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

Geneva, 7–10 September 2018

Item 4 (f) (ii) of the provisional agenda\*

**Review of general issues of compliance and  
implementation under the Convention:  
improving the implementation and compliance  
with obligations under the Convention: review of  
the operation of the implementation fund**

## **Review of the operation of the implementation fund<sup>1</sup>**

### **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 review the operation of the implementation fund, including the links with the Secretariat's technical assistance plan (document UNEP/CHW.13/INF/36), notably in relation to access to technical and financial support.

#### **II. Implementation**

2. Committee member Mr. Marcus Schroeder (Germany) took the lead on this activity of the work programme of the Committee. This activity was introduced by the Secretariat during the Committee's 21 November 2017 consultations at what time Mr Schroeder emphasized the importance of avoiding duplication between the implementation fund and in particular the United Nations Environment Programme (UNEP) special programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management (hereinafter "the special programme") and the technical assistance activities of the Secretariat. He stressed the importance of communication and links between the respective bodies. The Secretariat explained current processes to facilitate such communication at its level, and the Chair of the Committee confirmed he would be attending, in his capacity as representative of the Government of Argentina, the third meeting of the Executive Board of the special programme (2-3 December 2017).

3. During the Committee's 17 April 2018 consultations, members requested the Secretariat to prepare, under the guidance of the lead member, a first draft of a review of the operation of the implementation fund for the Committee's consideration during its thirteenth meeting. The draft report

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

<sup>1</sup> This document has not been formally edited.

on the review of the operation of the implementation fund prepared by the Secretariat under the guidance of the lead member is set out in the annex to the present note.

### **III. Proposed action**

4. The Committee is invited to consider the information contained in this note including its annex. Following consideration of the draft report on the review of the operation of the implementation fund the Committee may wish to request the Secretariat, under the guidance of the lead member, to finalize the report, including recommendations, taking into the discussions held during its thirteenth meeting. The Committee may also wish to request the Secretariat to make the report available to the Conference of the Parties at its fourteenth meeting for information. The Committee may further wish to request the Secretariat to prepare draft decision including the recommendations from the Committee for the consideration and possible adoption by the Conference of the Parties at its fourteenth meeting.

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## Annex

### **Report on the review of the operation of the implementation fund (July 2018 draft)**

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## I. Introduction

1. By its decision IX/2, the Conference of the Parties to the Basel Convention decided to enlarge the scope of the Trust Fund to Assist Developing Countries and other Countries in Need of Technical Assistance in the Implementation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Technical Cooperation Trust Fund) to establish an implementation fund to assist any Party that is a developing country or country with an economy in transition and is the subject of a submission made in accordance with paragraph 9 of the terms of reference of the Mechanism for promoting implementation and compliance with the obligations under the Basel Convention (hereinafter the “Mechanism”).<sup>1</sup> By that same decision, the Conference of the Parties authorized the Committee administering the Mechanism (hereinafter “the Committee”) to recommend use of the implementation fund, subject to the availability of resources, to assist Parties in the context of the facilitation procedure established under paragraph 20 of the terms of reference. The Conference of the Parties also urged Parties to provide contributions to the implementation fund and required the Committee to give priority to dealing with specific submissions regarding Party implementation and compliance. The programme budget for 2009–2011 set out in the annex to decision IX/31 did not reflect activities associated with the implementation fund.

2. During its tenth meeting, the Conference of the Parties in its decision BC-10/11, decided that the resources in the implementation fund may be used to fund activities listed in the compliance action plans approved by the Committee, such as the elaboration of national inventories, and authorized the Committee to direct the use of the implementation fund in the intersessional period between the tenth and eleventh meetings of the Conference of the Parties. By the same decision, the Conference of the Parties renewed its request for the Committee to give priority to dealing with specific submissions regarding Party implementation and compliance. The programme budget for 2012–2013 set out in the annex to decision BC-10/27 provides for a specific activity pertaining to the implementation fund (BC 7), with US\$ 150,000 allocated for each year of the biennium.

3. During its eleventh meeting, the Conference of the Parties, in its decision BC-11/8, authorized the Committee to make recommendations to the Executive Secretary on the use of the implementation fund in the intersessional period between the eleventh and twelfth meetings of the Conference of the Parties in the context of the facilitation procedure set out in paragraphs 19 and 20 of the terms of reference of the Mechanism, to fund activities listed in the compliance action plans approved by the Committee. The Conference of the Parties also decided to review at its twelfth meeting the operation of the implementation fund in the light of the experience of the Committee and other developments. By that same decision, the Conference of the Parties renewed its request for the Committee to give priority to dealing with specific submissions regarding Party implementation and compliance. The programme budget for 2014–2015 set out in the annex to decision BC-11/26 provides for legal and policy activities (BC 32), including activities pertaining to the implementation fund, with US\$ 50,000 allocated for each year of the biennium.

4. During its twelfth meeting, the Conference of the Parties, in its decision BC-12/7 mandated the Committee, among other things, to review the operation of the implementation fund in the light of the experience of the Committee and other developments, including with regard to the special programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management (hereinafter “the special programme”). In its decision, the Conference of the Parties also decided that the Committee shall make recommendations to the Executive Secretary on the allocation of the available resources from the implementation fund in the 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 of the mechanism for promoting implementation and compliance of the Basel Convention. The resources were intended to fund activities listed in the compliance action plans elaborated by the party concerned in its submission and approved by the Committee. The programme budget for 2016–2017 set out in the annex to decision BC-12/25 provides funding for legal and policy activities (BC 32), including activities pertaining to the implementation fund, with US\$ 75,000 allocated for each year of the biennium.

5. During its thirteenth meeting, the Conference of the Parties, in its decision BC-13/9 adopted the work programme of the Committee for 2018-2019 whereby it, among other things, mandated the

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<sup>1</sup> The terms of reference of the Committee were adopted by decision BC-VI/12 and further amended by decisions BC-10/10, BC-11/8 and BC-12/7. The terms of reference are set out in the annex to document UNEP/CHW/CC.12/3.

Committee to review the operation of the implementation fund, including links with the Secretariat's technical assistance plan (document UNEP/CHW.13/INF/36), notably in relation to access to technical and financial support. In its decision, the Conference of the Parties also decided that, in relation to the implementation fund, the Committee shall make recommendations to the Executive Secretary on the allocation of the available resources from the implementation fund during the period between the thirteenth and fourteenth 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 of the Mechanism for Promoting Implementation and Compliance of the Convention. The resources are intended to fund activities listed in the compliance action plans presented by Parties in relation to specific submissions and approved by the Committee. The programme budget for 2018-2019 set out in the annex to decision BC-13/24 25 provides for legal and policy activities (BC 32), including activities pertaining to the implementation fund, with US\$ 75,000 allocated for each year of the biennium.

6. The present report on the review of the operation of the implementation fund focuses on the experience of the Committee with the implementation fund since its establishment in 2008, including, for the period 2017 onwards, links with the Secretariat's technical assistance plan (document UNEP/CHW.13/INF/36), notably in relation to access to technical and financial support.

## II. Experience of the Committee with the implementation fund

7. Since 2008, the Committee has gained valuable experience in the operation of the implementation fund. This experience relates to institutional arrangements as well as to the actual use of resources in the fund.

### A. Institutional arrangements

8. The initial decision by the Conference of the Parties enlarging the scope of the Technical Cooperation Trust Fund and establishing an implementation fund specified that the fund was intended to assist any Party that is a developing country or country with an economy in transition and is the subject of a submission made in accordance with paragraph 9 of the terms of reference of the Mechanism. Little guidance, however, was provided with respect to the process for accessing the fund and for the disbursement of the financial contributions made to it. What is clear is that given the location of the implementation fund within the Technical Cooperation Trust Fund, the relevant rules (United Nations financial regulations and rules, and the financial rules adopted by the Conference of the Parties to the Basel Convention, in particular as specified in rule 4 paragraph 3 (e)), decisions (most primarily the programme budget) and practices of the Conference of the Parties applicable to the Technical Cooperation Trust Fund apply automatically to the implementation fund, unless otherwise decided. Accordingly:

(a) The Conference of the Parties decides the kind of contributions that can be made to the implementation fund (at this time: Parties, States not Parties, governmental organizations, intergovernmental organizations, non-governmental organizations and other sources);<sup>2</sup>

(b) The budget estimate for the implementation fund for the next biennium is prepared by the Executive Secretary in accordance with any guidance given by the Conference of the Parties and dispatched to all Parties to the Convention at least 90 days before the opening of the meeting of the Conference of the Parties;

(c) The Conference of the Parties considers and takes note of the funding estimates for activities under the Convention to be financed from the implementation fund. These estimates represent "its best efforts to be realistic and reflects priorities agreed by all Parties";<sup>3</sup>

(d) The Secretariat reports to the Open-ended Working Group, the Bureau and the Conference of the Parties on income received and expenditures made with respect to the implementation fund.

9. Institutional matters pertaining to the implementation fund were considered by the Committee during its eighth meeting in the context of its mandate to address shortcomings and limitations in relation to the lack of specific submissions to the Committee<sup>4</sup>. Following its consideration of a Strategy for Generating Resources for the Technical Cooperation Trust Fund's Implementation Fund,<sup>5</sup>

<sup>2</sup> Rule 5 of the financial rules.

<sup>3</sup> See paragraph 13 of Decision BC-11/24.

<sup>4</sup> Decision IX/2.

<sup>5</sup> Annex I to document UNEP/CHW/CC/8/13.

the Committee agreed on the value of elaborating simple guidelines, as these would provide clarity to donors as to how contributions would be allocated and thus encourage such contributions to be made to the implementation fund.<sup>6</sup> The Committee also agreed to recommend to the tenth meeting of the Conference of the Parties that it consider adopting a decision providing such guidance, namely that resources in the implementation fund may be used to fund activities listed in the compliance action plans approved by the Committee, such as the elaboration of national inventories; and that the Committee be authorized to direct the use of the implementation fund in the intersessional period between the tenth and eleventh meetings of the Conference of the Parties in the context of the facilitation procedure as set out in paragraphs 19 and 20 of the terms of reference of the Mechanism and in accordance with the directions given by the Conference of the Parties.<sup>7</sup> By its decision BC-10/11, the Conference of the Parties adopted the recommendations as put forward by the Committee.

