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**Conference of the Parties to the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal
Fifteenth meeting**

Geneva, 26–30 July 2021 and 6–17 June 2022**
Agenda item 4 (a) (i)

**Matters related to the implementation of
the Convention: strategic issues:
strategic framework**

**Draft report on the final evaluation of the strategic framework
for the implementation of the Basel Convention for 2012–2021**

Note by the Secretariat

As is mentioned in the note by the Secretariat on the strategic framework (UNEP/CHW.15/3), the annex to the present note sets out the draft report on the final evaluation of the strategic framework for the implementation of the Basel Convention for 2012–2021, prepared by the Secretariat in consultation with the small intersessional working group on the strategic framework, and taking into account the comments submitted during and following the online segment of twelfth meeting of the Open-ended Working Group. The present note, including its annex, has not been formally edited.

* Reissued for technical reasons on 11 January 2022.

** In accordance with decisions BC-15/1, RC-10/2 and SC-10/2 of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions, the 2021/2022 meetings of the conferences of the Parties are being held in two segments: an online segment held from 26 to 30 July 2021 and a face-to-face segment to be held from 6 to 17 June 2022 in Geneva.

Annex

Report on the final evaluation of the strategic framework for the implementation of the Basel Convention for 2012–2021

Draft of 30 October 2020

Table of contents

Acknowledgements.....	4
Abbreviations and acronyms.....	5
Executive Summary.....	6
I. Introduction.....	18
A. Purpose of this report.....	18
B. Background to the strategic framework.....	18
C. Methodology.....	19
II. Progress under the strategic framework.....	23
A. Strategic Goal 1.....	23
1. Objective 1.1.....	23
2. Objective 1.2.....	37
3. Objective 1.3.....	48
4. Objective 1.4.....	53
B. Strategic Goal 2.....	59
1. Objective 2.1.....	59
2. Objective 2.2.....	67
3. Objective 2.3.....	74
4. Objective 2.4.....	80
5. Objective 2.5.....	91
C. Strategic Goal 3.....	101
1. Objective 3.1.....	101
2. Objective 3.2.....	105
III. Overarching main findings, conclusions and recommendations.....	111
Appendix I: Strategic framework for the implementation of the Basel Convention for 2012–2021	115
Appendix II: Baseline and 2019 questionnaire.....	120
Appendix III: Basel Convention: Years of meetings of the Conference of the Parties.....	128
Appendix IV: Relevant Sustainable Development Goals.....	129

Acknowledgements

As requested by the Conference of the Parties, this final evaluation was conducted by the Secretariat, in consultation with the Small Intersessional Working Group.

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Abbreviations and acronyms

BC	Basel Convention
BCRC	Basel Convention Regional Centre
ENFORCE	Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic
EPR	extended producer responsibility
ESM	environmentally sound management
EBRD	European Bank for Reconstruction and Development
GCI	Green Customs Initiative
GEF	Global Environment Facility
HLPF	High-level Political Forum
IFC	International Finance Corporation of the World Bank Group
MPPI	Mobile Phone Partnership Initiative
MT	metric tons
OECD	Organisation for Economic Co-operation and Development
OEWG	Open-ended Working Group
PACE	Partnership for Action on Computing Equipment
PIC	prior informed consent
POPs	persistent organic pollutants
SAICM	Strategic Approach to International Chemicals Management
SCRC	Stockholm Convention Regional Centre
SDGs	Sustainable Development Goals
SIWG	small intersessional working group
UNEP	UN Environment Programme
UPOPs	unintentionally-produced POPs
USD	U. S. dollars

Executive Summary

1. The Basel Convention was adopted on March 22, 1989 and entered into force on May 5, 1992. As of October 1, 2020, it has 188 Parties.¹
2. In the Convention's first decade, the Conference of the Parties conducted an effectiveness evaluation pursuant to Article 15.7 of the Convention.² In its second decade, the Conference of the Parties developed a strategic plan,³ while at the beginning of its third decade, the strategic framework 2012-2020 was developed.⁴
3. This report has been prepared as a result of a request by the Conference of the Parties at its thirteenth meeting,⁵ reiterated at its fourteenth meeting,⁶ for the Secretariat, in consultation with a small intersessional working group, to prepare a draft report on the final evaluation of the strategic framework for consideration of the Conference of the Parties at its fifteenth meeting.
4. The baseline of the strategic framework for the year 2011 was established by the Conference of the Parties in 2015 through a report of Parties' responses to a questionnaire.⁷ Although the Conference of the Parties had earlier requested a mid-term review of the strategic framework,⁸ a lack of funding and other factors resulted in no such review being undertaken. At its thirteenth meeting, the Conference of the Parties agreed that the development of this report at the end of the ten-year period of the strategic framework would take place in a two-stage process due to difficulties in collecting relevant data. The first stage was the development of a compilation of sources of data relevant to each indicator in the strategic framework, to serve as sources additional to the results of a baseline questionnaire for 2011 focusing on the elements of the framework, updated recently by 2019 data provided by Parties.
5. As requested by the Conference of the Parties, sources of data in the compilation additional to the questionnaire results have been utilized to assess whether the goals, objectives and indicators have been met over the lifetime of the strategic framework. A lack of data for undertaking this review is a recurrent theme throughout the report, starting with the baseline questionnaire and its more recent iteration, but also through the annual national reports submitted by Parties to the Secretariat, where the reporting rate has improved only slightly over the lifetime of the strategic framework from 51% to 55%. Data limitations are pointed out in the section of the report where they arise. Throughout the report, where the indicators did not appear to relate to the objective or goal, some effort was made to provide information that did so relate, from the sources noted above.
6. Other sources of quantitative data are the classification of Parties' compliance performance with national reporting obligations conducted by the Committee Administering the Mechanism for Promoting Implementation and Compliance ('the Implementation and Compliance Committee'), and the publication called "Waste Without Frontiers II", prepared by the Secretariat, utilizing data from Basel Convention national reports and supplementing them with data from the Organisation for Economic Cooperation and Development (OECD), Eurostat and the UN Statistics Division (UNSD). Sources of qualitative data include: decisions of the Conference of the Parties, such as those adopting technical guidelines and guidance manuals; work of the Implementation and Compliance Committee; technical assistance activities by the Secretariat reported to the Conference of the Parties; activity reports of the Basel Convention Regional Centres provided to the Conference of the Parties; and other reports of this nature.

Overall outcomes of the final evaluation of the strategic framework

7. The evaluation of the strategic framework has been structured according to the strategic goals and objectives of the framework. For each objective, data from the baseline year (2011) and 2019 (or as late as information was available) have been compared and analysed and main findings,

¹ Although this is the number of Parties immediately after the online segment of the twelfth meeting of the Open-ended Working Group, the statistics in this report, unless otherwise noted, were based on 187 Parties, which was the case when the report was first prepared in February 2020.

² Decision III/10.

³ Decision VI/1; the strategic plan is contained in UNEP/CHW.6/3.

⁴ Decision BC-10/2. The strategic framework is contained in Appendix I to this report.

⁵ Decision BC-13/1.

⁶ Decision BC-14/1.

⁷ UNEP/CHW.12/INF/5.

⁸ Decision BC-11/2.

conclusions and recommendations are presented. These are followed by a chapter on overarching main findings, conclusions and recommendations.

8. The goals of the strategic framework are:

Goal 1: Effective implementation of Parties' obligations on transboundary movements of hazardous and other wastes

Goal 2: Strengthening the environmentally sound management of hazardous and other wastes

Goal 3: Promoting the implementation of ESM of hazardous and other wastes as an essential contribution to the attainment of sustainable livelihood, the Millennium Development Goals and the protection of human health and the environment

Main findings, conclusions and recommendations by objective of the strategic framework

The main findings and conclusions are listed by objective of the strategic framework, and summarized below, followed by the relevant recommendation(s).

Objective 1.1: To reach a common understanding among Parties of the definition, interpretation and terminology of wastes covered by the Convention, including the distinction between wastes and non-wastes

Indicator: *The number of agreed technical guidelines that assist Parties in reaching a common understanding on definitions, interpretations and terminologies covered by the Basel Convention*

9. The Convention has been successful in developing technical guidelines that enhance the Parties' common understandings, as well as other guidance documents, manuals, and a glossary of terms, and a review of Convention annexes is underway to add legal clarity to the scope of the Convention, including the distinction between wastes and non-wastes. This is particularly true of the e-waste guidelines, in which the Conference of the Parties has invested a significant level of effort over the lifespan of the strategic framework and adopted them on an interim basis, thus allowing the Parties to use and test them, including on the waste/non-waste distinction.

10. Some sources of information indicate that some Parties may not be using the technical guidelines. Further active efforts need to be made to encourage the use of technical guidelines by Parties.

11. The number of technical assistance activities conducted by the Secretariat on technical guidelines has gone down when compared with the baseline year, as have budgetary allocations on the environmentally sound management of priority waste streams, and current reporting to the Conference of the Parties does not link proposed activities to the strategic framework. Linking decisions by the Conference of the Parties on technical guidelines and programme and budget to the strategic framework could result in the relative priority of technical guidelines being better reflected in budget allocations. Secretariat reports on technical assistance could be improved, including by providing links between such activities and the relevant element of the strategic framework.

12. The contribution of the BCRCs to promoting common understandings on technical guidelines can be very high, but the amount of information presented to the Conference of the Parties in the compilation of the BCRC activity reports was limited and was not linked to the strategic framework. To promote a key role of the BCRCs in the dissemination of and training on technical guidelines, efforts need to be undertaken to link BCRC activities to relevant elements of any future strategic framework and reflect this in more targeted reports presented to the Conference of the Parties.

13. **Recommendation:** (i) A standard part of every decision adopting a new guideline or a substantially updated guideline should continue to be that the Secretariat provide training on it; (ii) after adoption of a technical guideline, it should be disseminated to all Parties, and a webinar or other training offered by the Secretariat for all relevant regions; and (iii) a short document should be prepared that explains how the guidelines can be used at the national level, and made a part of each training session. Such activities would need to be included in budget activity fact sheets of upcoming biennia and included in the proposed work programme and budget and other relevant meeting documents prepared by the Secretariat for consideration by the Conference of the Parties.

14. **Recommendation:** Should this objective be retained in a future strategic framework, this broad range of technical and other guidance, along with the review of the annexes, should be used to develop an improved indicator for this objective in future frameworks. Upon completion of the review of the annexes, consideration should also be given to updating the glossary of terms and other relevant documents about the control system.

15. **Recommendation:** The Conference of the Parties, by linking its decisions to the strategic framework: (i) could more easily monitor and measure outcomes, including on whether funding for technical assistance activities on technical guidelines is sufficient or directed at the right guidelines, and (ii) could request the Secretariat to ensure that its reporting on technical assistance activities is improved by linking it to the next strategic framework and better reflecting the relative complexity of technical assistance activities.

16. **Recommendation:** Should a new strategic framework be developed, the Conference of the Parties should ensure that the BCRCs link their activities to an element of the strategic framework as part of the evaluation criteria for the BCRCs and be presented in more detail.

17. **Recommendation:** Efforts to finalize the e-waste technical guidelines should continue.

Objective 1.2: To prevent and combat illegal traffic in hazardous and other wastes

Indicator: Parties have reached an adequate level of administrative and technical capacity (in the form of Customs, police, environmental enforcement and port authorities, among others) to prevent and combat illegal traffic and judicial capacity to deal with cases of illegal traffic.

