



Distr.: General

12 July 2018

English only

**Committee Administering the Mechanism
for Promoting Implementation and Compliance
Thirteenth meeting**

Geneva, 7–10 September 2018

Item 4 (c) of the provisional agenda**

**Review of general issues of compliance and
implementation under the Convention:
national legislation**

National legislation¹

Note by the Secretariat

I. Introduction

1. By its decision BC-13/9, the Conference of the Parties at its thirteenth meeting adopted the work programme for the biennium 2018–2019 of the Committee administering the mechanism for promoting implementation and compliance, annexed to that decision, whereby it mandated the Committee, among other things, to undertake activities with the objective of improving implementation of and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention, as follows:

- (a) Finalize the guide for the development of national legal frameworks to implement the Basel Convention² for consideration and possible adoption by the Conference of the Parties at its fourteenth meeting;
- (b) Compile the outcome of Parties' self-review of their legislation for implementing the Convention using the legislator's checklist and consider general trends;
- (c) Monitor progress achieved by Parties in transmitting to the Secretariat texts of national legislation and other measures adopted by them to implement and enforce the Convention;
- (d) Monitor requests for information received by the Secretariat from Parties aimed at facilitating the development and review of national legal frameworks as well as the technical assistance activities of the Secretariat aimed at promoting the implementation of paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention;
- (e) Monitor activities undertaken by or with the support of the Basel Convention regional and coordinating centres (BCRCs/BCCCs), the United Nations Environment Programme (UNEP) and other entities aimed at assisting Parties to develop legal frameworks for the implementation of the Basel Convention.

* Reissued for technical reasons on 20 July 2018.

** UNEP/CHW/CC.13/1.

¹ This document has not been formally edited.

² UNEP/CHW.13/INF/27.

2. By its decision BC-13/9, the Conference of the Parties also invited Parties to submit comments on the above mentioned guide for the development of national legal frameworks to implement the Basel Convention to the Secretariat by 30 September 2017 for consideration by the Committee.

II. Implementation

3. Committee members Geri Sañez (Philippines), Yocasta Valenzuela (Dominican Republic) and Tampushi Leonard (Kenya) took the lead on these activities of the work programme.

A. Guide for the development of national legal frameworks to implement the Basel Convention

4. This activity was introduced by the Secretariat during the Committee's 21 November 2017 consultations at which time members were informed that comments on the draft guide for the development of national legal frameworks to implement the Basel Convention had been received from Canada, the European Union and its member States, and Malaysia. Members requested the Secretariat to finalize the draft guide in light of the consultations and to liaise with those Parties that had submitted comments to ensure adequate integration of their comments as well as with individual Parties whose national legislation provisions would be proposed for insertion in the guide as an illustration of domestication of the Convention.

5. During their 17 April 2018 consultations, members considered a revised draft of the guide for the development of national legal frameworks to implement the Basel Convention and requested the Secretariat to make it available to the Committee for its consideration during its thirteenth meeting. The draft guide is set out in the annex to document UNEP/CHW/CC.13/6/Add.1. The draft guide is to be consulted with the Open-ended Working group during its eleventh meeting.³

B. Parties' activities to review or develop legislation implementing the Basel Convention

6. As at 15 June 2018, the Secretariat has not received outcomes of Parties' self-review of their legislation for implementing the Convention using the legislator's checklist and consider general trends.

7. With respect to progress achieved by Parties in transmitting to the Secretariat texts of national legislation and other measures adopted by them to implement and enforce the Convention, as at 15 June 2018, 25 Parties had not provided information as to whether they had national legislation; 23 Parties had provided information about their national legislation but had yet to provide the texts of such legislation; 161 Parties had indicated that they had national legislation (generic and/or Convention-specific); 131 Parties had national legislation published on the Convention's website; 142 Parties had specific chemicals or wastes legislation; and 17 Parties had generic environmental legislation. Compared to the status as at 30 September 2016, as last reported to the Conference of the Parties, one notes a slight increase in the number of texts of national legislation transmitted to the Secretariat and posted on the website. There is a slight decrease in the number of Parties indicating that they have adopted national legislation and other measures however, there is nonetheless more information available about such national legislation and other measures.

C. Activities of the Secretariat aimed at assisting Parties review or develop legislation implementing the Basel Convention

8. Since the thirteenth meeting of the Conference of the Parties and as at 15 June 2018, requests for technical assistance for the development of legal frameworks have been received from Barbados, Central African Republic, Comoros, Ethiopia, and Mongolia. Assistance has been provided in the form of advice, provision of documents and initiation of contacts with partners that may be able to offer further assistance to Parties.

9. As at 15 June 2018, the Secretariat has yet to receive financial contributions to enable technical assistance activities aimed at promoting the implementation of paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention, and fundraising efforts are ongoing to enable the organization of regional workshops or the development of pilot projects or other country-specific activities. Any further developments in this regard will be reported orally to the Committee during its meeting.

³ See annex to document UNEP/CHW/OEWG.11/INF/27.

D. Activities of other entities aimed at assisting Parties review or develop legislation implementing the Basel Convention

10. During their 17 April 2018 consultations, the Chair of the Committee noted that it would be important for the Committee to be in a position to appreciate the extent to which the activities undertaken by or with the support of the BCRCs/BCCCs, UNEP and other entities aimed at assisting Parties to develop legal frameworks for the implementation of the Basel Conventions led to an improved implementation and compliance with the Convention. One member noted that the Committee's mandate fell short of assessing the activities undertaken by other entities. Members noted that the Secretariat would retain a consultant to assist with the task and requested that the Secretariat prepare a draft questionnaire for consultation with the members and to consider responses received during the thirteenth meeting of the Committee.

11. Following the consultations, the Secretariat developed a questionnaire in consultation with the members of the Committee which was made available to the BCRCs/BCCCs, the Law Division and the Economy Division of UNEP, as well as the Global Environment Facility, the World Bank and the European Bank for Reconstruction and Development, with an invitation to reply by 30 June 2018.

12. A synthesis of the responses received as well as recommendations for the consideration of the Committee based on the monitoring of activities undertaken by or with the support of the BCRCs/BCCCs, UNEP and other entities aimed at assisting Parties to develop legal frameworks for the implementation of the Basel Convention are set out in the annex to document UNEP/CHW/CC.13/INF/11.

III. Proposed action

13. The Committee is invited to consider the information contained in this note, in document UNEP/CHW/CC.13/6/Add.1 and in document UNEP/CHW/CC.13/INF/11. The Committee may wish to request the Secretariat, under the guidance of the lead members, to finalize the guide for the development of national legal frameworks to implement the Basel Convention in light of the discussions held during its thirteenth meeting and taking into account the outcome of the consultations with the Open-ended Working Group at its eleventh meeting for the consideration and possible adoption by the Conference of the Parties at its fourteenth meeting. The Committee may also wish to develop recommendations on improving implementation of and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention for the consideration of the Conference of the Parties at its fourteenth meeting.