10. In its decision BC-10/11, the Conference of the Parties also mandated the Committee to review the directions adopted by the tenth meeting of the Conference of the Parties with respect to the use of the resources in the implementation fund and to make recommendations for revised directions, as appropriate, taking into account the result of discussions in relevant processes, for consideration by the Conference of the Parties at its eleventh meeting. This matter was considered by the Committee during its ninth meeting<sup>8</sup> at what time the Committee developed recommendations on the use of resources in the implementation fund to the attention of the eleventh meeting of the Conference of the Parties similar to those submitted to the tenth meeting of the Conference of the Parties.<sup>9</sup>

11. By its decisions BC-11/8, BC-12/7 and BC-13/9, the Conference of the Parties confirmed its guidance with respect to the use of the implementation fund with one important amendment, namely that the Committee may no longer “direct” the use of the fund. Instead, the Committee may “make recommendations to the Executive Secretary” on the use of the implementation fund. [The Committee recommends that the same approach be endorsed by the fourteenth meeting of the Conference of the Parties.]<sup>10</sup>

12. Taking into account the terms of reference of the Mechanism and relevant decisions of the Conference of the Parties, the current process and conditions in place for resources in the implementation fund to be used is as follows:

(a) A submission regarding Party implementation and compliance has been made to the Committee in accordance with paragraph 9 of the terms of reference of the Mechanism, and the Committee has declared it admissible in accordance with paragraph 18 of the terms of reference. As at the time of the thirteenth meeting of the Conference of the Parties, the submission may relate to any obligation under the Convention if made by a Party (Party-to-Party trigger or self-Party trigger). If made by the Secretariat, the submission must pertain to possible difficulties of a Party in complying with specific obligations under the Convention, namely paragraph 1 of Article 3 (information about a national definitions of hazardous wastes), under paragraph 1 of Article 4 (information about prohibition of imports), Article 5 (designation of competent authority and focal point), paragraph 2 of Article 13 (information about competent authority and focal, point, national definition of hazardous wastes, decisions to ban the import or export of hazardous or other wastes) and paragraph 3 of Article 13 (national reporting);<sup>11</sup>

(b) The Committee considers the submission in accordance with paragraph 19 of the terms of reference with a view to determining the facts and root causes of the matter of the concern and assist in its resolution, including through the provision of advice, recommendations and information.

<sup>6</sup> See paragraphs 20 to 28 of the Report of the eighth session of the Basel Convention Implementation and Compliance Committee (Geneva, 21-23 March 2011), document UNEP/CHW/CC/8/13.

<sup>7</sup> Report of the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention and proposed work programme for the Committee for the period 2012–2013 (document UNEP/CHW.10/9/Rev.1).

<sup>8</sup> Document UNEP/CHW/CC.9/2.

<sup>9</sup> Report of the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention and proposed work programme for the Committee for the period 2012–2013 (document UNEP/CHW.10/9/Rev.1).

<sup>10</sup> Document UNEP/CHW.14/XX.

<sup>11</sup> By decision BC-12/7, the Conference of the Parties decided to evaluate at its fourteenth meeting the effectiveness of the amendment to paragraph 9 (c) of the terms of reference adopted by the Conference of the Parties at its tenth meeting and extended by the Conference of the Parties at its eleventh meeting with regard to possible difficulties encountered by any Party in complying with its obligations under paragraph 1 of Article 3, paragraph 1 of Article 4 and paragraph 2 of Article 13 of the Convention.

As part of this process, the Committee may, with the cooperation of the Party concerned, elaborate a voluntary compliance action plan that may include benchmarks, objectives, indicators and a timeline;

(c) The following specific conditions apply to the use of funds in the implementation fund:

- (i) Only a Party that is a developing country or country with an economy in transition and is the subject of a submission made in accordance with paragraph 9 of the terms of reference is eligible to receive funds from the implementation fund;
- (ii) The resources in the implementation fund may only be used to fund activities listed in the compliance action plans approved by the Committee;
- (iii) The use of the funds must be based on a recommendation by the Committee to the Executive Secretary, and is subject to the availability of funds in the implementation fund.

(d) If, after undertaking the facilitation procedure set out in paragraph 19 of the terms of reference, the Committee considers it necessary to pursue further measures to address a Party's compliance difficulties, it may, in accordance with paragraph 20 of the terms of reference, recommend that the Conference of the Parties consider further measures;

(e) The Secretariat fundraises for the activities of the implementation fund, on the basis of the programme budget approved by the Conference of the Parties. Contributions made by donors are earmarked for the implementation fund and the Secretariat follows its standard practice with respect to its communications with and reporting to donors;

(f) In between its meetings, the Committee receives information from the Secretariat on progress achieved, through email exchange or informal consultations among its members, as advised by the Chair. During its meetings, the Committee reviews progress achieved in resolving the compliance issue, based on documents prepared by the Secretariat as well as information and comments submitted by the Party concerned, and adopts decisions on the way forward. The Committee also reports to the Conference of the Parties on its activities, including with respect to the implementation fund, in accordance with paragraph 23 of the terms of reference.

13. The institutional guidance provided by the Conference of the Parties with respect to the implementation fund is followed by the Committee, and the Conference of the Parties has the prerogative to develop additional or different guidance as it deems necessary, for instance in the context of its review of the operation of the implementation fund.

## **B. Use of the resources in the implementation fund**

14. Since its establishment and as of 1 March 2017, an amount of US\$ 533,656<sup>12</sup> had been contributed to the implementation fund by Colombia, Japan, Norway and Switzerland. As of that same date, expenditures of US\$ 497,010.- had been incurred, leaving a balance of USD 41,000.- in the implementation fund.

15. Since the establishment of the fund and as of the closing of the twelfth meeting of the Committee (2-4 June 2016, Nairobi, Kenya), the Committee has considered sixteen submissions regarding individual Party implementation and compliance with the Convention,<sup>13</sup> seven of which have been resolved.<sup>14</sup> 11 submissions concern compliance with the national reporting obligation under paragraph 3 of Article 13, four submissions concern the obligation to designate a competent authority and/or focal point under Article 5 of the Convention, and one submission concerns the obligation 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 under paragraph 4 of Article 4 and the obligation to introduce appropriate national/domestic legislation to prevent and punish illegal traffic paragraph 5 of Article 9 of the Convention.

<sup>12</sup> Income and expenditures include programme support costs (13%).

<sup>13</sup> Afghanistan, Bhutan, Cabo Verde, Central African Republic, Eritrea, Guinea-Bissau, Liberia, Libya, Nicaragua, Oman, Palau, Somalia, Swaziland, Togo (two submissions) and Turkmenistan.

<sup>14</sup> Afghanistan (decision CC-12/1), Central African Republic (CC-12/4/Add.1), Nicaragua (decision CC-8/8), Palau (decision CC-11/10) Somalia (decision CC-11/11), Swaziland (decision CC-12/10/Add.1) and Togo (decision CC-12/11).

16. Since the closing of the twelfth meeting of the Committee (2-4 June 2016, Nairobi, Kenya), the Committee has received an additional submission from one Party<sup>15</sup> with respect to the obligation 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 under paragraph 4 of Article 4 and the obligation to introduce appropriate national/domestic legislation to prevent and punish illegal traffic paragraph 5 of Article 9 of the Convention. This submission will be considered for the first time during the thirteenth meeting of the Committee (7-10 September 2018).

17. The Committee's overall approach so far in dealing with specific submissions has been in line with the terms of reference of the Mechanism and as follows:

(a) As a first step towards resolving implementation and compliance difficulties, the Committee seeks to appreciate the facts and understand the root causes of the matter of concern. In doing so, the Committee will seek information about the steps already taken by the Party to overcome its compliance difficulties and about support already received, for instance through the Secretariat, the Basel Convention regional centres or other entities;

(b) In a second step, the Committee provides advice and guidance, including through the Secretariat, recommends that the Party cooperate with the relevant Basel Convention regional centre and invites the Party to benefit from the Secretariat's technical assistance activities of relevance to the matter at hand;

(c) In a third step, the Committee invites the Party concerned to consider submitting a compliance action plan aimed at resolving the implementation and compliance difficulties;

(d) In a fourth step, and only if the previous steps have not proved successful, the Committee considers recommending additional measures to the Conference of the Parties, for instance that it issue a cautionary statement.

18. As of the closing of its twelfth meeting, the Committee had approved ten compliance action plans submitted by nine individual Parties and recommended the use of resources in the implementation fund to carry out activities set out therein.<sup>16</sup> Among these ten plans, as of 1 March 2017, resources from the implementation fund have been used to carry out the planned activities, in accordance with the compliance action plans.

19. With one exception, resources from the implementation fund have so far been used to restore compliance with the national reporting obligation under paragraph 3 of Article 13 of the Convention. Funded activities include mainly:<sup>17</sup>

(a) The review and adjustment of the national legal framework;

(b) The development of an inventory of wastes covered by the Basel Convention and the subsequent transmission of national reports complete and on time;

(c) Awareness raising and training activities.

20. Relatively modest funding has been recommended by the Committee for use by the individual Parties, namely between US\$ 20,000 and US\$ 60,000 for each approved compliance plan. This means that each Party's commitment to restoring compliance with its obligations through the use of its own resources (e.g. political engagement, technical expertise) remains the key driver.

21. Following the approval of a compliance plan and a recommendation on the use of resources from the implementation fund, the Secretariat, under the guidance of the Chair of the Committee, liaises with the relevant Party with a view to facilitating the Party's implementation of the plan. If relevant, the Secretariat and the Party concerned enter an agreement specifying the activities to be undertaken by the Party and providing for the transfer of commensurate financial resources from the implementation fund in accordance with the decisions of the Committee, the terms of reference of the Mechanism, relevant administrative and financial rules, and relevant decisions of the Conference of the Parties. In addition to the agreement, and also in consultation with the Party concerned and under

<sup>15</sup> Central African Republic.

<sup>16</sup> Bhutan (decision CC-10/2), Cabo Verde (decision CC-10/3/Add.1), Central African Republic (decision CC-11/3), Eritrea (decision CC-12/5) Guinea-Bissau (decision CC-10/5/Add.1), Liberia (decision CC-12/7), Oman (decision CC-10/1), Swaziland (decision CC-10/8/Add.1) and Togo (decision CC-9/9 and decision CC-12/11).

<sup>17</sup> In one instance, funding was used to undertake a diplomatic mission to the Party, as requested by that Party (see decision CC-10/1: Submission by Oman).

the guidance of the Chair, the Secretariat undertakes, as appropriate, the hiring of experts to support the Party concerned in undertaking the activities of the plan.

22. As at 1 March 2017, a review of the use of the resources in the implementation fund can provide the following lessons learned:

(a) All Parties invited to do so by the Committee, namely Bhutan, Cabo Verde, Central African Republic, Eritrea, Guinea-Bissau, Liberia, Oman, Swaziland and Togo, have submitted a compliance plan to restore compliance;

(b) All the plans submitted so far were approved by the Committee, the Committee recommended the use of funding from the implementation fund to support the activities listed therein, and the Secretariat was in a position to provide to the Party the recommended funding;

(c) Significant progress has been made by all the Parties to restore compliance, including three Parties<sup>18</sup> that have restored compliance;

(d) So far, resources in the implementation fund have mainly been used to restore compliance with the national reporting obligation. In one instance, resources have been used restore compliance with obligations in relation to the development of legal frameworks. This focus on national reporting is not linked to the operation of the fund but results from the scope of the submissions made to the Committee. Currently, resources in the funds can be used towards restoring compliance with any obligation under the Convention.

### III. The Secretariat's technical assistance plan

#### A. Overview

23. During its thirteenth meeting, the Conference of the Parties, in its decision BC-13/11 and among other things, welcomed the technical assistance plan for the implementation of the Basel, Rotterdam and Stockholm conventions for the period 2018–2021<sup>19</sup> and requested the Secretariat, subject to the availability of resources, to implement it in cooperation with relevant actors striving to attract the programming capacity and financial resources of relevant international organizations.