Sub-indicators

- **Number of Parties that develop and execute training programmes for the staff involved;**
- **Number of controls and inspections carried out.**

18. It is difficult to assess progress under the indicator and sub-indicators, due to a shortage of data on levels of administrative and technical capacity in Parties. A reporting level of only 55% in 2017 limits the amount of information provided by Parties, and few aspects of the indicator and sub-indicators were addressed in such reports.⁹ Based on data from the baseline and 2019 questionnaires, it would appear that there was a slight reduction in the number of Parties with adequate levels of administrative and technical capacity to prevent and combat illegal traffic, including judicial capacity; the number of Parties reporting taking control actions increased from 53% of respondents to 88%; the number of training programmes has remained constant. Nevertheless, while current data provides a very limited picture, it would appear that a significant number of Parties still face gaps in their capacity to prevent and combat illegal traffic as set out in the indicator.

19. Levels of illegal traffic are difficult to establish at this time, and little data is available from 2011 because the reporting format did not request this information. A mandate has been given to the Implementation and Compliance Committee to undertake a scoping exercise about the extent of illegal traffic based on new table 9 of the reporting format and other data. This mandate is expected to provide the Conference of the Parties with a better sense of these statistics at its fifteenth meeting.

20. In the strategic framework there is no indicator on national legislation, even though levels of legislative implementation and border control appear at this time to hover between only 50% and 60% of Parties. Trafficking in hazardous wastes or other wastes is not illegal in any jurisdiction without legislation, and therefore legislation is a fundamental underpinning in achieving this objective, and its overarching goal of effective implementation of Parties' obligations on transboundary movements of hazardous and other wastes.

21. There is no indicator about judicial capacity, even though a number of Parties continue to indicate they lack such capacity, and data on the number of border controls was asked in the 2011 reporting format, but is no longer requested. Any future strategic framework and/or effectiveness evaluation should consider other indicators, such as on judicial capacity or border controls, and should identify the source of such information at the time the indicator is adopted.

22. There is no indicator about the designation of competent authorities, the backbone of the control system, although through Secretariat monitoring and follow-up the designation of national focal points is at 100% compliance and competent authorities at 99% compliance. The Secretariat should continue to monitor the situation of focal points and competent authorities.

23. Parties continue to identify illegal traffic as a concern, but there has been a decrease in the percentage of technical assistance activities focusing on illegal traffic held over the lifetime of the strategic framework. While the programme of work and budget for the 2020-21 biennium sets out a number of training activities on illegal traffic, technical assistance, activities are subject to voluntary funding being available. The Implementation and Compliance Committee has also been mandated

⁹ Please note that since the cut-off date of December 2019 for the 2017 reports, four more Parties reported, bringing the total of Parties reporting up to 104 (57%).

with a range of activities related to identifying challenges faced by Parties to prevent and combat illegal traffic and how to overcome them. Levels of illegal traffic will be better known after the Committee has completed the activities of its 2020-2021 work programme. As regards legislation in particular, possible sources of technical assistance are described in the discussion under objective 2.1 below.

24. The Conference of the Parties through the Implementation and Compliance Committee has ensured that multiple guidance manuals are available to Parties, thus enhancing collective capacity and promoting harmonized approaches to illegal traffic, the most recent being on Article 9 adopted at the thirteenth meeting of the Conference of the Parties. No new manuals appear to be needed at this time.

25. **Recommendation:** See recommendations below about reporting (objective 1.4), information-gathering (overarching recommendations) and indicators (overarching recommendations).

26. **Recommendation:** The Conference of the Parties should consider incorporating in any future strategic framework addressing illegal traffic a clear indicator on legislation that measures the number of Parties who have legislation that fully implements the Basel Convention, as well as other indicators noted above and any others suggested by the work of the Implementation and Compliance Committee from its current work programme, subject to having an available information source for them.

27. **Recommendation:** The number, type and geographic location of training activities in the 2022-2023 biennium should be guided by the outcome of the Committee's activities, including the scoping exercise. Given limited voluntary funding for these activities, the approach to training on illegal traffic could emphasize as a first step, for those Parties lacking it, training on national legislation implementing the Convention. For Parties with national legislation, training on border enforcement and prosecution of illegal traffic cases are appropriate as they have the legal basis in place for these activities.

28. **Recommendation:** The Implementation and Compliance Committee should use its standing mandate on review and updating of reports to verify whether those earlier manuals/guidance need to be updated.

Objective 1.3: To improve performance in meeting requirements pertaining to, among other things, notifications of national definitions of hazardous and other wastes, prohibitions and other control measures

Indicator: Percentage of Parties that have notified national definitions of hazardous wastes to the Secretariat in accordance with Article 3 of the Basel Convention

29. Based on available information, apart from the designation of national focal points and competent authorities, it is likely that approximately only 50% to 60% of Parties have implemented all required elements of the control system. The indicator of the percentage of Parties that have notified national definitions of hazardous wastes to the Secretariat is not helpful in determining whether the goal has been achieved, i.e. "Effective implementation of Parties' obligations on transboundary movements of hazardous and other wastes".

30. The current indicator this does not provide information relevant to the objective. With some tightening of the current objective, and additional indicators such as competent authorities and legislative implementation, a more accurate analysis could be provided about whether the goal has been achieved, but this would also be predicated on having higher levels of reported information to provide a sounder basis of assessment over time.

31. **Recommendation:** The Conference of the Parties in any future strategic framework could consider some of the elements of the control system utilized in the analysis of this objective to develop more meaningful indicators for this goal.

32. **Recommendation:** An indicator could be designed to measure the trend regarding the occurrence of cases misidentified as illegal traffic, resulting from the failure of a State to notify wastes, other than those listed in Annexes I and II, considered or defined as hazardous under its national legislation and any requirements concerning transboundary movement procedures applicable to such wastes.

33. **Recommendation:** See recommendations related to reporting under objective 1.4 below.

34. **Recommendation:** See recommendations related to legislation under objective 2.1 below.

Objective 1.4: To generate, provide, collect, transmit and use reliable qualitative and quantitative information and data regarding export, import and generation as required under Article 13 of the Convention.

Indicator: Percentage of Parties reporting information to the Secretariat under Article 13.

35. Reporting under the Convention has increased by 10% over the life of the strategic framework, from 51% of Parties in 2011 to 61% of Parties for the year 2016. The fact that 39% of Parties are not reporting has resulted in a significant data gap for purposes of this review of progress under the strategic framework and has been identified as a “serious” systemic problem by the Implementation and Compliance Committee. It will also limit the Convention’s ability to contribute data to assessing achievement of the targets under the Sustainable Development Goals.

36. As noted by the Implementation and Compliance Committee, the main national circumstances resulting in a failure to report are the lack of national inventories, the lack of national legislation, and lack of capacity. In addition, there appears to be a lack of understanding of benefits of reporting and of a lack of consequences for non-reporting. Efforts to improve levels of national reporting should be targeted towards these findings.

37. **Recommendation:** The Conference of the Parties at its fifteenth meeting should urgently consider additional strategies for improving annual reporting, taking into account the outcome of the classification of compliance performance for 2016 and 2017, and including the results of the work done under the mandate given to the Implementation and Compliance Committee to “consider elaborating and further assessing measures not included under paragraphs 20 (a) and (b) of the terms of reference of the Committee that may be required when a Party has not submitted its national report for two or more years since the report due in 2016...”.

38. **Recommendation:** For purposes of a future strategic framework, clear step-wise indicators and/or other parameters for measuring reporting (e.g. targets) should be outlined from the beginning of the framework until the 2030 date of the Sustainable Development Goals, with a projected progression over that period.¹⁰

39. **Recommendation:** Technical assistance activities of both the Secretariat and the regional centres should prioritize the development of capacity for Parties to develop national inventories and national legislation hand-in-hand in order to build on the approach taken by the Implementation and Compliance Committee in individual cases of non-reporting.

40. **Recommendation:** Moreover, the Conference of the Parties should give due consideration to recommendations from the Implementation and Compliance Committee regarding further measures not included under paragraphs 20 (a) and (b) of the terms of reference of the Committee that may be required when a Party has not submitted its national report for two or more years since the report due in 2016.

Objective 2.1: To pursue the development of environmentally sound management of hazardous and other wastes, especially through the preparation of technical guidelines, and to promote its implementation in national legislation

Indicator: Number of Parties with national hazardous waste management strategies or plans in place.

Sub-indicator: Number of guidelines on environmentally sound management of wastes developed.

41. Based on annual reports and the questionnaires completed by fewer than half the Parties, it is difficult to assess the exact percentage of Parties who have national hazardous waste management strategies or plans in place (the indicator), but no more than 61% per cent of the Parties have so reported, only a 10% increase since 2011. If one takes a broader look at the sub-indicator (which addresses the number of guidelines developed on environmentally sound management, a successful collective Convention activity described under objective 1.1 and 2.4), the work of the expert working group on environmentally sound management over the past decade produced a number of products under the ESM Toolkit and successfully completed its mandate. There is no indicator on legislation,

¹⁰ See, for example, the Strategic Plan adopted by the Parties to both the 1996 Protocol to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 and the Convention, by the meetings of their 11th and 38th governing bodies, respectively, where targets were staged to be achieved from the date of adoption in 2016 to the SDG target date of 2030. For reporting the targets are: “By 2022 75% of Parties report; by 2026: 85% of Parties report; by 2030: 100% of Parties report.”
http://www.imo.org/en/OurWork/Environment/LCLP/Documents/Strategic%20Plan%20leaflet_final_web.pdf.

even though the objective is about pursuing environmentally sound management of hazardous and other wastes and promoting it in national legislation.

42. Collective activities on technical guidelines and the broader examination of environmentally sound management through the expert working group on environmentally sound management have provided Parties with guidance on different aspects of environmentally sound management of various waste streams subject to the Convention. However, the focus of the objective—promoting it in national legislation—is not the subject of an indicator. The indicator on national strategies and plans is not currently associated with a source of that information, unless one assumes that information reported in annual reports about national strategies and plans on reduction is a surrogate for that data.

43. Almost thirty years after entry into force of the Convention, the development of legislation implementing the provisions of the Convention is still lacking among a significant number of Parties. Data, however, is incomplete due to the lack of national reporting and other reasons canvassed above in the discussion under objective 1.4. Parties without legislation have difficulty reporting as they have no legal basis upon which to compel the provision of information by national actors, and to create national inventories. Lack of legislation also complicates the implementation and enforcement of the control procedure and Parties' ability to manage their borders. Recent documents developed by the Implementation and Compliance Committee can assist Parties in the development of national legislation. There is currently no mandate for the Implementation and Compliance Committee to undertake a comprehensive approach to identifying Parties without legislation implementing the Convention.

44. The development of legislation implementing the provisions of the Convention continues to be a significant problem for the success of the Basel Convention in achieving its objectives and the goals set out in the strategic framework. However, as there is currently no mechanism under the Convention to review whether Parties have national legislation implementing the Convention, or assessing legislation submitted as implementing the Convention, future work should focus on a more comprehensive approach to identifying which Parties appear most in need of assistance with legislation, and providing a Party by Party review.

