

CC-12/11: Submission regarding Togo and submission by Togo

The Committee,

Recalling the submission by the Secretariat to the Committee regarding Togo concerning possible difficulties faced by this party to comply with its reporting obligation under paragraph 3 of Article 13 of the Convention (CHW/CC/9c/2010/9),

Noting that paragraph 4 of Article 4 of the Convention requires each Party to take appropriate legal, administrative and other measures to implement and enforce the provisions of the Basel Convention, including measures to prevent and punish conduct in contravention of the Convention,

Noting also that Article paragraph 5 of Article 9 of the Convention requires each Party to introduce appropriate national/domestic legislation to prevent and punish illegal traffic,

Welcoming the submission by Togo to the Committee in which it concludes that, despite its best efforts, it is unable to fully implement or comply with its obligations under paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention (CHW/CC/9a/2016/1),

Recalling also decisions CC-8/10, CC-9/9, CC-10/9 and CC-11/13,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

1. *Expresses* its appreciation for the cooperation of Togo with the Committee during the twelfth meeting of the Committee and for its commitment to ensure the implementation of its obligations under the Basel Convention, including through the implementation of its approved compliance action plan aimed at restoring compliance with its reporting obligations under Article 13, paragraph 3 of the Basel Convention with the support of resources from the implementation fund;
2. *Welcomes* the completion by Togo of the activities of its approved compliance action plan;
3. *Notes* with appreciation that Togo has transmitted complete national reports for 2013 and 2014;¹²
4. *Encourages* Togo to implement the 'Feuille de route' it has developed that sets out the legal, institutional and technical elements to be put in place by Togo to ensure the sustainability of national reporting;¹³
5. *Encourages* Togo, if needed, to seek financial and technical support for the implementation of its 'Feuille de route', including from the UNEP special programme to support institutional strengthening at the national level for the implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management;
6. *Welcomes* the willingness of Togo to submit its national reports for 2015 and subsequent years complete and on time;
7. *Concludes* that the matter of concern as set out in the submission CHW/CC/9c/2010/9 has been resolved;
8. *Welcomes* the transmission by Togo of a draft compliance action plan to assist in resolving its implementation and compliance difficulties with its obligations under paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Basel Convention;
9. *Recalls* decision BC-12/7 whereby the Conference of the Parties authorizes the Committee to make recommendations to the Executive Secretary on the use of the implementation fund in the intersessional period between the twelfth and thirteenth meetings of the Conference of the Parties to assist Parties in the context of the facilitation procedure set out in paragraphs 19 and 20 of the terms of reference, to fund activities listed in the compliance action plans approved by the Committee;

¹² UNEP/CHW/CC.12/INF/8.

¹³ UNEP/CHW/CC.12/INF/8.

10. *Approves* the elements of the compliance action plan set out in the annex to the present decision and *recommends* that the Executive Secretary use, subject to their availability, resources in the implementation fund of up to USD 20,000 for the purpose of covering costs associated with the implementation of the activities listed therein;

11. *Requests* the Secretariat to communicate this decision to the Basel Convention Regional Centre for French-speaking countries in Africa;

12. *Requests* also the Secretariat to continue its communications with and support to Togo and to report to the Committee as appropriate;

13. *Decides* to keep the matter relevant to the submission CHW/CC/9a/2016/1 under review.

Annex to decision CC-12/11: Submission regarding Togo

Voluntary compliance action plan

Objective:

- Restore Togo's compliance with its obligations under paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Basel Convention.

Specific objectives:

- Take the appropriate legal, administrative and other measures to implement and enforce the provisions of the Basel Convention, including measures to prevent and punish conduct in contravention of the Convention as well as develop appropriate national/domestic legislation to prevent and punish illegal traffic

Actions	Responsible authority	Indicative timeline for implementation of the actions	Indicator of achievement	Comments
Area of intervention 1: Legal and administrative measures				
<p>- Identify key stakeholders involved in the environmentally sound management of hazardous wastes and other wastes; and the implementation of the Basel Convention;</p> <p>- Based on the assessment of Togo's legal and institutional frameworks, and in consultation with key stakeholders, develop and submit for adoption national legal, administrative and other mechanisms/measures to implement and enforce the provisions of the Basel Convention, in particular to prevent and punish conduct in contravention of the Convention as well as to develop legislation to prevent and punish illegal traffic.</p>	Ministry of Environment and Forest Resources	12 months	<p>- Key stakeholders involved in the management of hazardous wastes and other wastes identified;</p> <p>- National legal, administrative and other mechanisms/ measures developed and adopted to implement and enforce the provisions of the Basel Convention</p>	Activity taken from the 'Feuille de route' developed by Togo to ensure the sustainability of national reporting pursuant to paragraph 3 of Article 13 ¹⁴
Area of intervention 2: Awareness-raising, training and information exchange				
<p>- Conduct awareness-raising and training activities on the national legal, administrative and other mechanisms/measures adopted to implement and enforce the provisions of the Basel Convention</p>	Ministry of Environment and Forest Resources	6 months	<p>- Awareness-raising and training activities on the national legal, administrative and other</p>	Activity taken from the 'Feuille de route' developed by Togo to ensure the

¹⁴ UNEP/CHW/CC.12/INF/8.

Convention.			mechanisms/measures adopted to implement and enforce the provisions of the Basel Convention conducted.	sustainability of national reporting pursuant to paragraph 3 of Article 13 ¹⁵
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¹⁵ Ibid.