24. The overall goal of the four-year technical assistance plan is to strengthen the capacities of Parties, particularly developing country Parties and Parties with economies in transition, to implement the Basel, Rotterdam and Stockholm conventions. It was developed by the Secretariat based on the needs for technical assistance identified through a variety of sources.<sup>20</sup> For instance, the following priority areas for technical assistance were identified with respect to implementing the Basel, Rotterdam and Stockholm conventions: training for customs authorities, the sound management of POPs stockpiles and wastes, multi-stakeholder coordination at the national level, development of national legal frameworks, and national reporting, with a focus on the collection of inventory data. Under the Basel Convention, the following highest priority areas for technical assistance identified by respondents include the environmentally sound management (ESM) of hazardous wastes (73.3%), followed by the disposal of hazardous wastes (60%), national coordination (44%), and legal and institutional frameworks (37.8%).<sup>21</sup>

25. The technical assistance activities proposed by the Secretariat for the biennium 2018-2019<sup>22</sup> in response to those needs are included in factsheets 13 and 14, set out for ease of reference in appendix 1 to this note. Factsheet 13 focuses on technical assistance and capacity development for the implementation of the Basel, Rotterdam and Stockholm conventions, while factsheet 14 focuses on training and capacity development activities under the Basel Convention.

<sup>18</sup> Central African Republic, Swaziland and Togo.

<sup>19</sup> Document UNEP/CHW.13/INF/36.

<sup>20</sup> These sources include: information from previous programmes of work; feedback on the guidance on technical assistance under the Stockholm Convention; Parties' responses to needs assessment questionnaires for each Convention; the Secretariat's database with individual requests by and formal correspondence with Parties, including import response forms; conclusions and recommendations from the effectiveness evaluation committee of the Stockholm Convention and from the review of the synergies arrangements; requests included in decisions of the conferences of the Parties and their subsidiary bodies; feedback from intersessional processes under the conventions and needs identified through the Secretariat's face-to-face and online activities, meetings and projects.

<sup>21</sup> Document UNEP/CHW.13/INF/35.

<sup>22</sup> Document UNEP/CHW.13/INF/52/Rev.1.

26. As noted above, so far, resources in the implementation fund have mainly been used to restore compliance with the national reporting obligation and, in one instance, to restore compliance with obligations in relation to the development of legal frameworks. During its thirteenth meeting, the Committee will consider a second submission aimed at restoring compliance with obligations related to the development of legal frameworks.

27. Several of the activities of the technical assistance plan aim at strengthening the capacities of Parties with respect to national reporting and the development of legal frameworks. Some of these are specifically targeted to one these goals, for instance the proposal to develop a “pilot project on development of legal and institutional frameworks implementing the control regime, including with respect to the roles and responsibilities of the competent authorities and engagement of Parties with partners involved in the enforcement chain at the national level”, or the proposal to organize a “regional workshop on supporting Parties in submitting national reports under the Basel and Stockholm conventions and SDGs”. But several of the other proposed activities can include a national reporting or a legal frameworks component, depending on the needs of the Parties and the wishes of the donor.

## **B. Access to technical and financial support**

28. Following the thirteenth meeting of the Conference of the Parties, the Secretariat developed concept notes to assist with the mobilization of the financial resources necessary to undertake the activities listed in the factsheets, including the activities listed in factsheets 13 and 14. These concept notes are available on the website of the Conventions<sup>23</sup> and used by the Secretariat in its interactions with individual donors expressing an interest in providing financial resources for technical assistance activities.

29. In parallel to its fundraising activities, the Secretariat continues to monitor requests and identify needs for technical assistance received from Parties. Since the thirteenth meeting of the Conference of the Parties, requests for technical assistance for national reporting have been received from Namibia, Chad, Republic of the Marshall Islands, Ghana, Burkina Faso, St. Kitts and Nevis, Cook Islands<sup>24</sup>. Also since the thirteenth meeting of the Conference of the Parties, 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.

30. As at 15 May 2018, the Secretariat has yet to receive financial contributions to enable technical assistance activities with respect to national reporting and the development of legal frameworks, and fundraising efforts are ongoing to enable the organization of regional workshops or the development of pilot projects or other country-specific activities.

31. Looking at the past, during the biennium 2016-2017, the Secretariat undertook the following technical assistance activities of relevance to activities funded through the implementation fund: the development of an electronic module on the review or development of national legislation implementing the Basel, Rotterdam and Stockholm conventions,<sup>25</sup> two webinar sessions on national reporting using the new electronic reporting system in English in November 2016; webinar sessions on national reporting for the Basel Convention with the new electronic reporting system (two sessions in English and the remaining sessions in French, Spanish, Arabic and Russian) in October-November 2017. No financial support was made available for face-to-face regional or country-specific activities aimed at assisting Parties either transmit national reports or develop legal frameworks to implement the Basel Convention.

32. One has to look even further back for face-to-face and other activities undertaken by the Secretariat to support Parties with the transmission of national reports. The latest workshops and other activities were organized in cooperation with the Basel Convention regional centres (BCRCs). These include a 6-8 July 2014 workshop organized by the BCRC in Senegal targeting reporting under both the Basel and the Stockholm conventions, and a 23 June 2014 online training during the workshop on

<sup>23</sup> The concept notes are available at: <http://synergies.pops.int/Implementation/ResourceMobilization/Contributions/20182019/tabid/6190/language/en-US/Default.aspx>.

<sup>24</sup> These requests were formulated in the context of the Secretariat’s consultation with Parties pursuant to paragraph 9 (c) of the terms of reference of the Implementation and Compliance Committee.

<sup>25</sup> The module, funded by the European Union, is available at: <http://synergies.pops.int/Implementation/TechnicalAssistance/Modules/tabid/4905/language/en-US/Default.aspx>.

the implementation of the Basel Convention for Arab-speaking Countries organized by the BCRC in Egypt.

### C. **Links between the implementation fund and the Secretariat's technical assistance plan**

33. The paragraphs below provide information on the links between the implementation fund and the Secretariat technical assistance plan with respect to their objectives, approaches, governance and funding.

34. The technical assistance plan of the Secretariat is developed pursuant to the mandates set out in Article 16, paragraph 1 (g)<sup>26</sup> and (k)<sup>27</sup> of the Basel Convention. Its objective is to provide strengthened support to Parties, particularly developing country Parties and Parties with economies in transition, in their implementation of the conventions. The technical assistance activities proposed in the plan, such as the development of tools, workshops and pilot projects, are based on a variety of sources identifying the needs and challenges faced by Parties. The Conference of the Parties takes note of the estimated financial resources from the Technical Cooperation Trust Fund that are needed to undertake the activities and requests the Secretariat, subject to the availability of resources, to implement the plan in cooperation with relevant actors.

35. As mentioned above, the objective of the mechanism for promoting implementation and compliance with the obligations under the Basel Convention is to assist Parties to comply with their obligations under the Convention and to facilitate, promote, monitor and aim to secure implementation of and compliance with the obligations under the Convention. Activities that may be funded from the implementation fund are those that are set out in a compliance action plan. Such a plan can be submitted by a developing Party or a Party with an economy in transition that is the subject of a submission to the Committee and it must be approved by the Committee. Compliance action plans include benchmarks, objectives and indicators as well as a timeline for its implementation, and the ICC monitors progress with the implementation of the plan. In the event measures further to a compliance action plan are deemed necessary by the ICC to assist with the resolution of the matter of concern, the ICC can recommend that the COP consider either further support to the Party concerned or a cautionary statement. The allocation of resources in the implementation fund must be based on a recommendation by the Committee to the Executive Secretary, and is subject to the availability of resources in the implementation fund. The Conference of the Parties takes note of the estimated financial resources from the Technical Cooperation Trust Fund for the purposes of the implementation fund.

36. The objectives of the technical assistance plan and of the mechanism for promoting implementation and compliance with the obligations under the Basel Convention are mutually supportive. While the former is to support Parties in their implementation of the Convention, the objective of the latter is more specific and ambitious in that it also aims to assist Parties in complying with their obligations. Accordingly, the Committee will monitor that the assistance provided will lead to restoring compliance with the obligations under consideration.

37. In terms of approaches, Parties' needs are at the core of the technical assistance plan. In addition, the plan takes into account relevant activities undertaken by subsidiary bodies, such as the ICC,<sup>28</sup> and/or intersessional processes. When planning a specific activity, the Secretariat will catalyze and facilitate capacity development involving Parties, non-Party States, Basel and Stockholm conventions regional centres, UNEP and FAO, including their regional offices, other implementing agencies, such as the IOMC organizations, and other relevant organizations.<sup>29</sup>

<sup>26</sup> Article 16 paragraph 1 (g) provides that the Secretariat is to receive and convey information from and to Parties on: sources of technical assistance and training; available technical and scientific know-how; sources of advice and expertise; and availability of resources. This is with a view to assisting them, upon request, in such areas as: the handling of the notification system of this Convention; the management of hazardous wastes and other wastes; environmentally sound technologies relating to hazardous wastes and other wastes; such as low- and non-waste technology; the assessment of disposal capabilities and sites; the monitoring of hazardous wastes and other wastes; and emergency responses.

<sup>27</sup> Article 16 paragraph 1 (g) provides that the Secretariat is to perform such other functions relevant to the purposes of this Convention as may be determined by the Conference of the Parties, for instance as provided in decision BC-13/11 on technical assistance.

<sup>28</sup> See paragraph 11 of the plan, document UNEP/CHW.13/INF/36.

<sup>29</sup> See paragraph 9 of the plan, document UNEP/CHW.13/INF/36.

38. Under the mechanism for promoting implementation and compliance with the obligations under the Basel Convention, a submission can be made by a Party that has concluded that it is or will be unable to fully implement and comply with its obligations; by a Party that has concerned or is affected by a failure to comply with and/or implement the obligations by another Party with whom it is directly involved; or the Secretariat becoming aware of possible difficulties of any Party in complying with specific obligations. When considering any submission, the Committee will aim to determine the facts and root causes of the matter of concern, which may be varied in nature. In doing so, the Committee will, for instance, invite the Party that has developed a compliance action plan for approval by the Committee to provide information on any past, ongoing or expected support with respect to the matter of concern, including technical assistance activities provided by the Secretariat or other entities (e.g. Basel Convention regional centres or the special programme on institutional strengthening).

39. The approaches of the technical assistance plan and of the mechanism for promoting implementation and compliance with the obligations under the Basel Convention have a degree of commonality. While the basis for the former is narrower in scope with a focus on the needs of developing country Parties and Parties with economies in transition to implement the Convention, both aim to take into account other types of activities undertaken by other entities to promote an efficient use of resources.

40. In terms of governance, the technical assistance plan is developed and implemented by the Secretariat, based on needs identified by Parties, while the activities from a compliance action plan are proposed by an individual Party, and approved and monitored by a subsidiary body, the ICC, and may lead to further measures by the Conference of the Parties.