45. **Recommendation:** Given the broad range of areas of the Convention impacted through the lack of legislation, including illegal traffic, inventories, and national reporting, the existence of legislation implementing the Convention should appear more prominent in the objectives, and any further work within such a strategic framework context should have an indicator related to Parties with legislation implementing the Convention, including performance in legislative implementation as a keystone objective. (same recommendation as in paragraph 89 under Overarching main findings, conclusions and recommendations in this Executive Summary)

46. **Recommendation:** To address this significant problem, the Conference of the Parties at its fifteenth meeting could entrust the Implementation and Compliance Committee to review, within available resources and according to COP priorities established for each biennium, Parties' implementation of the Convention into national law, for consideration of the Conference of the Parties at its sixteenth and subsequent meetings. Appropriate budgetary allocations in the budget to provide support for the Implementation and Compliance Committee to undertake this work, along with allocations in the technical assistance budget specifically for implementation of the Basel Convention to help individual Parties, are recommended. (same recommendation as in paragraph 90 under Overarching main findings, conclusions and recommendations in this Executive Summary)

Objective 2.2: To pursue the prevention and minimization of hazardous waste and other waste generation at source, especially through supporting and promoting activities designed to reduce at the national level the generation and hazard potential of hazardous and other wastes

Indicator: Number of Parties that have developed and implemented national strategies, plans or programmes for reducing the generation and hazard potential of hazardous and other wastes

47. Through annual national reports, 46.5% of Parties in 2011 and 52% of the Parties in 2017 indicated that they have developed and implemented national strategies, plans or programmes for reducing the generation and hazardous potential of hazardous and other wastes (the indicator). This number exceeds the number of Parties implementing systems for measuring hazardous waste generation (the sub-indicator). Reporting on generation of hazardous and other wastes has improved substantially as of 2016, even though it is no longer required for Parties to provide generation data. However, it is important to note that 53% of Parties provided this data overall in 2016. This has related implications for contributing data to inform progress under the Sustainable Development Goals. Thus, to the extent that hazardous and other waste generation data is considered significant for

measuring progress under the Convention, more needs to be done to enable Parties to measure and report on it.

48. As set out in Waste Without Frontiers II, hazardous and other waste generation continues to grow at the global level, although not in every classification of country. Overall, hazardous waste generation increased by 50% between 2007 and 2015, and although the numbers are less robust due to comparability of data, there has been an estimated 12% increase in “other waste” generation.

49. Challenges exist in comparability of reported data on wastes collected from households between Parties resulting from differences in definitions and concepts that are used. Waste Without Frontiers II pointed out that this challenge could be addressed through the Basel Convention household waste partnership.

50. **Recommendation:** Should the Conference of the Parties wish to take further action, it could: (i) seek the provision of waste generation data once every four years, (ii) update the Waste Without Frontiers II report in the 2021-22 biennium to serve in part as an existing baseline information on generation and other statistics for the next strategic framework.

51. **Recommendation:** A continued focus is needed under the Convention on the types of national strategies and plans, including inventories and legislation, that are measurable for purposes of a future strategic framework and will result in reductions in hazardous and other waste generation. Best practices from Parties achieving both should be showcased, but refined to suit the needs of a wider range of economies, and retained in the data base mentioned under the second recommendation under objective 2.3 below.

52. **Recommendation:** In considering the overall guidance document on the environmentally sound management of household waste under development by the Basel Convention household waste partnership, the Conference of the Parties at its fifteenth meeting could address the issue of differences in definitions and concepts that are used to define wastes collected from households to help better assess the issue of generation of household/“other” wastes, as recommended in Waste Without Frontiers II.

Objective 2.3: To support and promote capacity-building for Parties, including technological capability, through technology needs assessments and technology transfer, so as to reduce the generation and hazard potential of hazardous and other wastes

Indicator: Number of Parties that have developed and implemented national strategies, plans or programmes for hazardous waste minimization

Sub-indicators:

- Number of Parties receiving capacity-building support that report reductions in hazardous waste generation;

- Number of Parties receiving capacity-building support for hazardous waste minimization.

53. Data show that hazardous waste and other waste generation continues to grow at the global level. While there have not been significant numbers of capacity-building efforts over the decade regarding waste reduction and minimization, there has been a slight upward trend in the regional technical assistance projects in this regard, especially in the area of plastics. There has been attention paid by the Conference of the Parties to hazardous waste reduction and minimization over the decade starting with the Cartagena Declaration, and a significant increase in the number of guidance documents or manuals directed at this question. A few workshops have been held and resulted in valuable lessons learned. As a result of the 2019 questionnaire, further examples of waste prevention and minimization systems have been shared. It will take some time for Parties to be able to consider such guidance and integrate it into national waste management plans and strategies. In the meantime, lessons learned can be utilized to refine existing guidance and develop further activities on hazardous and other waste prevention and minimization.

54. Inventories are a key basis for understanding national generation statistics and assisting Parties in reporting as required under the Convention. To be able to compel the provision of the necessary data from the private sector, gathering of data at the national level must be grounded in national hazardous waste management laws. Thus, to improve inventories, the development of inventories could work hand-in-hand with the development of national legislation, as has been done by the Implementation and Compliance Committee.

55. **Recommendations:** To build on the data base of examples of waste prevention and minimization systems on the Convention website¹¹ and submissions made to the 2019 questionnaire, Parties could again be invited to share successful national examples of waste reduction and minimization efforts. The Secretariat in its next workshops on waste prevention and minimization systems could work with developing country Parties to further refine existing best practices from developed country economies, and developing countries, where these exist, into models that are workable for their particular circumstances, including those of small island developing states and those Parties experiencing the largest increases in generation according to Waste Without Frontiers II, building on existing guidance and the database. Waste Without Frontiers II could be further publicized so that Parties can benefit from its data and conclusions.

56. **Recommendation:** Future technical assistance activities by the Secretariat relating to inventories should be linked with the development of national implementing legislation, and vice versa.

Objective 2.4: To facilitate national, regional and international commitment with regard to the management of priority waste streams, as identified in the programme of work of the Convention, taking into consideration the priorities of developing countries and countries with economies in transition and in accordance with the requirements of the Convention

Indicator: Number of programmes, projects or activities carried out by Parties, jointly with other Parties or together with other stakeholders (regional and international organizations, conventions, industry bodies, etc.), aimed at the environmentally sound management of priority waste streams that have been monitored and assessed to achieve this goal

57. In general, the approach by the Conference of the Parties, using the Open-ended Working Group, small intersessional working groups and lead countries, has been very successful in keeping pace with demands of new and updated technical guidelines on priority waste streams.

58. A number of older technical guidelines identified in table 21 have not been translated into all six UN languages nor recently updated. It is up to the Conference of the Parties to decide on starting work on updating technical guidelines and to request the Secretariat to arrange for translating guidelines where appropriate, as well as to allocate the corresponding budget.

59. Post-guideline adoption activities requested by the Conference of the Parties have become more sophisticated and numerous, including training for Parties on adopted guidelines, but “subject to available resources” i.e. voluntary funding. As the development of technical guidelines is a core activity of the Convention, enhancement of the dissemination of, and training and technical assistance activities (e.g., pilot projects) on, adopted guidelines appears fitting.

60. Basel Convention Parties have benefited substantially from funding from the Global Environment facility linked to POPs and mercury wastes, where the GEF serves as the financial mechanism for the Stockholm and Minamata Conventions. Information on the amounts spent on waste management of these priority waste streams are contained in GEF reports to the Conference of the Parties, reports for the GEF Independent Evaluation Office as appropriate, or in mid-term and terminal evaluation reports of the respective projects as prepared by the respective GEF implementing agencies. Such information could be derived through a desk study to provide stronger baseline data to inform any future strategic frameworks and/or effectiveness evaluation.

61. **Recommendation:** The current approach to establishing work on technical guidelines on priority waste streams has been successful and should continue. Update or development of future technical guidelines should be prioritized according to their relevance for the fulfillment of the objectives and related indicators of a future strategic framework.

62. **Recommendation:** Any Party concerned with the updating or translation of any Basel technical guideline should draw this to the attention of the Conference of the Parties.

63. **Recommendation:** The Conference of the Parties should consider prioritizing the enhancement of the dissemination of, and training and other technical assistance activities on, adopted technical guidelines.

64. **Recommendation:** Should the Conference of the Parties wish to develop another strategic framework and/or effectiveness evaluation, baseline data in this regard could be obtained through a desk study analyzing various information sources to further assess how much funds are spent on waste management of these priority waste streams.

¹¹ <http://www.basel.int/Implementation/CartagenaDeclaration/Overview/tabid/5854/Default.aspx?>

Objective 2.5: To enhance and promote the sustainable use of resources by improving the management of hazardous and other wastes and to encourage the recognition of wastes as a resource, where appropriate

Indicator: Percentage of Parties that collect information on the generation, management and disposal of hazardous and other wastes.

Sub-indicators:

- *Number of training and awareness-raising activities undertaken to enhance and promote the sustainable use of resources;*
- *Percentage of Parties that require the separation of hazardous wastes from non-hazardous other wastes;*
- *Percentage of Parties that have national inventories on the generation and disposal of hazardous wastes and other wastes;*
- *Percentage of selected Convention waste streams reused, recycled or recovered.*

65. The data necessary to determine whether the indicator and sub-indicators for objective 2.5 are being met are for the most part quite limited. Basic data on national generation and recycling levels is quite limited. Further, the reporting format does not request much of the information that would be required for purposes of the sub-indicators for objective 2.5.

66. **Recommendation:** Should the Conference of the Parties wish to have such information for purpose of a similar objective on sustainable use under the next strategic framework, it would be useful to have an associated source of the information at the time the indicator is agreed.

Objective 3.1: To develop national and regional capacity, particularly through the Basel Convention regional and coordinating centres, by integrating waste management issues into national sustainable development strategies and plans for sustainable livelihood

Indicator: Number of Parties reporting, through the Secretariat, to the Conference of Parties on the integration of waste and hazardous waste issues into their national development plans or strategies.

67. Despite a mandate by the Conference of the Parties to assist Parties upon request to integrate waste management issues into their national sustainable development plans, no funding has been provided for this and no Parties have requested such assistance. When asked through the two questionnaires, a substantial number of Parties indicated having already done so. There is currently little activity under the Basel Convention related to assisting Parties to integrate waste management issues into national sustainable development strategies. However, a first mandate has been given to the Implementation and Compliance Committee with respect to national reporting and the Development Frameworks.

68. The data currently available under the Convention, as set out in this report, in particular the low levels of reporting and legislative implementation, appears sufficient to conclude that target 12.4 under SDG 12 (the environmentally sound management of all wastes throughout their life cycle by 2020) has not been achieved with respect to waste covered by the Basel Convention. If current reporting levels persist in 2030, the data available under the Convention from annual national reports will not likely be sufficient to contribute towards an assessment in 2030 of whether SDG target 12.5 (by 2030, substantially reduce waste generation through prevention, reduction, recycling and reuse) has been met. Data for the SDG global indicator 12.4.2 (hazardous waste generated per capita and proportion of hazardous waste treated, by type of treatment) and 12.5.1 (national recycling rate, tons of material recycled) is not yet available as the methodology for gathering it is still under development. An improved methodology is necessary to provide data which is critical to measuring progress under the Convention and for the SDGs.

69. **Recommendation:** With a view to improving the implementation of the Convention and taking into account the outcome of the work of the Implementation and Compliance Committee under its work programme on improving national reporting, the Conference of the Parties could provide guidance on how individual Parties can integrate their needs under the Basel Convention into their Sustainable Development Cooperation Frameworks.

70. **Recommendation:** See above recommendation for objective 1.4 on reporting.

71. **Recommendation:** A next iteration of Waste Without Frontiers II could be used as the baseline data for the next strategic framework, and if such a framework (including on reporting targets) were

aligned with the 2030 SDG target date, increases in reporting internal to the Convention could contribute to assessing the global situation under the SDGs.

Objective 3.2: To promote cooperation with national, regional and international bodies, in particular cooperation and coordination between the Basel, Rotterdam and Stockholm conventions, to improve environmental and working conditions through the environmentally sound management of hazardous and other wastes.

Indicator: Number of activities on common issues undertaken by the bodies under the three Conventions.

