unit, available at <http://ochanet.unocha.org/p/Documents/DWMG_Annex%20XII.pdf>
* Guidelines for Environmental Emergencies, Version 1 published by the Joint UNEP/OCHA Environment Unit, available at http://www.unocha.org/what-we-do/coordination-tools/environmental-emergencies/resources
 |

**Annex II**

**Relevant Decisions**

**Decision V/32**

V/32. Enlargement of the scope of the Technical Cooperation Trust Fund

Please kindly check this decision in the Report of the fifth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, held in Basel, Switzerland, from 6 to 10 December 1999 (Document: UNEP/CHW.5/29, pages 57-60). Available on the website of the Basel Convention at: <http://www.basel.int/Portals/4/Basel%20Convention/docs/meetings/cop/cop5/cop5reportfinal.pdf#v32>

**Decision VI/14**

# VI/14. Interim guidelines for the implementation of decision V/32 on enlargement of the scope of the Trust Fund to Assist Developing and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention

Please kindly check this decision in the Report of the sixth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, held in Geneva, Switzerland, from 9 to 13 December 2002 (Document: UNEP/CHW.6/40, pages 50-75) available on the website of the Basel Convention at:

[**http://archive.basel.int/meetings/cop/cop6/english/Report40e.pdf**](http://archive.basel.int/meetings/cop/cop6/english/Report40e.pdf)

**Annex III**

**Form for request for emergency assistance**

**Standard form for request for emergency assistance from the Technical Cooperation Trust Fund by developing and other countries**

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| --- |
| **Details of the State requesting assistance** |
| Name of country requesting assistance: |  |
| Name and address of requesting authority including details of the Basel Convention focal point and a contact point for this request: *(Please include full name, address, telephone and fax numbers and e-mail address)* |  |
| Name and contact points of any other United Nations organizations or other bodies contacted in connection with this incident: |  |
| **Technical details of the incident and those involved** |
| Date and location of the incident: *(Please attach a map and/or other means of identifying where the incident occurred, and/or sketch of the incident or other material, e.g., photographs of the pollution or damage caused)* |  |
| Information that defines the material involved as waste (e.g., especially where there is no accompanying documentation stating as such with the shipment): |  |
| Specific details on the incident, including:1. a description of how the incident occurred and who was involved;
2. when it was discovered and by whom;
3. whether the waste involved was subject to written consent under the Basel Convention notification procedure;
4. any data from samples taken.
 |  |
| Description of hazardous wastes or other wastes involved (name, origin, physical form, major constituents, typical contaminants, volume/quantity, waste code) and how it was packaged and labelled;[[6]](#footnote-6) *(Please supply photographs)* |  |
| Type and extent of damage that has occurred and is likely to occur (e.g., dilution factors, dispersion problems, rate of spread):*(If trajectory models are used please give brief details)* |  |
| Names and roles of other States involved in the transboundary movements in question (e.g., state of origin, transit or destination) and the names of relevant competent authorities:*(Please include full names, addresses, telephone and fax numbers and e-mail addresses)* |  |
| Names and addresses of persons involved in the transboundary movements in question (e.g., exporter, importer, notifier, carrier, disposer):*(Please include full names, addresses, telephone and fax numbers and e-mail addresses)* |  |
| Names and addresses of insurers,[[7]](#footnote-7) if any:*(Please include full name, address, telephone and fax numbers and e-mail address)* |  |

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| --- |
| **Actions required to be undertaken for which assistance is requested** |
| Measures taken in response to the incident: |  |
| Requests for assistance from other countries involved in the incident: |  |
| Any legal or other relevant information, for example if there is an ongoing investigation into illegal traffic in respect of the incident that may include gathering or use of this information as evidence: |  |
| Preventive measures that are necessary to mitigate damage: |  |
| Breakdown of costs for the preventive and other measures: |  |
| Type of emergency assistance required, such as financial assistance, materials, equipment, expertise or other resources (please indicate priority and timing if possible): |  |

Signed: ……………………………………………………………………………..

Position (e.g., Director, Minister, etc.): ………………………………………………

On behalf of (Government name): ………………………………………………….

Date: ………………………………………………………………………………...

Please submit this request to:

UNEP-SBC

15, chemin des Anémones

1219 Châtelaine (Geneva)

Switzerland

Tel: + 41 22 917 82 18

Fax: + 41 22 797 34 54

Email: sbc@unep.ch

1. Decision VI/14 on Interim guidelines for the implementation of decision V/32 on enlargement of the scope of the Trust Fund to Assist Developing and other Countries in Need of Technical Assistance in the Implementation of the Basel Convention adopted by the Conference of the Parties to the Basel Convention at its sixth meeting [↑](#footnote-ref-1)
2. See decision VI/14 adopted by the Conference of the Parties to the Basel Convention at its fifth meeting. [↑](#footnote-ref-2)
3. International Convention Relating to Intervention on the High Seas in Cases of Oil PollutionCasualties, 1969 [↑](#footnote-ref-3)
4. The list used for determining which countries are developing countries and countries with economies in transition is taken from the Organization for Economic Cooperation and Development (OECD), see part I.I of the Appendix set out in decision VI/14 adopted by the Conference of the Parties to the Basel Convention at its sixth meeting. [↑](#footnote-ref-4)
5. Decision VI/14 Interim guidelines for the implementation of decision V/32 on enlargement of the scope of the Trust Fund to assist developing and other countries in need of technical assistance in the implementation of the Basel Convention [↑](#footnote-ref-5)
6. Further to paragraph 7 (b) of article 4 of the Basel Convention. [↑](#footnote-ref-6)
7. Further to paragraph 11 of article 6 of the Basel Convention. [↑](#footnote-ref-7)