41. Finally, from the funding side, both technical assistance activities and activities from approved compliance plans are funded from financial resources voluntarily contributed to the Technical Cooperation Trust Fund. The use of the funds is however subject to important differences: use of the resources in the implementation fund must be recommended by the ICC to the Secretariat based on an approved compliance action plan, and the resources can only be used for the activities listed in the approved compliance action plan.

## **IV. Other sources of technical and financial support**

### **A. The UNEP Special Programme**

42. At its first session held from 23 to 27 June 2014 in Nairobi, Kenya, UNEA adopted terms of reference of the special programme. The terms of reference of the special programme are set out in the appendix to the present report. More information on the special programme is available on the website <http://web.unep.org/chemicalsandwaste/special-programme>.

43. The Executive Board of the special programme held its first meeting in February 2016 in Geneva and significant progress was made with agreement reached ad interim on its Rules of Procedure, the application guidelines and related application forms and next steps. The deadline for the first round of applications was 30 June 2016. During its second meeting held in October 2016 in Bangkok, the Executive Board approved seven projects for funding. During its third meeting held in December 2017 in Nairobi, the Executive Board approved seventeen projects for funding. As at 15 May 2018, an amount of approximately \$17 million dollars had been pledged or contributed to the special programme..

44. The following paragraphs aim at providing information on the institutional features of the special programme based on the terms of reference and the possible interface between the programme and the implementation fund.

#### **1. Institutional matters**

##### **(a) Overview**

45. The objective of the special programme is to support country-driven institutional strengthening at the national level. This strengthening is defined as the enhancement of sustainable institutional capacity of Governments to develop, adopt, monitor and enforce policy, legislation and regulation as well as to gain access to financial and other resources for effective frameworks for the implementation of, among others, the Basel Convention.

46. The special programme should avoid duplication and proliferation of funding mechanisms and associated administration and should fund activities outside the mandate of the Global Environment Facility. The activities funded under the special programme may encompass:

- (a) Identifying national institutional capacity, weaknesses, gaps and needs, as well as strengthening the institutional capacity to do so, where required;
- (b) Strengthening institutional capacity to plan, develop, undertake, monitor and coordinate the implementation of policies, strategies and national programmes for the sound management of chemicals and wastes;
- (c) Strengthening institutional capacity to improve progress reporting and performance evaluation capabilities;
- (d) Promoting an enabling environment to foster the ratification of the Basel, Rotterdam and Stockholm conventions and the Minamata Convention;
- (e) Enabling the design and operation of institutional structures dedicated to the promotion of the sound management of chemicals and wastes throughout their life cycle;
- (f) Strengthening institutional capacity to promote measures to support all aspects of the sound management of chemicals and wastes, including more specific nationally identified thematic areas covered by the Instruments.

47. With respect to governance matters, an Executive Body composed of 10 members (four representatives of recipient countries reflecting equitable, geographical representation, drawn from the five United Nations regions and one representative from a least developed country or a small island developing State on a rotational basis; and five donor representatives) is to be the decision-making body of the special programme. As such, the Executive Body meets yearly and takes operational decisions regarding the functioning of the special programme, including the approval of applications for funding, and will endorse procedures for application, assessment, reporting and evaluation. The Executive Board will provide operational guidance on the implementation of the special programme and will provide advice on other matters as required. The Executive Secretary of the Basel Convention as well as one representative of the Conference of the Parties to the Basel Convention may, among others, participate as observers in meetings of the Board.

48. With respect to eligibility requirements, the special programme will receive applications directly from national Governments. Applications should be outlined within the context of an overall country approach to strengthening institutional capacity. The applications should contain proposed measures and performance targets, and information relating to long-term sustainability. Beneficiary countries will, unless otherwise decided by the Board, contribute resources equal to the value of at least 25 per cent of the total allocation. Beneficiary countries shall submit annual reports on progress achieved. A final report and financial audit shall be submitted upon completion of each project, which shall include a full accounting of funds used and an evaluation of outcomes, as well as evidence as to whether the performance targets have been met.

49. As the administering organization, UNEP provides a special programme trust fund and a secretariat to deliver administrative support to the programme. The Secretariat will submit an annual report to the Executive Board which will also be sent to the Conference of the Parties of the Basel Convention.

50. Contributions to the trust fund are encouraged from all signatories and Parties to the conventions and other Governments with the capacity to do so, as well as from the private sector, including industry, foundations, other non-governmental organizations and other stakeholders.

**(b) Comparison between the implementation fund and the special programme**

**(i) Objective**

51. Both the objectives of the special programme and of the Mechanism for promoting implementation and compliance with the obligations under the Basel Convention appear mutually reinforcing: the special programme aims at facilitating and enabling the implementation of the Basel Convention while the Mechanism is to assist Parties to comply with their obligations under the Convention and to facilitate, promote, monitor and secure implementation of and compliance with the obligations under the Convention. Care should be given that the activities funded by the special programme and through other mechanisms, for instance through the Basel Convention Technical Cooperation Trust Fund's, the SAICM QSP or by the Basel Convention Regional Centres towards the implementation of the Convention are not duplicative. However, what appears clear is that "compliance" with the obligations of the Convention, which relies on an assessment of whether Parties are acting in accordance with the obligations they undertook, appears to be beyond the scope of the special programme.

**(ii) Scope**

52. The scope of activities that may be funded by the special programme is focused on institutional strengthening expected to lead to the promotion of the effective implementation of the Basel Convention. Such activities are in some respect similar to the activities funded by the QSP. The terms of reference list the activities that may be funded under the special programme towards that goal. Under the Mechanism, there is no limitation to the kind of activities that may be funded through the implementation fund: key in that regard is that the activities are part of a voluntary compliance plan approved by the Committee.

53. Experience so far shows that some of the activities funded from the implementation fund include institutional strengthening. This can mean that, should the special programme adequately fund these activities, implementation difficulties, which may lead to a submission to the Committee, may be prevented. On the other hand, should a submission be made by or with respect to a Party facing implementation and compliance difficulties, the possible support from the special programme would be taken into account by the Committee in the context of its assessment of the facts and root causes of the matter of concern.

**(iii) Governance structure**

54. The governance of the special programme and that of the implementation fund is different, the former being under the authority of UNEA and the latter being under the authority of the Conference of the Parties. In terms of operation, a 10-member Executive Board is the governing body of the programme, with the authority to take decisions regarding funding, while a 15-member Committee is the governing body of the Mechanism with the authority to approve compliance action plans and to recommend use, by the Secretariat, of resources in the implementation fund.

55. The current arrangements pertaining to the programme and the Mechanism provide for limited cooperation between the two entities through their governing bodies namely the possibility for the representative of the Bureau of the Conference of the Parties to the Basel Convention to participate as observer in meetings of the Board.<sup>30</sup> Under the terms of reference of the Mechanism, meetings of the Committee dealing with specific submissions shall not be open to other Parties or to the public unless the Committee and the Party concerned agree otherwise, which means that the Executive Board could apply for participation as an observer.<sup>31</sup>

56. Cooperation between the two entities however takes place through their respective secretariats. For instance, the Executive Secretary of the Basel Convention has the prerogative to participate as observer in meetings of the Board and the secretariat of the special programme can seek similar participation in meetings of the ICC. In addition, an internal task team consisting of representatives from the secretariats of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management (SAICM) and the secretariat of the Global Environment Facility (GEF) was formalized by the Executive Board at its second meeting. Its role is to assist the special programme Secretariat to undertake an appraisal of the applications received from developing countries and countries with economies in transition.

**(iv) Contributions**

57. There is some level of similarity between the sources of contributions to both the special programme and the implementation fund. Both welcome contributions from Parties to the Basel Convention, signatories to the Basel Convention, governmental organizations, intergovernmental organizations, non-governmental organizations and other sources. The level of contributions received is however very different, with so far a total amount of US\$ 538,656<sup>32</sup> having been contributed to the implementation fund and of US\$ 17 million having been pledged or contributed to the special programme.

**(v) Eligibility requirements**

58. The special programme is accessible by developing countries and countries with economies in transition that are a Party at least to one of the relevant conventions or in the process of becoming a Party thereto. However, given the objective of the Mechanism, the Party must obviously be a Party to the Basel Convention.

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<sup>30</sup> See paragraph 11 of the terms of reference of the Programme.

<sup>31</sup> See paragraph 16 of the terms of reference of the Mechanism.

<sup>32</sup> Income and expenditures include programme support costs (13%).

59. The special programme is based on an application by an eligible Party, while access to the implementation fund is to assist eligible Parties that are the subject of a submission made in accordance with paragraph 9 of the terms of reference of the Mechanism, which includes a self submission but also a Party-to-Party submission and a submission by the Secretariat in limited cases.

## 2. Access to technical and financial support under the special programme

60. Since its establishment, 75 eligible proposals have been submitted to the special programme, of which 24 were approved by the Executive Board for a total amount of US\$ 5 million.<sup>33</sup> Among those 24 countries, 5 Parties to the Convention, namely the Former Yugoslav Republic of Macedonia, Ghana, India, Kiribati and the Gambia, have not transmitted a report since at least 2007. The following activities of relevance to improving reporting are specifically included in the projects of 3 of the 5 countries:

(a) Ghana: enhance the skills and knowledge in information gathering and reporting on SCMW and the Chemicals-related MEAs and SAICM in Ghana for staff within the relevant Ministries/authorities; and develop a joint action plan and harmonized reporting system for the implementation of the Chemicals-related MEAs and SAICM in Ghana;

(b) Kiribati: holding a training workshop for Basel, Stockholm, and Minamata and SAICM national focal points, and other stakeholders, focusing on reporting requirements, reporting coordination and the SAICM Emerging Policy Issues;

(c) The Gambia: trainings on the Conventions ( e.g. Basel, Stockholm etc), roles and responsibilities of different stakeholders in their implementations and reporting requirements.

61. The reports of the meetings of the Executive Board<sup>34</sup> as well as a projects database with information on each project funded from the special programme<sup>35</sup> are available on the website of the special programme.

## 3. Links between the implementation fund and the special programme

62. Similar to the Secretariats' technical assistance plan, the establishment of the special programme, with its focus on strengthening the institutional capacity of eligible Parties to the Basel Convention, has the potential of playing an important role upstream of the Mechanism and the implementation fund, by promoting the implementation of the Convention and, as a consequence, preventing its inadequate implementation. In that sense, and especially given its autonomy from the Conference of the Parties, the special programme appears to conceptually be different from the Mechanism, including the implementation fund.

63. During its twelfth meeting, the Committee, considered the review of the operation of the implementation fund on the basis of the information contained in document UNEP/CHW/CC.12/4 and its annex setting out a report on the operation of the implementation fund in light of the experience of the Committee and other developments including with respect to the UNEP special programme.

The Committee agreed to recommend that the Conference of the Parties at its thirteenth meeting adopt a decision whereby it:

(a) Welcomes the report on the review the operation of the implementation fund in the light of the experience of the Committee and other developments, including with regard to the special programme;

(b) Takes note that the objective of the special programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals, is expected to contribute to an improved implementation of the Basel Convention;

(c) Also takes note that activities funded by the special programme may be of relevance to the work programme of the Committee and vice versa, and that information exchange between the Committee and the Executive Board of the special programme would be mutually beneficial;

<sup>33</sup> Afghanistan, Argentina, Belarus, Benin, Brazil, China, Ecuador, Dominican Republic, Former Yugoslav Republic of Macedonia, Ghana, Iraq, India, Kenya, Kiribati, Kyrgyz Republic, Moldova, Nigeria, Papua New Guinea, The Gambia, Serbia, Tanzania, Uganda, Ukraine and Vietnam.