72. Over the period of the strategic framework, cooperation and coordination between the Basel, Rotterdam and Stockholm Convention, mindful of the legal autonomy of the three conventions, has resulted in a joint Secretariat, (for the UNEP-administered secretariats), joint bureaux meetings, and back-to-back meetings of the conferences of the Parties where administrative, legal, technical and programmatic cooperation and coordination takes place wherever feasible. At the most recent back-to-back conferences of the Parties, for the first time there was no specific decision on cooperation and coordination between the Conventions, with separate decisions on specific areas of cooperation and coordination. Cooperation and coordination among the three conventions, a focus of activity over the lifetime of the strategic framework, has become a standard manner of conducting business for the three conventions.

73. **Recommendation:** With cooperation and coordination among the three conventions having become the standard manner of conducting business under the three conventions, a possible future strategic framework and/or effectiveness evaluation should not have as a specific objective the promotion of cooperation and coordination between the Basel, Rotterdam and Stockholm conventions.

Overarching main findings, conclusions and recommendations

Overarching main findings and conclusions are summarized as follows, with recommendations at the end of each section:

Process of developing the next strategic framework and/or effectiveness evaluation

74. The fourteenth meeting of the Conference of the Parties provided the terms of reference for completing this report, but did not decide on a possible next strategic framework. The Conference of the Parties could consider whether there would be merit in developing a new strategic framework and/or effectiveness evaluation, building on the main findings, conclusions and recommendations of this report, as well as lessons learned in its preparation.¹² Moreover, it may be timely for the Conference of the Parties to revisit paragraph 7 of Article 15 of the Convention which asks for an evaluation of the effectiveness of the Convention to take place every 6 years. Since its third meeting in 1995, no such evaluation has taken place. The development of a future strategic framework and/or effectiveness evaluation of the Convention could be launched by the Conference of the Parties, building on the results of this review. Until the next strategic framework is developed, activities and budget allocation could be prioritized according to the main conclusions and recommendations of the current report.

75. **Recommendation:** The Conference of the Parties may wish to consider whether to start work on a future strategic framework and/or effectiveness evaluation of the Convention, building upon the main findings, conclusions and recommendations of this report, and making the necessary budgetary allocation. Should the Conference of the Parties wish to commence such work, it could usefully be aligned with the 2030 Sustainable Development Goals, in particular targets 12.4 and 12.5, and a general 2030 timing to be in synch with that cycle and contribute towards an assessment of whether those targets are met.¹³ In doing so, it would allow the Conference of the Parties to consider how the Basel Convention can add value to more sustainable patterns of consumption and production at the global level, including, but not limited to, the idea of a circular economy. Until the next strategic

¹² For example, reports of meetings of the small intersessional working group or submissions from Parties: <http://www.basel.int/tabid/3807/>.

¹³ See the Strategic Plan adopted by the Parties to both the 1996 Protocol to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 and the Convention, where targets were staged to be achieved from the date of adoption in 2016 to 2030. For reporting the targets are: "By 2022 75% of Parties report; by 2026: 85% of Parties report; by 2030: 100% of Parties report."

framework is developed, activities and budget allocation should be prioritized according to the main conclusions and recommendations of the current report.

76. *Process of developing a next strategic framework and/or effectiveness evaluation: sources of information underpinning indicators should be agreed at the same time as the indicators.* The failure to identify sources of information at the time of adopting indicators hampered the process of evaluating progress under this strategic framework, as in many cases there were non-existent or insufficient sources of relevant information by which to measure progress. In the process of developing a next strategic framework and/or effectiveness evaluation, sources of information underpinning an indicator should be agreed by Parties at the same time as the indicator.

77. **Recommendation:** The Conference of the Parties should consider, in the development of the next strategic framework and/or effectiveness evaluation, that relevant information sources underpinning the indicators and sub-indicators in that framework should be agreed at the same time as the indicators and sub-indicators, focusing on existing information sources, and taking decisions in this respect.

Process of developing a next strategic framework and/or effectiveness evaluation: development of indicators

78. This strategic framework did not differentiate between process and outcome indicators, and there were insufficient outcome indicators. Other indicators were too broad to provide a measurable or meaningful outcome. More outcome indicators and more measurable indicators in general would have benefited this strategic framework.

79. **Recommendation:** In a next strategic framework and/or effectiveness evaluation, the Conference of the Parties could consider augmenting the number of outcome indicators, drafted in a manner that is measurable.

Process of developing a next strategic framework and/or effectiveness evaluation: clarity of goals, objectives and indicators

80. Throughout this review of progress, it became evident that some of the objectives and indicators could have been more precise, along with greater interconnectivity between each other and with the goals. As a result, additional informal “indicators” were provided and assessed to provide a better snapshot of progress. Lessons learned in this review of progress can benefit the development of a possible next strategic and/or effectiveness evaluation.

81. **Recommendation:** This report should be referenced as a background document and be taken into account in the development of a next strategic framework and/or effectiveness evaluation.

Decisions of the Conference of the Parties

82. The strategic framework has not been an explicit rallying point for the Basel Convention and decisions of the Conference of the Parties over the last ten years have not been regularly linked to the strategic framework, nor have major documents, such as the Secretariat’s technical assistance plan, the work programme of the Open-ended Working Group, and the work programme of the Implementation and Compliance Committee. A more strategic approach to the work of the Conference of the Parties could be enabled if the Secretariat were requested to frame each proposed decision within the context of any future strategic framework and/or effectiveness evaluation, with a related tracking tool. This would also promote linkages in the programme of work and budget, thus focusing on the means of implementation for the achievement of the goals and objectives of the framework at each Conference of the Parties.

83. **Recommendation:** The Conference of the Parties should consider, should a new strategic framework and/or effectiveness evaluation be developed, whether having each decision and key document reference that framework will provide for a better overall strategic approach to achieving the objectives of the Convention as well as the goals and objectives of a new strategic framework, considering the means of implementation, and tracking progress.

Gender

84. There is no reference to gender in the strategic framework. The fourteenth meeting of the Conference of the Parties took note of the updated Gender Action Plan, the second part of which considers what can be done to mainstream gender issues into the programme of work of the Basel, Rotterdam and Stockholm conventions. A strategic framework provides a vehicle for tracking the mainstreaming of gender issues into the programme of work of the Basel Convention.

85. **Recommendation:** Should the Conference of the Parties wish to track gender issues over time, the next strategic framework and/or effectiveness evaluation provides that opportunity.

Improving data sources

86. The most recent confirmed reporting rate by Parties in 2016 has improved to 61%, which is still not ideal to inform refined conclusions and recommendations in many areas of the strategic framework and the work of the Convention, as well as insufficient to provide important data for purposes of the Sustainable Development Goals. Responses to the questionnaire specifically developed for the evaluation of the strategic framework could have been higher. Under the Basel Convention improved sources of data are urgently needed in order to enable an improved assessment of progress under the Convention under any future strategic framework and/or effectiveness evaluation.

87. **Recommendation:** Special care must be given to have solid and verifiable baseline data. The Secretariat should be requested to work with the UN Sustainable Development Group¹⁴ and relevant Custodian Agencies to ensure that appropriate linkages are made between the reporting system under the Convention and the one for the Sustainable Development Goals, including commonalities in terminology, to enable data sharing.

Legislation implementing the Convention

88. As mentioned above, legislative implementation of the Convention is still lacking among a significant number of Parties, impacting, among others, the capacity to prevent illegal traffic, develop inventories, and provide national reports. Recent documents developed by the Implementation and Compliance Committee can assist Parties in the development of national legislation. There is currently no mandate for the Implementation and Compliance Committee to undertake a comprehensive approach to identifying Parties without legislation implementing the Convention.

89. **Recommendation:** Given the broad range of areas of the Convention impacted through the lack of legislation, including illegal traffic, inventories, and national reporting, the existence of legislation implementing the Convention should appear more prominent in the objectives, and any further work within such a strategic framework context should have an indicator related to Parties with legislation implementing the Convention, including performance in legislative implementation as a keystone objective. (same recommendation as in paragraph 45 under objective 2.1 in this Executive Summary)

90. **Recommendation:** To address this significant problem, the Conference of the Parties at its fifteenth meeting could entrust the Implementation and Compliance Committee to review, within available resources and in accordance with COP priorities established for each biennium, each Party's implementation into national law, for consideration of the Conference of the Parties at its sixteenth and subsequent meeting. Appropriate budgetary allocations in the budget to provide support for the Implementation and Compliance Committee to undertake this work, along with allocations in the technical assistance budget specifically for implementation of the Basel Convention to help individual Parties, are recommended. (same recommendation as in paragraph 46 under objective 2.1 in this Executive Summary)

¹⁴ Strategic Results Group 1 is responsible for SDG implementation through the UN Department of Economic and Social Affairs (DESA) and the UN Development Programme (UNDP).

I. Introduction

A. Purpose of this report

91. The purpose of this report is to provide a final evaluation of the strategic framework for the implementation of the Basel Convention for 2012–2021 for consideration at the fifteenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.

92. In paragraph 4 of its decision BC-14/1 on the strategic framework, the Conference of the Parties requested the Secretariat, in consultation with the small intersessional working group, and subject to the availability of resources:

(a) To prepare, using as a basis the compilation of information,¹⁵ and taking into account the discussions held during the fourteenth meeting of the Conference of the Parties, the information provided by Parties relevant to the indicators listed in section V of the strategic framework and Parties' annual national reports, a draft report on the final evaluation of the strategic framework for consideration by the Open-ended Working Group at its twelfth meeting;

(b) To submit a final version of that report to the Conference of the Parties at its fifteenth meeting for its consideration.

B. Background to the strategic framework

93. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal was adopted on March 22, 1989 and entered into force on May 5, 1992. As of October 1, 2020, it has 188 Parties.¹⁶

94. By Article 15, paragraph 7 of the Convention, the Conference of the Parties is required to “undertake three years after the entry into force of this Convention, and at least every six years thereafter, an evaluation of its effectiveness and, if deemed necessary, to consider the adoption of a complete or partial ban of transboundary movements of hazardous wastes and other wastes in light of the latest scientific, environmental, technical and economic information.” By its decision III/10 on evaluation of the effectiveness of the Basel Convention, adopted in 1995, the Conference of the Parties recognized that the Convention “has contributed to the control of transboundary movements of hazardous wastes and their management in an environmentally sound manner”, and among other things, requested Parties to take the legal and technical steps necessary for the implementation of the convention at the national level in order to ensure its effectiveness.”¹⁷

95. At the third meeting of the Conference of the Parties, amendments to the Convention were adopted via decision III/1, known as the ban amendment, which entered into force on 5 December 2019.

96. No further effectiveness evaluation has been undertaken by the Conference of the Parties pursuant to Article 15.7.

97. By its decision VI/1, the sixth meeting of the Conference of the Parties, held in December 2002, adopted the Strategic Plan for the Implementation of the Basel Convention (to 2010)¹⁸ as the major instrument to give further effect to the Basel Declaration on Environmentally Sound Management.¹⁹

98. By its decision BC-10/2, the Conference of the Parties adopted the current strategic framework for the implementation of the Basel Convention for the period 2012-2021. The framework is contained in Appendix I of the present document. As the framework was adopted without information sources, efforts were made to establish baseline information for 2011, the year of adoption of the framework.

99. The Conference of the Parties at its eleventh meeting took note of a report prepared by the Secretariat on the creation of a baseline for the mid-term and final evaluations of the strategic

¹⁵ UNEP/CHW.14/INF/5.

¹⁶ Although this is the number of Parties immediately after the online segment of the twelfth meeting of the Open-ended Working Group, the statistics in this report, unless otherwise noted, were based on 187 Parties, which was the case when the report was first prepared in February 2020.

¹⁷ The third Conference of the Parties considered this issue on the basis of a consultant's study contained in UNEP/CHW.3/Inf.7 and a Summary of it contained in UNEP/CHW.3/31.

¹⁸ UNEP/CHW.6/3.

¹⁹ UNEP/CHW.5/29, annex II.

framework²⁰ and requested the Secretariat to prepare a report on the mid-term evaluation of the strategic framework to be considered by the Conference of the Parties at its thirteenth meeting.

100. The latter meeting acknowledged that the mid-term evaluation report could not be prepared owing in part to the low level of responses to the request for information in support of the indicators and a lack of financial contributions for retaining a consultant to collect data and prepare the report. As a result, the Conference of the Parties in decision BC-13/1 decided to forego the mid-term evaluation and requested, for purposes of preparing the final evaluation of the strategic framework, that all relevant sources of information related to the indicators be used in that exercise. UNEP/CHW.14/INF/5, a compilation of information related to the indicators to be used for the preparation of the final evaluation of the strategic framework, was prepared as a result, to be used as a basis for the preparation of the draft report on the final evaluation of the strategic framework. The Conference of the Parties at its thirteenth meeting additionally established a small intersessional working group to support the preparation of the final evaluation.

C. Methodology

1. Information utilized: general

101. As mandated by paragraph 4 of decision BC-14/1, the following information has been used in the development of this report: sources noted in the compilation of information, the discussions held during the fourteenth meeting of the Conference of the Parties, the information provided by Parties relevant to the indicators listed in section V of the strategic framework (through the 2011 baseline questionnaire and the 2019 questionnaire) and Parties' annual national reports.

102. The year 2011 is considered the baseline year for the evaluation as being the year the strategic framework was adopted and started to be implemented.²¹ The year 2019 will be considered as the final reference year against which the final evaluation will be conducted. If information is not available for that year, the latest relevant information available will be considered as the final reference year. On occasion, where relevant information is compiled by the Secretariat internally, some of these sources may be available within 2020. Dates of relevant data are provided throughout this report.

2. Quantitative data: baseline questionnaire for 2011 and 2019 questionnaire

103. The 2011 baseline questionnaire referred to throughout this report, re-administered in 2019 with a deadline of January 31, 2020, used the format for reporting developed by the Secretariat.²² It is found in appendix II of this report. The baseline results are tabulated in UNEP/CHW.12/INF/5, with 36 of 181 Parties (20%) responding.²³ The results from the 2019 questionnaire are those that were provided to the Secretariat by 9 February 2020, with 50 respondents of 187 Parties (27%) to most questions and 69 responses to the open-ended questions 10-12 (with a consolidated answer from the European Union (EU) and its 28 member States). Of the 36 and 50 respondents, only 15 countries responded both times, so no conclusions can be drawn about progress over time from the original 36 respondents. For the most recent questionnaire, both the data tabulated from the 50 responses, and answers to the general questions where a number of Parties made the same point, are reflected throughout the report. As a result of the general questions, several Parties submitted information about legislation or regulations, national strategies and plans, or policy frameworks, all of which are available on the Convention website.²⁴ Overall, the results of both surveys were limited by the low number of Parties responding.

²⁰ The baseline report was subsequently updated and the final version is contained in document UNEP/CHW.12/INF/5.

²¹ Decision BC-10/2, annex, section VI.

²² UNEP/CHW.12/INF/5, annex 4.

²³ Updated report on the creation of a baseline for the mid-term and final evaluations of the strategic framework, 9 February 2015.

²⁴ <http://www.basel.int/tabid/8355/Default.aspx>.

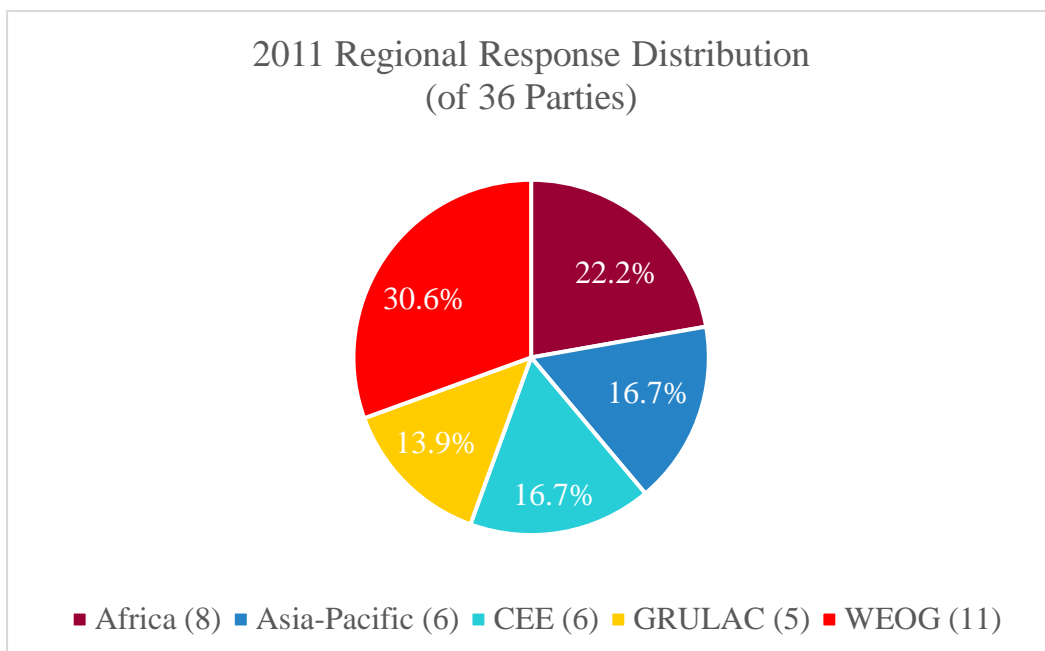


Figure 1: Regional response distribution 2011 questionnaire

104. The following is the percentage of Parties from each region responding:

Africa	8 out of 49 Parties (16.3%)
Asia-Pacific	6 out of 45 Parties (13.3%)
Central and Eastern Europe	6 out of 23 Parties (26%)
Latin America and Caribbean	5 out of 30 Parties (16.6%)
Western Europe and Other States	11 out of 28 Parties (39.3%)

105. *2019 questionnaire:* For the questionnaire most recently administered, 46 of 50 respondents (92%) indicated that they had used or referred to Basel Convention technical guidelines. Four (8%) indicated that they had not.

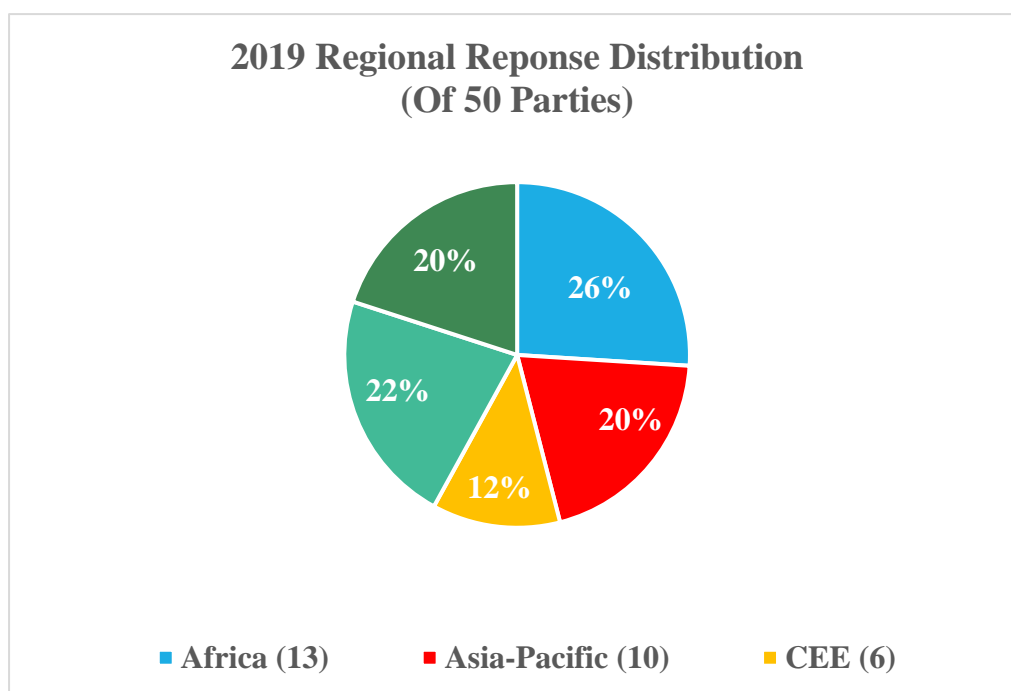


Figure 2: Regional response distribution 2019 questionnaire

106. The percentage of Parties in each region responding is as follows:

Africa	13 out of 53 Parties (24.5%)
Asia-Pacific	10 out of 52 Parties (19.2%)
Central and Eastern Europe	6 out of 23 Parties (26.1%)
Latin America and Caribbean	11 out of 31 Parties (35.5%)
Western Europe and Other States	10 out of 28 Parties (35.7%)

3. Quantitative data: annual national reports

107. When data is needed about the precise number of Parties doing a specific thing at a specific point in time, the annual national reports are the most accurate source of information where the information is required in the reporting format and it is provided by Parties. The reported data for 2011 provides baseline data for the strategic framework evaluation, and the 2017 reports were the most complete set of recent reports available by the end of December 2019, the final reference year. Although four reports arrived after that cut-off date, the wide range of statistics used in this report (e.g., imports, exports) based on the 100 reports received by December 2019 have not been altered.

108. Further, when they were provided, responses in annual national reports were taken at face value. For example, if a Party characterized a particular measure as constituting a “national plan”, this was accepted as such if it was part of the annual national report.

4. Quantitative data: Classification of Parties’ compliance performance with national reporting obligations undertaken by the Committee administering the Mechanism for Promoting Implementation and Compliance with the Basel Convention

109. On compliance with the reporting obligation itself, the work of the Implementation and Compliance Committee to prepare reports to the Conference of the Parties on the classification of Parties’ compliance performance is relied upon and is available for 2011 and 2016. Its most recent classification report, completed in 2020, covers confirmed data for 2016 and a separate report contains preliminary findings for 2017.²⁵ The classification report contains data for each Party as to whether they have reported complete and on time, complete but late, incomplete and on time, incomplete and late, or have not reported at all. It also synthesizes the individual Party data into percentages as requested by the Conference of the Parties. Although prepared three years after the relevant reporting year to have as much data as possible, this data provides for the relevant years the most precise assessment of compliance with the reporting obligation. Based on the 2016 report of the Implementation and Compliance Committee, this report uses its figure of 61% for the reporting rate of the Convention’s Parties. For 2017, its preliminary report cites 57%, but further reports for that year might still be transmitted before they finalize their report.

5. Quantitative data: Basel Convention publication “Waste Without Frontiers”²⁶

110. The 2018 edition of the Waste Without Frontiers II publication takes the Basel Convention national reports and supplements them for hazardous waste generation with data from reliable sources such as the Organisation for Economic Cooperation and Development (OECD), Eurostat and the UN Statistics Division (UNSD). For generation, the report is based on data obtained for 104 Parties and notes trends for the period of 2007-15. For transboundary movements, the report used data from Basel Convention national reports, using import and export data from reporting Parties to also provide information about Parties not reporting, given that movements involve at least two countries. The report acknowledges the importance of the data provided while recognizing some difficulties in comparing data on transboundary movements and wastes generation between Parties due to differences in national definitions of hazardous waste and in measuring and reporting systems.²⁷

6. Quantitative data: other data

111. Data from the UNSD,²⁸ OECD²⁹ and Eurostat³⁰ are not proposed for use except indirectly through the interpretive lens of “Waste Without Frontiers II”, as the latter provides an important

²⁵ UNEP/CHW/CC.14/3/Add.1/Rev.1 and UNEP/CHW/CC.14/3/Add.7.