<sup>34</sup> <http://drustage.unep.org/chemicalsandwaste/special-programme/events>.

<sup>35</sup> <http://drustage.unep.org/chemicalsandwaste/special-programme/projects-database>.

(d) Encourages the Committee to promote such information exchange with the special programme through the Executive Secretary and through the representative of the Bureau of the Conference of the Parties of the Basel Convention in their capacity as observers at the meetings of the Executive Board;

(e) Requests the Secretariat to provide information to the Committee on the activities funded through the special programme that are of relevance to its mandate;

(f) Expresses its appreciation to the Committee for its efforts towards the resolution of matters of concern with respect to the implementation and compliance with the Convention, including by recommending to the Secretariat the use of resources in the implementation fund to fund activities listed in ten compliance action plans elaborated by the Party concerned by a submission and approved by the Committee;

(g) Further takes note that resources in the implementation fund have so far been used to assist seven Parties to implement their compliance action plan and enabled three Parties to restore compliance with the obligation to submit national reports under paragraph 3 of Article 13 of the Convention.

64. The Committee agreed to include in its proposed 2018–2019 work programme that it:

(a) Make recommendations to the Executive Secretary on the allocation of the available resources from the implementation fund in the period between the thirteenth and fourteenth 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. The resources are intended to fund activities listed in the compliance action plans elaborated by the Party concerned in its submission and approved by the Committee;

(b) Review the operation of the implementation fund in the light of the experience of the Committee and other developments, including with regard to the special programme, and to explore options for strengthening the institutional link between the Committee and the Executive Board of the special programme.

65. At its thirteenth meeting, the Conference of the Parties, in its decision BC-13/9, among other things:

(a) Encouraged the Committee, in the framework of specific submissions regarding Party implementation and compliance, to continue to inform the relevant Parties about possible means of assistance from the implementation fund and from other sources, such as the United Nations Environment Programme special programme on institutional strengthening in accordance with the integrated approach to financing the sound management of chemicals and waste;

(b) Took note of the report on the review of the operation of the implementation fund;

(c) Noted that the objective of the special programme on institutional strengthening is to support country-driven institutional strengthening at the national level, in the context of an integrated approach to financing of the sound management of chemicals and wastes, which will facilitate and enable the implementation of the Basel Convention, among other instruments.

## **B. Other sources of technical and financial support**

### **1. Regional Centers**

66. Basel Convention Regional and Coordinating centres' (BCRCs) core functions include assisting developing countries and countries with economies in transition, through capacity-building for environmentally sound management, to achieve the fulfilment of the objectives of the Convention. Various meetings of the Conference of the Parties have requested the BCRCs to provide assistance to developing countries and other countries to meet their reporting and other obligations.

67. BCRCs routinely collaborate with the Secretariat in providing assistance to the Parties with respect to national reporting and the development of legal frameworks. Specific information on the type of activities, beneficiary countries, dates and other details that were held in the past are available on the website of the Convention.<sup>36</sup> The activities that the BCRCs have included in their business plans for the past and upcoming biennium are also available on the website of the Convention.<sup>37</sup>

<sup>36</sup> <http://www.basel.int/Partners/RegionalCentres/BusinessPlans/tabid/2336/Default.aspx>.

<sup>37</sup> <http://www.basel.int/Partners/RegionalCentres/ActivityReports/tabid/2992/Default.aspx>.

## 2. UNEP technical assistance activities

68. UNEP delivers its mandate through a four-year medium-term strategy, which is informed by relevant resolutions and decisions of the United Nations Environment Assembly, the General Assembly and the UNEP Governing Council, and by the strategies and plans of multilateral environmental agreements and other internationally agreed environmental goals.<sup>38</sup> The action of UNEP is further guided by biennial programmes of work structured among seven priority areas<sup>39</sup> which result in portfolio of projects submitted for funding and implemented by its divisions and relevant partners.

69. Within the objectives pursued under these sub-programmes, UNEP provides support to countries through provision of technical assistance and development of environmental assessments and analyses, norms, guidelines and methods.

70. UNEP's Medium-Term Strategy for 2018–2021 and relevant sub-programmes of the Programme of Work for 2018–2019, in particular the Sub-programmes 5 “Chemicals, waste and air quality” and 4 “Environmental governance”, recognizes that UNEP actions aim at supporting countries in the implementation of relevant multilateral environmental agreements, including the Basel Convention.<sup>40,41</sup>

71. The relevance of UNEP action in supporting the implementation of MEAs is also translated in the expected accomplishments and indicators of achievement set out in the 2018-2019 programme of work. For instance, with regard to the subprogramme 5: “Chemicals, waste and air quality”, the two first expected accomplishments are: “(a) Policies and legal, institutional and fiscal strategies and mechanisms for sound chemicals management developed or implemented in countries within the framework of relevant multilateral environmental agreements and the SAICM” and “(b) Policies and legal and institutional and fiscal strategies and mechanisms for waste prevention and sound management developed or implemented in countries within the framework of relevant multilateral environmental agreements”. For the Environmental governance sub-programme, the indicator “(b)(i): Increase in the number of countries that have enhanced institutional capacity and legal frameworks to fully implement the multilateral environmental agreements and for the achievement of internationally agreed environmental goals including the 2030 Agenda” further highlight the supportive nature of UNEP action for MEA implementation.

72. This is further emphasized in the report of the Executive Director of UNEP to the 2017 meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions which outlines that UNEP Medium-Term Strategy for 2018–2021 and relevant sub-programmes of the Programme of Work for 2018–2019 include strategic areas of support for the Basel, Rotterdam and Stockholm Conventions, and that the needs of the conventions are reflected in the portfolio of the projects to achieve sound management of chemicals and waste and improved air quality.<sup>42</sup>

73. This report further details specific activities and projects undertaken by UNEP which aim at providing support to countries in the implementation of the Basel, Rotterdam and Stockholm conventions. For the Basel Convention, those activities are specifically, as follows:

(a) The “Multilateral Environmental Agreements Regional Enforcement Network” aimed to reduce illegal transboundary movement of harmful chemicals and hazardous waste through

<sup>38</sup> See the MTS for 2018-2021 approved at UNEA-2, paragraph 4, as contained in document UNEP/EA.2/15.

<sup>39</sup> UNEP programmatic areas are: Climate change; Resilience to disasters and conflicts; Healthy and productive ecosystems; Environmental governance; Chemicals, waste and air quality; Resource efficiency; Environment under review.

<sup>40</sup> Para 92 indicates that: “The subprogramme [on chemicals, wastes and air quality] support the implementation of relevant chemicals, pollution and waste-related multilateral environmental agreements (i.e. the Basel, Rotterdam and Stockholm conventions, the Minamata Convention on Mercury, the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer, and the Convention on Long-range Transboundary Air Pollution) and the Strategic Approach to International Chemicals Management.

<sup>41</sup> Para 89 refers to: “At the regional and country levels, through its strategic regional presence, and based on assessed needs, UNEP will strengthen the enabling conditions for the full implementation of the multilateral environmental agreements and the 2030 Agenda”.

<sup>42</sup> Para 4, document UNEP/CHW.13/INF/56-UNEP/FAO/RC/COP.8/INF/46-UNEP/POPS/COP.8/INF/59.

improved capacity of enforcement officials for combating illegal traffic of and enhanced cooperation at both the national and regional levels;

(b) The Green Customs Initiative which aims at preventing the illegal trade in environmentally-sensitive commodities, enhance the capacity of customs and other relevant enforcement personnel to monitor and facilitate the legal trade and to detect and prevent illegal trade in environmentally-sensitive commodities covered by the relevant multilateral environmental agreements;

(c) The Programme on capacity building related to multilateral environment agreements in African, Caribbean, and Pacific countries (the ACP MEAs Programme) which aims to reduce the adverse effects of biodiversity loss and contribute to the sound management of chemicals, including the adequate disposal of waste and obsolete pesticides;

(d) Various projects on environmentally sound management of mercury wastes and electric and electronic waste;

(e) Workshop on hazardous waste and chemical emergencies jointly undertaken with UN Environment and the Office for the Coordination of Humanitarian Affairs Environment Unit;

(f) A project under development to support countries in building their national capacity to compile policy relevant chemicals and wastes statistics in the view of the implementation and reporting on SDGs.

74. From the above information, UNEP offers a number of technical assistance opportunities to countries for implementation of the MEAs and more particularly of the Basel Convention, especially when those may provide synergies and mutually supportive benefits with UNEA resolutions.

## V. Conclusion

75. This report of the Committee reviews the operation of the implementation fund, including links with the Secretariat's technical assistance plan (document UNEP/CHW.13/INF/36), notably in relation to access to technical and financial support.

76. The following conclusions can be drawn:

(a) The objectives of the technical assistance plan and of the mechanism for promoting implementation and compliance with the obligations under the Basel Convention are mutually supportive. The former is broader in scope as it support Parties in their general implementation of the Convention. The mechanism for promoting implementation and compliance is more specific and ambitious concentrating on concrete compliance issues of Parties' specific obligations.;

(b) The approaches of the technical assistance plan and of the mechanism for promoting implementation and compliance with the obligations under the Basel Convention have a degree of commonality, but differences exist in terms of activities, governance, access to funding and outcomes;

(c) Most of the submissions to the Committee pertain to difficulties faced by Parties with their national reporting obligations and, subsidiarily, their obligations with respect to the development of legal frameworks. In recent years, limited technical assistance activities have aimed at supporting individual Parties with their national reporting and legal frameworks obligations;

(d) The Secretariat, when undertaking its technical assistance activities, should continue to take into consideration the activities of the Implementation and Compliance Committee; and the Implementation and Compliance Committee, under its facilitation procedure, should continue to take into consideration the technical assistance activities of the Secretariat;

(e) The Secretariat should continue to provide information to the Committee on the activities funded through the special programme that are of relevance to its mandate.