²⁶ <http://www.basel.int/Implementation/Publications/Other/tabid/2470/Default.aspx>.

²⁷ “Waste Without Frontiers II”.

²⁸ <https://unstats.un.org/unsd/envstats/qindicators.cshtml>.

²⁹ <https://stats.oecd.org/Index.aspx?DataSetCode=WSECTOR#>.

³⁰ <http://ec.europa.eu/eurostat/data/database>.

analytical function when the data are combined with Basel data for purposes of measuring hazardous waste generation, and is done at the global level. For transboundary movements, the Basel Convention data is the most reliable and was relied on in “Waste Without Frontiers II”. Data reported to UNSD by the Secretariat of the Basel Convention for Sustainable Development Goal (SDG) 12.4.1³¹ has not been used as this data was provided as submitted by Parties and will duplicate data already available through the Basel Convention national reports. Data was not yet available at the time of the final review of the report by the small intersessional working group (SIWG) (as of 1 October 2020) for SDG 12.4.2³² and 12.5.1.³³

7. Qualitative information

112. To supplement information where quantitative data is lacking, an attempt has been made, based on the sources in the compilation of information, to canvass a wide range of information available under the Convention that relates to specific indicators. Such sources include: decisions of the Conference of the Parties, such as those adopting technical guidelines and guidance manuals; work of the Implementation and Compliance Committee; technical assistance activities by the Secretariat reported to the Conference of the Parties; activity reports of the Basel Convention Regional Centres (BCRCs) provided to the Conference of the Parties; and other reports of this nature.

8. Data limitations

113. There were serious data limitations in preparing this report, which is why a range of qualitative sources of information were also consulted to bring a more complete picture of progress under the strategic framework. Only 61% of Parties report, and this presents a serious gap for assessing whether progress has been made under the strategic framework. “Waste Without Frontiers II” explains how it tried to fill gaps in information reported, and despite the limitations pointed out in its annex III, provides the best information to date on several fronts.

114. While some of the indicators require the mere counting of activities, or tallying data from national reports, and appear to be simply quantitative in nature, a number of sources required some subjective assessment in conducting such counting, and is noted where this occurs (e.g., activities of the Basel Convention Regional Centres).

115. In some places, the source of information is Parties’ national legislation implementing the Basel Convention. As regards legislation that is reported on by Parties or sent separately to the Secretariat and referred to in this report, no comprehensive review of Parties’ legislation has ever been conducted to determine whether such legislation fully implements the Convention, due to the lack of mandate from the Conference of the Parties. In its count of such legislation, this report uses the number of pieces of legislation posted on the Convention website. No further assessment has been done.

116. Finally, as pointed out in the “Waste Without Frontiers II” report, sometimes data is reported by Parties in a way that makes it hard to compare with that provided by other Parties, and in those circumstances qualitative assessments were sometimes made in that report about the data.

117. In general, data limitations are noted within the relevant section of the report.

118. The preparation of this report evidenced some limitations with the indicators which did not appear to necessarily relate closely to the objective or goal. In those cases, throughout the report, some effort was made to provide information that did so relate, from the sources noted above.

9. Organization of the report

119. Under each objective, the information sources from the compilation have been canvassed where available, unless found to be unhelpful, for both the baseline year (section a) and the final reference year of 2019 (section b). Section (c) compares the progress over time from 2011 to 2019 (or the most recent data), and section (d) provides main findings, conclusions and recommendations.

120. Overarching recommendations that address more than one section of the report are contained at the end, while recommendations specific to an objective are found at the end of the section discussing that objective, as well as at the end.

³¹ 12.4.1: Number of Parties to international multilateral environmental agreements on hazardous waste, and other chemicals that meet their commitments and obligations in transmitting information as required by each relevant agreement.

³² 12.4.2: Hazardous waste generated per capita and proportion of hazardous waste treated, by type of treatment.

³³ 12.5.1: National recycling rate, tons of material recycled.

121. As the report was prepared, a number of lessons were learned that are reflected in various places in the report, including the recommendations.

II. Progress under the strategic framework

A. Strategic Goal 1

1. Objective 1.1

Goal 1

Effective implementation of Parties' obligations on transboundary movements of hazardous and other wastes

Objective 1.1.

To reach a common understanding among Parties of the definition, interpretation and terminology of wastes covered by the Convention, including the distinction between wastes and non-wastes

Indicator: The number of agreed technical guidelines that assist Parties in reaching a common understanding on definitions, interpretations and terminologies covered by the Basel Convention

122. A number of technical guidelines on the environmentally sound management (ESM) of wastes have been developed and adopted under the Basel Convention over the years covering a wide variety of specific waste streams (e.g., persistent organic pollutants waste, mercury waste, ships, biomedical and healthcare wastes, lead-acid batteries,), and some disposal operations (e.g. incineration (D10/R1), landfill (D5) and recycling of metals (R4)). The guidelines are a core part of the Basel Convention's mission to ensure environmentally sound management of hazardous and other wastes and to promote best practices. In addition to the technical guidelines on ESM, guidance documents on the ESM of computing equipment and of mobile phones and technical guidelines on transboundary movements of electrical and electronic waste (e-waste) and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention, have been developed. Furthermore, guidance documents on hazardous characteristics have also been included as they contribute to the common understanding set out in objective 1.1 by helping to determine the hazard properties of waste.

123. Other additional sources considered in this section in addition to the baseline and final evaluation questionnaire are Conference of the Parties decisions on technical guidelines and guidance on hazardous characteristics; definitional work by the Conference of the Parties on ships as wastes; an online survey carried out in 2016 to assess the relevance and utility of the Basel Convention documents related to environmentally sound management;³⁴ reports on technical assistance activities conducted by the Secretariat relating to or referring to technical guidelines; reports from the Basel Convention regional centres; work undertaken in the framework on the Indonesian-Swiss Country-Led Initiative to improve the effectiveness of the Basel Convention, in particular related to further legal clarity (including a glossary of terms); and guidance developed by and work carried out under the Implementation and Compliance Committee.

a. Data from 2011 baseline questionnaire and additional information sources

124. *Baseline questionnaire:* Of the 36 respondents to the questionnaire, 92% (33) indicated that they use or refer to technical guidelines.

125. *Decisions of the Conference of the Parties on technical guidelines:* One of the challenges for this indicator is that related types of wastes are addressed in one guideline (e.g. unintentionally produced POPs) and key guidelines have been updated, in some cases on a regular basis (e.g., POPs). Further, the indicator is ambiguous in that one reading of it could suggest only those guidelines that actually assist Parties be counted. The first assumption made here is that there is no assessment of the common understanding built into the indicator, and therefore it is assumed that all technical guidelines assist Parties. Secondly, in counting the number of technical guidelines, updates to guidelines are not counted separately, with separate numbers provided only for new guidelines on a particular waste stream.

126. During the first two decades after entry into force of the Convention, there were 20 technical guidelines in place and at the tenth meeting of the Conference of the Parties in 2011 three more were adopted, bringing the total to 23 at that time. This includes three guidance documents adopted by the

³⁴ UNEP/CHW.13/INF/9, Annex I, Parts III.A and III.B.1.

seventh meeting of the Conference of the Parties in 2004 on Annex III Hazardous Characteristics: on H6.2 (infectious substances), H11 (chronic or delayed toxicity) and H12 (ecotoxicity).

127. *Conference of the Parties definitional work on ships as wastes:* Work was done on article 1 paragraph 4, i.e. wastes deriving from the normal operations of a ship, to try to clarify which of those fell or not under the scope of the Convention. A legal analysis was developed and considered by Conference of the Parties at its eleventh and twelfth meetings.³⁵ Ultimately, guidance was adopted on the sea-land interface at the thirteenth meeting of the Conference of the Parties.³⁶

128. Other work was carried out on whether ships going for dismantling are Basel Convention wastes. See in particular decision BC-VII/26 (“...that a ship may become waste as defined in article 2 of the Basel Convention and that at the same time it may be defined as a ship under other international rules...”) and decision BC-10/17 (“Notes that, while some parties believe that the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships provides an equivalent level of control and enforcement to that established under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, some parties do not believe this to be the case”).³⁷

129. *Reports to the Conference of the Parties on technical assistance conducted by the Secretariat:* Under the Basel Convention, technical assistance is provided to developing country Parties and Parties that are countries with economies in transition in order to assist them in building their capacity to fulfil their obligations under the Convention. Technical assistance is delivered through face-to-face and online training, projects, partnerships as well as through the 14 Basel Convention regional centres for capacity-building and technology transfer. A review of Secretariat technical assistance activities³⁸ for the baseline year as reported to the eleventh meeting of the Conference of the Parties reveals the following:

	# of Basel Convention technical assistance activities	# of technical guideline activities	Technical guideline activity as % of total technical assistance activities	Technical guideline subject	# of activities	% of effort on specific technical guidelines
Activities in 2011 and 2012	74	25	34%	e-waste	11	44%
				ships	6	24%
				POPs	5	20%
				other	3	12%

Table 1: Technical assistance activities conducted by the Secretariat related to technical guidelines

130. Of the voluntary funding for the technical assistance programme, USD 1, 245,000 (40.79%) was allocated to work on priority waste streams. At the eleventh meeting of the Conference of the Parties, it was reported that of the money allocated from the voluntary trust fund for priority waste streams, USD 645,134 (52%) was spent in 2012.³⁹

³⁵ See <http://www.basel.int/Implementation/LegalMatters/Ships/Legalaspects/tabid/7568/Default.aspx>.

³⁶ See <http://www.basel.int/Implementation/LegalMatters/Ships/Guidance/tabid/7569/Default.aspx>.

³⁷ More information is available at:

<http://www.basel.int/Implementation/ShipDismantling/LegalAspects/Overview/tabid/2766/Default.aspx>.

³⁸ UNEP/CHW.11/INF/31. An activity was counted if it addressed any technical guideline or subject of a technical guideline (e.g. e-waste), based on the general descriptions of these activities in UNEP/CHW.11/INF/31 for 2011 and UNEP/CHW.14/INF/25/Rev.1 for 2018-19. As UNEP/CHW.11/INF/31 reported from May 2011 until December 2012, an earlier document was consulted to capture activities in early 2011: *Report on capacity-building activities to support the implementation of the Basel Convention*, UNEP/CHW.10/INF/28 and decision BC-10/27 appending table 2, which did not change. It should be noted, however, that activities were only counted once, and a decision was made as to whether the activity was primarily dealing with inventories versus a technical guideline or priority waste stream more generally.

³⁹ This excluded the month of December: UNEP/CHW.11/INF/28. 2012 is reviewed here because budget documents for the tenth Conference of the Parties, held in the fall of 2011, were up to date only to August 31, 2011.

131. *Basel Convention Regional Centre Reports for the Conference of the Parties:* The Basel Convention benefits from a network of 14 regional and coordinating centres for capacity building and technology transfer (BCRCs). The centres' focus is on training and technology transfer regarding the management of hazardous and other wastes and the minimization of their generation. These autonomous institutions operate under the authority of the Conference of the Parties. The BCRCs are established through a framework agreement between the host government and the Secretariat on behalf of the Conference of the Parties. The framework agreement of each centre guides them on their roles and responsibilities. A methodology has been developed for the evaluation of their performances, based on specific criteria. The strategic framework recognizes the importance of the regional centres by identifying them as a key support, along with the Secretariat, for helping Parties attain the goals and objectives of the strategic framework.⁴⁰

132. At the time of the baseline there was no report prepared collating the activities of all regional centres. The only compilation document available at the time⁴¹ contains submissions from Parties, regional centres and other stakeholders on activities carried out to implement the synergies decisions. The three regional centres who replied to the synergies questionnaire provided long lists of activities without details that could be assessed, and they were limited to synergies. At that time, only BCRC China and BCRC Iran had activity reports posted for the relevant baseline period, 2011-12, which does not provide a representative perspective. Even if one chose to canvass each BCRC individually for the 2013-14 period, beyond the baseline year, a search would be required of all activities listed for each regional centre. Given this limitation in the data available, and the resources required to retrieve and categorize this information, no attempt was made to canvass this information.⁴²

133. The tenth meeting of the Conference of the Parties took note of several documents prepared by the Secretariat to enhance the work of the BCRCs: a workplan for the strengthening of the centres; a detailed list of the necessary elements for the performance of their core functions; a strategic framework for the financial sustainability of the centres; and a set of indicators to measure performance and impediments in relation to the centres' functions and impacts.

134. *Work of the Implementation and Compliance Committee:* The Guide to the Control System and the Implementation Manual are particularly relevant to the development of common understandings, interpretations and terminologies under the Convention. The original Guide, also called Instruction Manual for Use by those Persons Involved in Transboundary Movements of Hazardous Wastes, was intended to provide practical and workable guidance for all persons involved in the transboundary movements of the wastes subject to the Basel Convention and was adopted by decision IV/14 in 1998. The Implementation Manual, aimed at assisting Parties as well as non-Parties, the private sector, non-governmental organizations (NGOs), and individuals to understand the obligations set up in the Convention, was adopted by the Conference of the Parties at its third meeting in 1995, by decision III/8. Model national legislation was approved by Conference of the Parties in 1995.⁴³

b. Latest Data from the 2019 questionnaire and additional information sources

135. *2019 questionnaire:* For the questionnaire most recently administered, 46 of 50 respondents (92%) indicated that they had used or referred to Basel Convention technical guidelines. Four (8%) indicated that they had not.

136. *Decisions of the Conference of the Parties on technical guidelines:* In 2019, the Conference of the Parties:

(a) Adopted updated general technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants (POPs) (“general POPs guidelines”);

(b) Adopted updated technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexabromodiphenyl ether and heptabromodiphenyl ether, or tetrabromodiphenyl ether and pentabromodiphenyl ether or decabromodiphenyl ether (“POPs-BDEs”, adding decabromodiphenyl ether);

(c) Adopted updated technical guidelines on the environmentally sound management of wastes containing or contaminated with unintentionally produced polychlorinated dibenzo-p-dioxins, polychlorinated dibenzofurans, hexachlorobenzene, polychlorinated biphenyls, pentachlorobenzene,

⁴⁰ Decision BC-10/2, annex, paragraph 4.

⁴¹ UNEP/CHW.10/INF/39.

⁴² Decision BC-10/4, paragraph 1.

⁴³ Adopted by decision III/6.

polychlorinated naphthalenes or hexachlorobutadiene (“unintentionally produced POPs”, adding HCBD);

(d) Adopted updated technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexachlorobutadiene (HCBD);

(e) Adopted new technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with short-chain chlorinated paraffins (SCCPs);

(f) Adopted on an interim basis revised technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention (“interim e-waste technical guidelines”);

(g) Decided to further update the technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with mercury or mercury compounds;

(h) Continued work on two technical guidelines on incineration on land (D10) and specially engineered landfill (D5);

(i) Decided to update the technical guidelines for the identification and environmentally sound management of plastic wastes and for their disposal;

(j) Requested the Open-ended Working Group as a medium priority to make a recommendation to the fifteenth meeting of the Conference of the Parties as to whether the technical guidelines on the environmentally sound management of waste lead-acid batteries adopted at by the sixth meeting of the Conference of the Parties, and on D8 (biological treatment) and D9 (physico-chemical treatment) need updating.

137. The Conference of the Parties adopted the e-waste guidelines on an interim basis, “in particular regarding the distinction between waste and non-waste under the Basel Convention”, but acknowledged the need to look further into subparagraphs 32(a) and (b), “in particular the concerns of Parties on the distinction between waste and non-waste, to advance the work towards the finalization of the guidelines”.⁴⁴ The mandate of the expert group was extended to focus on these matters, as well as on comments received by Parties and others on their use and testing of the interim guidelines, and to revise the technical guidelines for consideration at the fifteenth Conference of the Parties.

138. One new guideline was adopted, along with one interim guideline, bringing the total to 30 technical guidelines developed as at 2019. However, the Conference of the Parties also adopted substantial updates to several guidelines during the period, such as POPs pesticides, unintentionally produced POPs, POPs-BDEs, and mercury.

139. *Online Survey*.⁴⁵ A one-time, on-line survey was conducted in 2016 under the guidance of the Expert Working Group on environmentally sound management on the use of technical guidelines and other documents promoting environmentally sound management. Of the 25% of Parties who responded to the survey, 41% of respondents were from WEOG, 33% from CEE, 13% from Africa, 9% from Asia-Pacific and 4% from GRULAC. Though all regions were represented in the responses, several regions were minimally so.

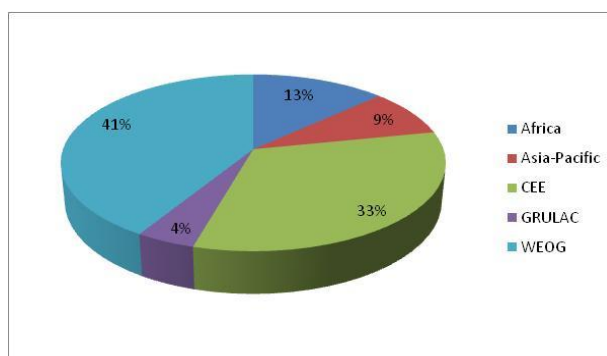


Figure 3: Regional distribution of respondents to online survey

⁴⁴ Decision BC-14/5, paragraphs 3 and 4.

⁴⁵ UNEP/CHW.13/INF/9.

140. Unlike the response to the baseline questionnaire for 2011, where 92% of respondents indicated that they had used the technical guidelines, under this survey only 65% of the Parties responding indicated that they had used technical guidelines to support their activities. For those that did use them, 38% indicated use in drafting legislation/regulations; 22% to draft training materials on the subject; 7% to inform administrative decisions; 7% to draft policy documents; 6% as a basis for awareness-raising activities; and 19% for “other”, which according to the report included for development cooperation purposes and to update regional or national guidelines.⁴⁶

141. For those respondents who had read the technical guidelines but never used them to support an activity (18%), the two main reasons they gave were: the matter was already covered by national legislation/policy; or the information was (partially) outdated or obsolete. For the 16% who had never read technical guidelines, 90% indicated that they were not aware of the documents’ existence.

142. As regards guidance documents created through multi-stakeholder processes such as the Mobile Phone Partnership Initiative (MPPI) and Partnership for Action on Computing Equipment (PACE), use rates were similar.⁴⁷

143. The Basel Convention website was considered by 73% as the best way to access ESM documents.

144. *Reports to the Conference of the Parties on technical assistance conducted by the Secretariat:* Over the biennium ending in 2019, the Secretariat delivered a number of technical assistance activities to Parties on technical guidelines, delivered through face-to-face and online training, projects, and partnerships, as well as Basel Convention Regional Centres (covered below). The following table is based on the Secretariat report to the fourteenth meeting of the Conference of the Parties.⁴⁸

	# of Basel Convention technical assistance activities	# of technical guideline activities	Technical guideline activity as % of total technical assistance activities	Technical guideline subject	# of activities	% of effort on specific technical guidelines
Activities in 2018 and 2019	46	10	22%	e-waste	7	70%
				POPs	1	10%
				other	2	20%

Table 2: Technical assistance activities conducted by the Secretariat on technical guidelines in the 2018-19 biennium⁴⁹

145. The fourteenth meeting of the Conference of the Parties, where the approach to the presentation of the budget differed from that at its tenth meeting,⁵⁰ allocated for training and capacity development activities under the Basel Convention for 2020-21 (activity 14) a total of USD 1,460,000 in the technical cooperation trust fund, USD 1,005,000 (68%) of which was allocated to the environmentally sound management of hazardous and other wastes, which included activities on e-waste, POPs waste and plastics waste.⁵¹ That amount is for the two-year biennium. In 2016-2017, USD 660,000 were actually fundraised and spent under activity 14.⁵²

⁴⁶ *Ibid.*, paragraph 8.

⁴⁷ PACE: 60% have used; 25% read, but had not used; 15% never read. MPPI: 73% have used; 10% read, but had not used; 17% never read.

⁴⁸ UNEP/CHW.14/INF/25/Rev.1.

⁴⁹ It should be noted that all activities, whether on technical guidelines or on other subjects such as waste minimization, were only counted once, and categorized by the main thrust of the activity.

⁵⁰ In the annotated agenda (UNEP/CHW.11/1/Add.1) for the eleventh meeting of the Conference of the Parties, it is stated: “With a view to enhancing consistency in the way budget documents are presented, the draft work programmes and budgets for the biennium 2014–2015 of the three conventions have been prepared in a single document.”

⁵¹ *Programmes of work and budgets for the biennium 2020-2021: Revised programmes of work activity fact sheets*, 26 July 2019, UNEP/CHW.14/INF/44/Rev.1. This does not mean that the amount allocated will ultimately be received and spent, but provides an indication of what the Conference of the Parties has planned.

⁵² These include activities on environmentally sound management and several on the entry into force of the Ban Amendment. At the time of preparing the reports, final expenditure figures for 2018-2019 were not yet available. The present report could be updated once these figures are available.

146. *Basel Convention Regional Centre Activity Report for the Conference of the Parties: The Secretariat compiled a report⁵³ of the Basel and Stockholm Convention Centres' activities for the fourteenth meeting of the Conference of the Parties, which is summarized below: annex II sets out a list of training and capacity-building activities, annex III on technology transfer (defined as per Agenda 21), and annex IV on plastics.⁵⁴ It should be noted that these are very rough estimates based on limited descriptions in titles of activities and includes relevant Minamata Convention activities. Out of 187 activities listed, excluding Annex IV on plastics, approximately 54 were related to hazardous and other wastes in some way and 36 of those were related to waste streams the subject of technical guidelines.⁵⁵*

	Plastics	POPs	E-waste	Mercury	Other	TOTAL related to technical guidelines	TOTAL Non-technical guidelines topics related to hazardous and other wastes	Total BCRC and SCRC activities related to hazardous and other wastes	Total technical assistance activities for BCRCs and SCRCs 2017-18 (without plastics annex)
Annex II and III (training, capacity-building, technology transfer)	2	11	12	4	7	36	18: <ul style="list-style-type: none"> • 1 waste minimization; • 3 illegal traffic; • 1 ban amendment • 3 legal frameworks; • 3 ESM; • 6 general hazardous waste management • 1 SDGs 	54	187 ⁵⁶
Annex IV (plastics)	95					95		95	95
TOTAL:	97					131		149	282

Table 3: Reported activities of BCRCs and SCRCs addressing technical guideline waste streams in the 2018-19 biennium

147. If it is assumed that all plastics activities relate to waste,⁵⁷ then the breakdown is as follows:

TOTAL BCRC/SC listed activities 2017-18	Percentage of activities dealing with hazardous and other wastes issues	Percentage of issues dealing with technical guideline waste streams	Percentage of issues dealing with technical guideline waste streams (excluding plastics)
282	149 (53%)	131 (46%)	34 (12%)

Table 4: Reported activities of BCRCs and SCRCs addressing technical guideline waste streams in the 2018-19 biennium, including plastics activities

148. It is particularly interesting that the level of activity on plastics by BCRCs and SCRCs occurred during the biennium following the thirteenth meeting of the Conference of the Parties, which addressed plastics in a very limited way, but encouraged BCRCs to undertake plastics activities and

⁵³ Report on the activities of the Basel and Stockholm conventions regional centres, UNEP/CHW.14/INF/29.