## Appendix 1

## Programmes of work and proposed budgets for the biennium 2018–2019: budget activity fact sheets 13 and 14

<b>Programme heading</b>	Technical Assistance and Capacity Building
<b>PoW number</b>	<b>Activity 13</b>
<b>Title of activity</b>	Technical assistance and capacity development programme of the Basel, Rotterdam and Stockholm conventions
<b>Convention(s)</b>	<input checked="" type="checkbox"/> <u>Basel Convention</u> <input checked="" type="checkbox"/> <u>Rotterdam Convention</u> <input checked="" type="checkbox"/> <u>Stockholm Convention</u>
<b>Budget</b>	<input type="checkbox"/> Core budget <input checked="" type="checkbox"/> Voluntary budget
<b>Reference</b>	UNEP/CHW.13/17-UNEP/FAO/RC/COP.8/17-UNEP/POPS/COP.8/17
<b>Mandate</b>	<b>Convention Article:</b> Articles 4, 10 and 16 of the Basel Convention; Articles 16 and 19 of the Rotterdam Convention; Articles 12 and 20 of the Stockholm Convention <b>COP decision(s):</b> BC-10/29, BC-10/2, BC-10/3, BC-10/13, BC-10/23, BC-11/11, BC-12/6, BC-12/8, BC-12/9, BC-12/20, and BC-12/22; RC-5/12, RC-5/10, RC-5/14, and RC-6/11, RC-7/5, RC-7/7, RC-7/10, and RC-7/12; SC-5/27, SC-5/20, SC-6/15, SC-7/15, SC-7/16, SC-7/23, SC-7/28, and SC-7/30.
<b>Rationale</b>	<p><b><u>Overall objectives:</u></b> The overall approach to technical assistance for the implementation of the Basel, Rotterdam and Stockholm conventions is set out in the Technical Assistance Plan and focuses on developing, strengthening and maintaining the capabilities needed to meet the obligations at the individual, organizational and systemic levels.</p> <p>While using the harmonized approach across the three conventions, the Plan sets the strategic direction for the Secretariat's technical assistance activities for the period from 2018 to 2021. It provides the vision, guiding principles and the objectives to support Parties in meeting their obligations under the conventions as well as to strive towards the implementation of the 2020 goal set in Johannesburg in 2002. As a long-term development objective, the Plan supports Parties in engaging in the interministerial process on strengthening chemicals and waste management in the long term, beyond 2020 as well as in integrating chemicals and wastes into the national strategies for sustainable development. By strengthening Parties' statistical capacities on reporting, data and information will be made available for the follow-up and review of the Sustainable Development Goals and the Agenda 2030 on Sustainable Development.</p> <p><b><u>Scope and needs assessment:</u></b> The Technical Assistance Plan is based on the legal-policy-science-business interface and focuses on the sound management of priority chemicals and hazardous and other waste streams. Taking into account Parties' capacities, it will tailor technical assistance to specific needs of developing countries Parties and Parties with economies in transition. A differentiated approach will be used to address the special capacity development needs of LDCs and SIDs. With a view to respond to changing needs of Parties, a key aspect of the programme is the regular assessments of technical assistance needs of Parties which are developing and with economies in transition. This information will be drawn from online questionnaires as well as from face-to-face training activities, online training, meetings, and projects.</p> <p><b><u>Delivering Technical Assistance:</u></b> The Plan sets the direction for the delivery of the technical assistance for all involved stakeholders. This assures that Parties will fully benefit from a coherent and coordinated approach to technical assistance under the three conventions from various service providers. Given their specific mandates, UNEP and FAO as well as the and the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) play a special role in the implementation of the Plan. Particular focus will be given to the regional delivery of technical assistance through Regional centres under the Basel and Stockholm conventions. It also encourages cooperation with academia and the private sector to promote alternatives to chemicals listed under the Rotterdam and Stockholm conventions as well as best practices for the ESM of hazardous and other wastes.</p> <p><b><u>Cross-cutting areas:</u></b> Cross-cutting technical assistance activities include national coordination, institutional capacities, national legislation and information exchange on chemicals and wastes, illegal traffic of hazardous chemicals and wastes, national reporting under the Basel and Stockholm conventions, enhancing skills for chairing meetings, gender and social issues, mainstreaming of chemicals and wastes into the national sustainable development strategies in the SDGs context, prevention, preparedness for hazardous waste</p>

	<p>and chemicals emergencies and strengthening science-policy-business interface to promote the implementation of the conventions, and regional cooperation among focal points.</p> <p><b><u>Impact Assessment:</u></b> All activities undertaken are results-based interventions based on desired outcomes, outputs and indicators, in agreement with the strategic direction set by the Conferences of the Parties through their respective decisions as well as with the identified needs in technical assistance of the Parties and the aspects developed and identified by subsidiary bodies or intersessional processes.</p> <p>In each budget cycle, the Plan will monitor and assess the impact generated at the national level vis-à-vis the strategic direction. The outcomes of this assessment will be made available at the meetings of the conferences of the Parties in 2019 and thus inform the implementation of technical assistance work for the biennium 2020/21.</p> <p>Through this continuous evaluation, the changing needs of Parties as well as the barriers in a strategic, are taken into consideration in a systematic and forward-looking manner. It will also allow extending the short-term objectives of the Plan to medium and long-term outputs and outcomes. This will help to design sustainability activities thus ensuring continuity of the Plan beyond 2021.</p> <p><b><u>Sustainability and replicability of the activity:</u></b> The Plan contains strategic steps and blueprints for tasks that Parties, other governments, regional centres and other organizations can replicate at the national, regional and international levels. Furthermore, the plan will facilitate North-South and South-South cooperation between Parties by engaging developed countries Parties in capacity development in their expert capacities.</p> <p>Activities presented below contribute to the implementation of the technical assistance plan in 2018-2019. The cross cutting and specific thematic priorities under the Basel, Rotterdam and Stockholm conventions are set out in PoW activities 13, 14, 15, 16, 18 and 19 respectively.</p>
<p><b>Activities and outcomes</b></p>	<p><b>Enhancing capacities of Parties to increase national coordination and cooperation for the implementation of the Basel, Rotterdam and Stockholm conventions</b></p> <p><b><u>Activities:</u></b> <i>Cross-cutting activities</i></p> <ul style="list-style-type: none"> <li>• A training workshop on best practices for the effective coordinated implementation of the Basel, Rotterdam and Stockholm conventions</li> <li>• A pilot project on coordinated implementation of the three conventions through strengthening inter-ministerial coordination mechanisms and information exchange within institutional frameworks;</li> <li>• A training workshop with follow-up pilot activities on legal frameworks and international trade control measures under the three conventions, including import/export procedures and preventing and combating illegal traffic of hazardous chemicals and wastes;</li> <li>• A regional workshop to support Parties to effectively apply mechanisms for review of chemicals within the work of the committees and to enhance collaboration among the subsidiary bodies;</li> <li>• A regional workshop on supporting Parties in submitting national reports under the Basel and Stockholm conventions and SDGs</li> <li>• Pilot project on enhancing capacities for data collection for the national reporting under the Basel and Stockholm conventions and SDGs</li> <li>• A training programme on enhancing skills for chairing meetings of the BRS conventions</li> <li>• Pilot project on specific challenges faced by men, women, girls and boys as well as ingenious people and other groups of the society</li> <li>• A training workshop on supporting women to participate in the global, regional and national decision-making in the BRS context</li> <li>• Pilot project on mainstreaming hazardous chemicals and wastes into national strategies on sustainable development and implementing the SDGs</li> <li>• A training workshop on prevention, preparedness for hazardous and chemicals emergencies organized by partners, such as OCHA, UNEP Disasters and Conflicts and others.</li> </ul> <p><i>Impact assessment</i></p> <ul style="list-style-type: none"> <li>• Impact assessment of the technical assistance activities implemented in the biennium 2018/19</li> </ul> <p><i>Needs Assessment</i></p> <ul style="list-style-type: none"> <li>• Update and make available online the Needs Assessment database</li> <li>• Information collection and compilation</li> </ul> <p><i>Tools and methodologies</i></p> <ul style="list-style-type: none"> <li>• Translation of technical assistance material</li> <li>• Interpretation for technical assistance activities</li> <li>• Tools development (MOOCs, webinars, etc.)</li> <li>• Information material for technical assistance activities</li> </ul>

	<p><u>Outcomes:</u> Enhanced capacities of Parties to increase national coordination and cooperation for the implementation of the BRS conventions</p>	
	<p><b>Indicators of achievement:</b></p> <ul style="list-style-type: none"> <li>• At least 20 Parties exchanged their best practices for the effective coordinated implementation of the Basel, Rotterdam and Stockholm conventions</li> <li>• Institutional frameworks and information exchange mechanisms are established in at least two Parties;</li> <li>• At least five Parties that participated in the technical assistance activities have addressed challenges related to the development of legislation and import/export procedures and/or illegal traffic;</li> <li>• At least 20 Parties increased their knowledge on import/export procedures and/or illegal traffic;</li> <li>• Number of information submissions to the Chemicals Review and the POPs Review Committees by Parties, members and stakeholders in regions trained;</li> <li>• Number of Parties participating in the technical assistance activities that submit national reports under the Basel and Stockholm Conventions;</li> <li>• Cooperation between relevant agencies and statistical offices enhanced in at least two Parties;</li> <li>• At least 20 Parties trained on chairing and negotiations;</li> <li>• Number of Parties that are aware of the importance of gender issues when mainstreaming chemicals and wastes and BRS conventions into the national strategies and plans;</li> <li>• Number of women trained on the participation in the global, regional and national decision-making in the BRS context;</li> <li>• At least two Parties that have mainstreamed hazardous chemicals and wastes into national strategies on sustainable development and implementing the SDGs;</li> <li>• Number of Parties to the BRS Conventions that are aware about prevention and preparedness for waste and chemicals emergencies and coordinate efforts in this regard at the national level.</li> <li>• Needs assessment database is updated on regular basis and available on the website of the BRS conventions.</li> </ul>	<p><b>Means of verification:</b></p> <ul style="list-style-type: none"> <li>• Workshop reports and website;</li> <li>• Narrative reports submitted to the Secretariat by implementing partners;</li> <li>• Narrative reports submitted to the Secretariat by implementing partners;</li> <li>• Narrative reports submitted to the Secretariat by implementing partners;</li> <li>• Workshop reports and website;</li> <li>• Documents of subsidiary body meetings or of other intersessional activities;</li> <li>• National reports submitted to the Secretariat;</li> <li>• Narrative reports submitted to the Secretariat by implementing partners;</li> <li>• Workshop reports and documents of COPs and subsidiary bodies with participants lists;</li> <li>• Official documents containing national strategies or plans;</li> <li>• Workshop reports and narrative reports submitted by Parties;</li> <li>• Workshop reports and website;</li> <li>• Narrative reports submitted to the Secretariat by implementing partners;</li> <li>• Webinar and workshop statistics published in the Secretariat report COP documents.</li> <li>• Needs assessment database on the website.</li> </ul>

### Resource requirements

Activity/Output	Assessed Contributions						Voluntary Contributions						Total
	2018			2019			2018			2019			2018-19
	Basel (BC)	Rotterdam (RO)	Stockholm (SC)	Basel (BC)	Rotterdam (RO)	Stockholm (SC)	Basel (BD)	Rotterdam (RV)	Stockholm (SV)	Basel (BD)	Rotterdam (RV)	Stockholm (SV)	All conventions
<b>Cross-cutting activities</b>													
Pilot projects							105 000	106 000	104 000	41 000	42 000	42 000	440 000
Workshops							131 000	192 000	192 000	109 000	167 000	169 000	960 000
<b>Component Total</b>							<b>236 000</b>	<b>298 000</b>	<b>296 000</b>	<b>150 000</b>	<b>209 000</b>	<b>211 000</b>	<b>1 400 000</b>
<b>Impact assessment</b>													
Impact assessment report							20 000	20 000	20 000				60 000
<b>Component Total</b>							<b>20 000</b>	<b>20 000</b>	<b>20 000</b>				<b>60 000</b>
<b>Needs Assessment</b>													
Needs assessment report							5 000	5 000	5 000	5 000	5 000	5 000	30 000
<b>Component Total</b>							<b>5 000</b>	<b>5 000</b>	<b>5 000</b>	<b>5 000</b>	<b>5 000</b>	<b>5 000</b>	<b>30 000</b>
<b>Tools and methodologies</b>													
Online training							34 500	35 000	35 500	35 500	34 500	35 000	210 000
Training materials incl. translation							15 000	15 000	15 000	15 000	15 000	15 000	90 000
<b>Component Total</b>							<b>49 500</b>	<b>50 000</b>	<b>50 500</b>	<b>50 500</b>	<b>49 500</b>	<b>50 000</b>	<b>300 000</b>
<b>Grand Total</b>							<b>310 500</b>	<b>373 000</b>	<b>371 500</b>	<b>205 500</b>	<b>263 500</b>	<b>266 000</b>	<b>1 790 000</b>

Overview of resources	Budget	Assessed Contributions	Voluntary Contributions	Total Contributions
	2016-2017 approved		4 265 000	4 265 000
	2018-2019 approved		1 790 000	1 790 000

<b>Partner(s)</b>	The activity will be implemented in close collaboration with the regional centers, which will provide administrative support and technical input. The UNEP Chemicals and Waste Branch, the Interim Secretariat on the Minamata Convention on Mercury and SAICM will be consulted on the activity when relevant. IOMC organizations will be invited to participate in the workshops and projects. Other relevant key stakeholders, such as the UNEP and FAO Regional Offices, non-governmental organizations and private sector organizations, will be welcomed to participate in the activity.
<b>Socio-economic aspects</b>	<p><b>Sustainable Development Goals:</b> The project supports directly SDG target 12.4 related to sustainable consumption and production where, by 2020, environmentally sound management of chemicals and all wastes should be achieved throughout their life cycle in accordance with agreed international frameworks and their release to air, water and soil should be significantly reduced to minimize their adverse impacts on human health and the environment. It further contributes to SDG target 2.4 to ensure sustainable food production systems and implement resilient agricultural practices that increase productivity and production; and to SDG target 3.9, to substantially reduce the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination. The project supports SDG target 17.9 by enhancing international support for implementing effective and targeted capacity-building in developing countries to support national plans to implement all the sustainable development goals, including through North-South, South-South and triangular cooperation</p> <p><b>Gender mainstreaming:</b> All capacity development activities set out in PoWs 13 to 16 will take into consideration social issues and gender equality. Gender will be considered when specific activities are designed and during the implementation of activities and their evaluation. A basic gender analysis will be conducted for gender relevant activities as part of the design phase..</p> <p><b>Integrated Approach:</b> The capacity development activities are also supportive of the integrated approach to financing options for chemicals and waste, as it promotes industry involvement and mainstreaming of the objectives of the conventions into the broader development agenda.</p>

<b>Programme heading</b>	<b>Technical Assistance and Capacity Building</b>
<b>PoW number</b>	<b>Activity 14</b>
<b>Title of activity</b>	<b>Training and capacity development activities under the Basel Convention</b>
<b>Convention(s)</b>	<input checked="" type="checkbox"/> <u>Basel Convention</u> <input type="checkbox"/> Rotterdam Convention <input type="checkbox"/> Stockholm Convention
<b>Budget</b>	<input type="checkbox"/> Core budget <input checked="" type="checkbox"/> Voluntary budget
<b>Reference</b>	UNEP/CHW.13/17-UNEP/FAO/RC/COP.8/17-UNEP/POPS/COP.8/17
<b>Mandate</b>	<b>Convention Articles:</b> Articles 4, 10 and 16 of the Basel Convention <b>COP decisions:</b> BC-12/9 , BC-12/10, BC-12/1, BC -12/2, BC-12/3, BC 12/4, BC-12/5, BC-12/6, BC-12/8, BC-12/11, BC-12/14 BC-12/25
<b>Rationale</b>	<b><u>Thematic Technical Assistance areas under the Basel Convention:</u></b> This activity aims at addressing the priority areas that emerged from the ongoing needs assessment surveys and from individual Party requests as well and face-to-face training, meetings and online training sessions. This includes improving the effectiveness of the Basel Convention in support of the Country-led initiative, achieving the ESM of hazardous and other wastes, as well as final disposal of hazardous wastes. The activity also focuses on enhancing the implementation of the Convention at the national level through the control of transboundary movements of hazardous and other wastes and the development of national strategies and plans. It also aims at building institutional frameworks such as coordination mechanisms and developing legal frameworks. In addition, this activity will address training and capacity building needs raised by Parties, upon request, for the effective implementation of the Basel Convention.  <b>Area 1: Increasing capacities of Parties to implement control procedures under the Basel Convention</b> These activities aim at providing continuous training to competent authorities, focal points, enforcement entities (Customs, prosecutors, judiciary) as well as other relevant stakeholders on the implementation of the Basel convention. It will assist Parties in implementing the Basel Convention control procedure for transboundary movements of hazardous wastes and other wastes and in preventing and combating illegal traffic. This activity will also facilitate the information and experience exchange at the regional level.  <b>Area 2: Strengthening capacities of Parties for the environmentally sound management of hazardous and other wastes, including prevention and minimization</b> These activities will promote the environmentally sound management of hazardous wastes and other wastes. This sub-programme aims at disseminating and testing newly developed/revised technical guidelines and guidance documents.  Activities presented below contribute to the implementation of the technical assistance plan in 2018-2019. The cross cutting and specific thematic priorities under the Basel, Rotterdam and Stockholm conventions are set out in PoW activities 13, 14, 15, 16, 18 and 19 respectively.
<b>Activities and outcomes</b>	<u>Activities:</u> <i>Specific capacity development activities under the Basel Convention</i> <b>(1) Control procedures under the Basel Convention</b> <ul style="list-style-type: none"> <li>• Regional training workshop on transit, import/export restrictions or prohibitions, national definitions of hazardous wastes based on long-term national hazardous waste strategies;</li> <li>• Pilot project on development of legal and institutional frameworks implementing the control regime, including with respect to the roles and responsibilities of the competent authorities and engagement of Parties with partners involved in the enforcement chain at the national level</li> <li>• Regional workshop for competent authorities on the implementation of the Basel Convention, including regional networks, national plans and strategies and reporting.</li> </ul> <u>Outcomes:</u> <i>Increased capacities of Parties to implement control procedures and national reporting under the Basel Convention.</i> <b>(2) ESM of hazardous and other wastes</b> <ul style="list-style-type: none"> <li>• Training workshop on e-waste and forum at regional level in line with the strategic framework for the implementation of the Basel Convention for 2012-2021.</li> <li>• Training workshop on the environmentally sound management of hazardous wastes with focus on POPs wastes.</li> <li>• Pilot projects on disseminating and applying tools and guidance on specific waste streams as well as practical guidance documents and manuals developed by the expert working group on</li> </ul>

	<p>environmentally sound management of hazardous waste and other waste and by the proposed household waste partnership;</p> <p><u>Outcomes:</u></p> <p>Strengthened capacities of Parties to manage hazardous and other wastes in an environmentally sound manner, including prevention and minimization of such wastes.</p> <p><i>Capacity building activities upon request</i></p> <ul style="list-style-type: none"> <li>• Pilot projects on developing national inventories of hazardous and other wastes for the purpose of national reporting and other training and capacity-building activities relating to the Basel Convention.</li> </ul> <p><u>Outcomes:</u></p> <p>Strengthened capacities of Parties for the developing of national inventories of hazardous and other wastes and enhanced submission rate of national reports from Parties that participated in the technical assistance.</p>				
	<table border="1" style="width: 100%;"> <tr> <td style="width: 60%;"><b>Indicators of achievement:</b></td> <td style="width: 40%;"><b>Means of verification:</b></td> </tr> <tr> <td> <ul style="list-style-type: none"> <li>• At two least 20 Parties are trained on transit, import/export restrictions or prohibitions, national definitions of hazardous wastes and experience of the use guidance on control of transboundary movements is shared between Parties;</li> <li>• At least two Parties developed or strengthened their legal and institutional frameworks and on the coordination at the national and regional level among entities involved in the enforcement chain;</li> <li>• At least 20 Parties trained on the use of a new reporting format under the Basel Convention;</li> <li>• At least 40 Parties are training on the environmentally sound management of e-waste, POPs waste, mercury waste or other hazardous wastes;</li> <li>• At least three pilot projects on the development of national inventories of hazardous and other wastes are implemented;</li> <li>• Tools, guidance and manuals on specific waste streams as well as practical guidance documents and manuals disseminated or pilot tested and experiences shared by at least two Parties per year</li> </ul> </td> <td> <ul style="list-style-type: none"> <li>• Workshop report and comments and experiences on convention website;</li> <li>• Narrative report from parties and draft and final legal documents;</li> <li>• Narrative reports from implementing Parties on projects website;</li> <li>• National reports on the convention website;</li> <li>• Workshop reports and website;</li> <li>• Pilot project reports on project websites;</li> <li>• Narrative reports from implementing Parties on projects website and/or information documents;</li> <li>• Guidance documents, manuals and factsheets on convention website.</li> </ul> </td> </tr> </table>	<b>Indicators of achievement:</b>	<b>Means of verification:</b>	<ul style="list-style-type: none"> <li>• At two least 20 Parties are trained on transit, import/export restrictions or prohibitions, national definitions of hazardous wastes and experience of the use guidance on control of transboundary movements is shared between Parties;</li> <li>• At least two Parties developed or strengthened their legal and institutional frameworks and on the coordination at the national and regional level among entities involved in the enforcement chain;</li> <li>• At least 20 Parties trained on the use of a new reporting format under the Basel Convention;</li> <li>• At least 40 Parties are training on the environmentally sound management of e-waste, POPs waste, mercury waste or other hazardous wastes;</li> <li>• At least three pilot projects on the development of national inventories of hazardous and other wastes are implemented;</li> <li>• Tools, guidance and manuals on specific waste streams as well as practical guidance documents and manuals disseminated or pilot tested and experiences shared by at least two Parties per year</li> </ul>	<ul style="list-style-type: none"> <li>• Workshop report and comments and experiences on convention website;</li> <li>• Narrative report from parties and draft and final legal documents;</li> <li>• Narrative reports from implementing Parties on projects website;</li> <li>• National reports on the convention website;</li> <li>• Workshop reports and website;</li> <li>• Pilot project reports on project websites;</li> <li>• Narrative reports from implementing Parties on projects website and/or information documents;</li> <li>• Guidance documents, manuals and factsheets on convention website.</li> </ul>
<b>Indicators of achievement:</b>	<b>Means of verification:</b>				
<ul style="list-style-type: none"> <li>• At two least 20 Parties are trained on transit, import/export restrictions or prohibitions, national definitions of hazardous wastes and experience of the use guidance on control of transboundary movements is shared between Parties;</li> <li>• At least two Parties developed or strengthened their legal and institutional frameworks and on the coordination at the national and regional level among entities involved in the enforcement chain;</li> <li>• At least 20 Parties trained on the use of a new reporting format under the Basel Convention;</li> <li>• At least 40 Parties are training on the environmentally sound management of e-waste, POPs waste, mercury waste or other hazardous wastes;</li> <li>• At least three pilot projects on the development of national inventories of hazardous and other wastes are implemented;</li> <li>• Tools, guidance and manuals on specific waste streams as well as practical guidance documents and manuals disseminated or pilot tested and experiences shared by at least two Parties per year</li> </ul>	<ul style="list-style-type: none"> <li>• Workshop report and comments and experiences on convention website;</li> <li>• Narrative report from parties and draft and final legal documents;</li> <li>• Narrative reports from implementing Parties on projects website;</li> <li>• National reports on the convention website;</li> <li>• Workshop reports and website;</li> <li>• Pilot project reports on project websites;</li> <li>• Narrative reports from implementing Parties on projects website and/or information documents;</li> <li>• Guidance documents, manuals and factsheets on convention website.</li> </ul>				

### Resource requirements

Activity/Output	Assessed Contributions						Voluntary Contributions						Total	
	2018			2019			2018			2019			2018-19	
	Basel (BC)	Rotterdam (RO)	Stockholm (SC)	Basel (BC)	Rotterdam (RO)	Stockholm (SC)	Basel (BD)	Rotterdam (RV)	Stockholm (SV)	Basel (BD)	Rotterdam (RV)	Stockholm (SV)	All conventions	
<b>Capacity building activities on request</b>														
Pilot projects							75 000				75 000			150 000
<b>Component Total</b>							<b>75 000</b>				<b>75 000</b>			<b>150 000</b>
<b>Specific capacity development activities under the Basel Convention</b>														
Pilot projects							95 000				95 000			190 000
Workshops							330 000				330 000			660 000
<b>Component Total</b>							<b>425 000</b>				<b>425 000</b>			<b>850 000</b>
<b>Grand Total</b>							<b>500 000</b>				<b>500 000</b>			<b>1 000 000</b>

Overview of resources	Budget	Assessed Contributions	Voluntary Contributions	Total Contributions
	2016-2017 approved		1 470 000	1 470 000
	2018-2019 approved		1 000 000	1 000 000

<b>Partner(s)</b>	Regional centres of the Basel and Stockholm conventions, FAO and UNEP regional offices, UNEP chemicals and wastes and other UNEP offices such as the International Environment and Technology Centre (IETC), including the Joint UNEP/ Office for the Coordination of Humanitarian Affairs (OCHA) Environment Unit, UNDP, UNITAR, SAICM secretariat and partners, WHO, NGOs, academia and the private sector.
<b>Socio-economic aspects</b>	<p><b>Sustainable Development Goals:</b> The project will contribute to sustainable development and in particular to the achievement of Goal 12. Ensure sustainable consumption and production patterns and targets 12.4 and 12.5: by 2030, substantially reduce waste generation through prevention, reduction, recycling, and reuse.</p> <p><b>Gender mainstreaming:</b> All technical assistance activities will take into consideration social issues and gender equality. Gender will be considered when specific activities are designed and during the implementation of activities and their evaluation. A basic gender analysis will be conducted for gender relevant activities as part of the design phase.</p> <p><b>Integrated Approach:</b> This activity is also supportive of the integrated approach to financing options for chemicals and waste as it promotes mainstreaming of the Basel Convention-related issues into development processes.</p>

## Appendix 2

### **Terms of reference for the Special Programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management**

Recalling decision 27/12 on chemicals and waste management, part VIII, paragraphs 13 and 14 of the First Universal Session of the Governing Council/Global Ministerial Environment Forum of the United Nations Environment Programme (UNEP):

#### **I. Objective of the Special Programme**

1. The objective of the Special Programme is to support country-driven institutional strengthening at the national level, in the context of an integrated approach to address the financing of the sound management of chemicals and wastes, taking into account the national development strategies, plans and priorities of each country, to increase sustainable public institutional capacity for the sound management of chemicals and wastes throughout their life cycle. Institutional strengthening under the Special Programme will facilitate and enable the implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management (hereinafter referred to as “the Instruments”).

#### **II. Definition of institutional strengthening**

2. For the purposes of the Special Programme, institutional strengthening is defined as enhancing the sustainable institutional capacity of Governments to develop, adopt, monitor and enforce policy, legislation and regulation, as well as to gain access to financial and other resources for effective frameworks for the implementation of the Instruments for the sound management of chemicals and wastes throughout their life cycle.

#### **III. Expected outcomes of institutional strengthening through the Special Programme**

3. It is expected that strengthened national institutions would have the capacity to do the following:

(a) Develop and monitor the implementation of national policies, strategies, programmes and legislation for the sound management of chemicals and wastes;

(b) Promote the adoption, monitoring and enforcement of legislation and regulatory frameworks for the sound management of chemicals and wastes;

(c) Promote the mainstreaming of the sound management of chemicals and wastes into national development plans, national budgets, policies, legislation and implementation frameworks at all levels, including addressing gaps and avoiding duplication;

(d) Work in a multisectoral, effective, efficient, transparent, accountable and sustainable manner in the long term;

(e) Facilitate multisectoral and multi-stakeholder cooperation and coordination at the national level;

(f) Promote private sector responsibility, accountability and involvement;

(g) Promote the effective implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach;

(h) Promote cooperative and coordinated implementation of the Instruments at the national level.

#### **IV. Scope of the Special Programme**

4. The Special Programme should avoid duplication and proliferation of funding mechanisms and associated administration, and should fund activities that fall outside the mandate of the Global Environment Facility.
5. The activities funded under the Special Programme may encompass the following:
  - (a) Identifying national institutional capacity, weaknesses, gaps and needs, as well as strengthening the institutional capacity to do so, where required;
  - (b) Strengthening institutional capacity to plan, develop, undertake, monitor and coordinate the implementation of policies, strategies and national programmes for the sound management of chemicals and wastes;
  - (c) Strengthening institutional capacity to improve progress reporting and performance evaluation capabilities;
  - (d) Promoting an enabling environment to foster the ratification of the Basel, Rotterdam and Stockholm conventions and the Minamata Convention;
  - (e) Enabling the design and operation of institutional structures dedicated to the promotion of the sound management of chemicals and wastes throughout their life cycle;
  - (f) Strengthening institutional capacity to promote measures to support all aspects of the sound management of chemicals and wastes, including more specific nationally identified thematic areas covered by the Instruments.

#### **V. Eligibility for support from the Special Programme**

6. Support from the Special Programme will be available for developing countries, taking into account the special needs of least developed countries and small island developing States, and for countries with economies in transition, with priority given to those with least capacity.
7. Applicants will be eligible if they are party to any one of the relevant conventions or have demonstrated that they are in the process of preparing for ratification of any one of the conventions.
8. Applications will include identification of the associated domestic measures to be taken to ensure that the national institutional capacity supported by the Special Programme is sustainable in the long term.

#### **VI. Governance arrangements for the Special Programme**

9. An Executive Board will be the decision-making body and oversee the Special Programme with the support of a secretariat.
10. The Executive Board will reflect a balance between donors and recipients. The term of the representatives will be in a two-year rotation. The Executive Board will be composed of the following:
  - (a) Four representatives of recipient countries, reflecting equitable, geographical representation, drawn from the following United Nations regions: Africa, Asia-Pacific, Central and Eastern Europe, and Latin America and the Caribbean. In addition, the Executive Board will have one representative from a least developed country or a small island developing State on a rotational basis;
  - (b) Five donor representatives, which are not also recipient countries.
11. The executive secretaries of the Secretariat of the Basel, Rotterdam and Stockholm conventions and the Minamata Convention, the Coordinator of the Strategic Approach and a representative of the secretariat of the Global Environment Facility, as well as representatives of Governments and regional economic integration organizations, any implementing agencies and one representative from each of the Bureaus of the governing bodies of the Instruments may participate, at their own expense, as observers at the meetings of the Executive Board.

## **VII. Mandate and functions of the Executive Board**

12. The Executive Board will have two co-chairs, one from recipient countries and one from donor countries.

13. The Executive Board will meet yearly and take its decisions by consensus wherever possible. If consensus cannot be reached, the Executive Board will, as a last resort, take its decisions by a two-thirds majority of its members present and voting. The Executive Board will, as required, further develop its rules of procedure at its first meeting.

14. The Executive Board will take operational decisions regarding the functioning of the Special Programme, including the approval of applications for funding, and will endorse procedures for application, assessment, reporting and evaluation. The Executive Board will provide operational guidance on the implementation of the Special Programme and will provide advice on other matters as required.

## **VIII. Administering organization**

15. As the administering organization, UNEP will provide a Special Programme trust fund and a secretariat to deliver administrative support to the Programme, including the allocation of human and other resources.

16. The secretariat will process application proposals for approval by the Executive Board, manage approved allocations and service the Executive Board. The Secretariat will report on its operations to the Executive Board and will be accountable to the Executive Director of UNEP for administrative and financial matters. The secretariat will submit an annual report to the Executive Board, which will also be sent to the governing bodies of UNEP and of the Instruments for their consideration.

## **IX. Operational arrangements for the Special Programme**

17. The Special Programme will receive applications directly from national Governments. It will be easily accessible, simple and effective, and draw on experience from existing support mechanisms as appropriate.

18. Applications should be outlined within the context of an overall country approach to strengthening institutional capacity. The applications should contain proposed measures and performance targets, and information relating to long-term sustainability.

19. Applications should be submitted to the secretariat. The secretariat will appraise applications for consideration and decision by the Executive Board.

20. Cumulative allocations to a country should be decided by the Executive Board, based on the contributions received and the needs expressed in the applications submitted. Of that total, an amount not exceeding 13 per cent may be retained for administrative purposes.

21. Beneficiary countries will contribute resources equal to the value of at least 25 per cent of the total allocation. The Executive Board may reduce that percentage, commensurate with consideration of the specific national circumstances, capacity constraints, gaps and needs of the applicant.

22. Beneficiary countries shall submit annual reports on progress achieved. A final report and financial audit shall be submitted upon completion of each project, which shall include a full accounting of funds used and an evaluation of outcomes, as well as evidence as to whether the performance targets have been met.

## **X. Contributions**

23. Contributions will be encouraged from all signatories and parties to the conventions and other Governments with the capacity to do so, as well as from the private sector, including industry, foundations, other non-governmental organizations and other stakeholders.

## **XI. Duration of the Special Programme**

24. The Special Programme will be open to receive voluntary contributions and applications for support for seven years from the date it is established. On the basis of a satisfactory review and evaluation, and subject to a recommendation from the Executive Board to the United Nations Environment Assembly, the Special Programme may be eligible for a one-time extension, not to

exceed an additional five years. Special Programme funds may be disbursed for a maximum of 10 years from the date the Programme is established, or eight years from the date it is extended, if applicable, at which point the Programme will complete its operations and close. The terms of reference of the above-mentioned review and evaluation are to be decided by the Executive Board.

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