⁵⁴ PACE follow-up activities outlined in Annex V were not listed for this chart, as rather than capacity-building activities, they were to discuss a possible follow-up to PACE.

⁵⁵ At the fourteenth meeting of the Conference of the Parties, it was decided to update the technical guidelines on plastic wastes: decision BC-14/13, para. 18.

⁵⁶ This total was a simple count of all listed activities, no matter how briefly listed. Two meetings involving the Expert Working Group on ESM and the Household Waste Partnership were not included, bringing the total down to 187.

⁵⁷ The title of the annex references activities undertaken on the impact of plastic waste, marine plastic litter, microplastics and measures for their prevention and environmentally sound management.

report on them to the fourteenth meeting of the Conference of the Parties, which addressed plastics in a very comprehensive way, including treaty amendments.⁵⁸

149. *Glossary of terms⁵⁹ and review of Annexes*: The work on further legal clarity under the Convention originated from the Indonesian-Swiss Country-Led Initiative to improve the effectiveness of the Basel Convention. A Glossary of terms was adopted by the Conference of the Parties by its decision BC-13/2 in May 2017 in order to provide guidance in relation to the distinction between wastes and non-wastes. The glossary notes that the Basel Convention applies to the transboundary movement of hazardous wastes and other wastes. Thus, the term “wastes” is of fundamental importance in determining the scope of the Convention, and a key concern of objective 1.1. The glossary’s main focus of providing guidance for further legal clarity in relation to the distinction between wastes and non-wastes is a key concern of objective 1.1. This distinction has been a particular problem in relation to cross-border transport of used substances or objects intended for re-use. The glossary includes definitions of terms and further explanations, included in order to explain how certain terms relate to each other. Definitions and explanations relevant for technical guidelines, and the indicator are: “wastes” and related explanations of when something may cease to be a waste; “hazardous wastes” and related explanations; “disposal”, “final disposal”, “recovery”, “recycling”, “repair”, “refurbishment”, “reuse” and “direct reuse”, and related explanations.

150. The review of Annexes I, III, IV and related aspects of Annexes VIII and IX to the Convention⁶⁰ was initiated by the Conference of the Parties at its twelfth meeting on the basis of a recommendation from the small intersessional working group on legal clarity that had developed the glossary of terms. The review of the annexes remains an ongoing process which was furthered at the fourteenth Conference of the Parties by extending the mandate of the expert working group to: also review entry B1110 in Annex IX and the mirror entry A1180 in Annex VIII, as per an agreed timetable over the next two meetings of the Open-ended Working Group and Conference of the Parties; examine the consequential implications of the review of Annexes, I, III and IV; and review whether any additional constituents or characteristics in relation to plastic waste should be added to Annex I or III, respectively, to the Convention.⁶¹ The review of annexes may ultimately have impacts on the definitions and explanatory notes developed in the glossary.

151. *Work of the Implementation and Compliance Committee*: The original Guide to the Control System was updated by the Implementation and Compliance Committee and approved by the twelfth Conference of the Parties in 2013. In its revision, the Committee focused on those persons involved in the transboundary movements of hazardous wastes—rather than Parties—in order to present the control system in light of their roles and needs. The revised Guide highlights the Strategic Framework goals, and, relevant to objective 1.1, the document begins with the definitions of “wastes” and “hazardous wastes”, including explanations of related annexes to the Basel Convention (e.g., Annex I, Annex III, Annexes VIII and IX) adopted at the fourth Conference of the Parties in 1998. The Guide provides a general description of the control procedure, explains the notification and movement documents and prior informed consent, outlines the role of contracts, financial guarantees, and international and national transport rules and regulations. Flow charts delineate the roles of various actors at different stages of a transboundary movement, and a checklist for the disposer and disposal/recovery facility and for the exporter or generator when acting as a notifier are included.

152. Regarding the environmentally sound management of hazardous wastes and other wastes, the guide provides a list of technical guidelines and guidance documents on hazardous characteristics and provides links to them, with a glossary set out in its appendix I. It also provides basic elements to be included in the contracts between the exporter and importer or disposer, as well as previously approved notification and movement forms, along with instructions on how to complete them.

153. The revised Manual for the Implementation of the Basel Convention⁶² is aimed at Parties and highlights at paragraph 1 the three goals of the current strategic framework. As explained at paragraph 10: “The manual, including its revised legislator’s checklist, is designed to assist parties and potential parties to understand the obligations set out in the Convention and how to implement them. It also explores how Parties may exercise the discretionary powers afforded to them under the Convention.”

154. The manual explains the provisions of the Convention article by article, along with what Parties need to do to implement the Convention, and provides an updated legislators’ checklist, which

⁵⁸ Decision BC-13/11, paragraph 14.

⁵⁹ UNEP/CHW.13/4/Add.2, adopted by Conference of the Parties in decision BC-13/2, para. 18.

⁶⁰ <http://www.basel.int/tabid/6269>.

⁶¹ See UNEP/CHW.14/INF/23 for details, decisions BC-14/13 and BC-14/16.

⁶² UNEP/CHW.12/9/Add.4/Rev.1, approved by Decision BC-12/7.

provides a concise table listing obligations that parties must, or should, implement in their national legislation. The manual contains links to the most up-to-date materials on the Basel Convention website at the time of publication. Importantly for this indicator, Annex II of the manual contains a list of the technical guidelines and guidance documents pertaining to environmentally sound management adopted by the Conference of the Parties over the years. It also lists definitions at the beginning, and these are included in the legislator's checklist for implementation purposes.

155. The twelfth meeting of the Conference of the Parties in 2015 withdrew the model national legislation that had been approved in 1995, instead inviting Parties to use as appropriate, when evaluating their legislation, the updated manual for the implementation of the Basel Convention, including its checklist for the legislator.⁶³

156. In 2019, the Conference of the Parties adopted the Implementation and Compliance Committee's Guide for the development of national legal frameworks to implement the Basel Convention,⁶⁴ which provides guidance to Parties on transposing the provisions of the Basel Convention into their national legal framework, including examples of how some Parties have transposed the Convention into national law. The objective is "not to provide an all-purpose model of national waste management legislation, but rather to highlight core elements to be reflected in Basel Convention implementing legislation."⁶⁵ It is primarily directed to legal drafters and other persons directly involved in the legislative drafting process.⁶⁶

c. Analysis of data applied to the indicator over time

157. To make it easier to understand the progress made over time in applying the available data to the indicator, the following table attempts to summarize the above information.

Information Source	2011	2019-20
Questionnaire (Parties' information relevant to the indicators of the strategic framework)	33 of 36 responding Parties (92%) use or refer to technical guidelines	46 of 50 responding Parties (92%) use or refer to technical guidelines
Decisions adopted by the Conference of the Parties on technical guidelines ⁶⁷	23 technical guidelines in existence, including 3 adopted at COP-10	30 technical guidelines, including in 2019 adoption of 1 new guideline, 1 interim adoption of a guideline, and adoption of five updates
Online survey under the Expert Working Group on ESM	Was not conducted in 2011	One-time survey conducted in 2016; 65% of Parties responding had used the technical guidelines
Definitional work on ships and wastes	Scope of wastes deriving from the normal operations of a ship (COP-11) Whether ships destined for dismantling are wastes, COP-8, COP-10	Document on land-sea interface adopted at COP-13
Reports on technical assistance	34% of technical assistance activities on technical guidelines	22% of technical assistance activities on technical guidelines
BCRC reports	No compiled data	Activity report compilation; 131 activities (46%) ⁶⁸
Glossary of terms and review of Annexes	N/A	Glossary adopted in 2013; review of annexes launched in

⁶³ Paragraphs 16 and 15, Decision BC-12/7.

⁶⁴ UNEP/CHW.14/13/Add.2/Rev.1, adopted by Decision BC-14/15, para. 23.

⁶⁵ *Ibid.*, paragraph 6.

⁶⁶ *Ibid.*, paragraph 1.

⁶⁷ For present purposes, guidance documents on Annex III hazardous characteristics are included in these numbers.

⁶⁸ Based on limited descriptions in UNEP/CHW.14/INF/29 and not an individual examination of each listed project.

Information Source	2011	2019-20
		2015, first outcomes scheduled for COP-15
Work of the Implementation and Compliance Committee	Original Guide to the Control system, 1998 (COP-4) Original Implementation Manual, COP-3 (1995) Legislator's Checklist	Updated and focused Guide to the Control System COP-12, 2013 Updated and focused Manual for the implementation of the Convention, along with revised Legislator's Checklist, adopted at COP-12, 2013 Withdrawal of model national legislation Guide for the development of national legal frameworks to implement the Basel Convention, adopted at COP-14, 2019

Table 5: Summary of efforts over time and through technical guidelines to enhance common understandings on definitions, interpretations and terminologies

158. *Baseline questionnaire*: the responses indicated that 92% of responding Parties used the technical guidelines both in 2011 and for the latest questionnaire. This seems high when compared to the 2016 online survey.

159. *Decisions of the Conference of the Parties on technical guidelines*: Simple numbers have limitations and can be misleading, mainly because key technical guidelines are updated on a regular basis, notably those on POPs, to reflect the ongoing addition of chemicals to the Annexes to the Stockholm Convention. Nevertheless, looking at numbers of technical guidelines developed since 2011, as per the indicator, seven additional guidelines have been adopted over that time period and existing guidelines updated (e.g., POPs waste, mercury waste). Another guideline important to many Parties on e-waste has been the subject of discussions over a period longer than the strategic framework, and versions of the guidelines have been adopted twice on an interim basis, first in 2015 and again in 2019. A key focus of those guidelines has been on the waste/non-waste distinction. The glossary from 2017 was intended to help address this distinction. This, however, appears to still be an issue, and the current work on the review of the annexes, especially on Annex IV and the two e-waste entries in Annexes VIII and IX, may assist further.⁶⁹

160. *One-time online survey*: The results of this one-time survey are limited by the low response numbers and skewed by a higher response rate in some regions, particularly the Western Europe and Others Group. Poor response rates lend themselves to the possibility that subsequent surveys might provide different Parties responding, and consequently different results. That said, this survey indicated that a number of Parties did not use the technical guidelines and some indicated that they had never read them. Considering the level of effort by bodies of the Conference of the Parties and individual Parties in technical guideline work, and their importance in providing a detailed understanding of environmentally sound management for specific waste streams and waste management technologies, it is worth considering options for a broader dissemination of these documents.

161. Another challenge is to determine whether those countries which most needed the development of capacity through the collectively developed technical guidelines have benefited from their development, and this is addressed below in the information related to technical assistance and the Basel Convention Regional Centres.

162. *Reports to the Conference of the Parties on technical assistance conducted by the Secretariat*: Since 2011 when technical guidelines were adopted at the tenth meeting of the Conference of the Parties, decisions have requested that there be dissemination of technical guidelines in all six UN

⁶⁹ UNEP/CHW/CLI_SIWG.2/4, *Report of the second meeting of the Small Intersessional Working Group on Legal Clarity*, 25-26 January, 2015.

languages and invited Parties to use them and provide comments on their use. In the 2017 decisions of the Conference of the Parties adding decaBDE to the POPs-BDE guidelines, and HCBd to the unintentionally produced POPs guidelines, the Secretariat was requested to provide training “subject to available resources”, i.e. upon provision of voluntary funds by donors. The negotiation of technical guidelines helps develop common understandings, but for those not participating in such a negotiation, follow-up through consistent training efforts is a way to promote the common understandings developed collectively in such guidelines. Training on newly adopted guidelines could be suitably done at the regional level through the regional centres.

	# of Basel Convention technical assistance activities	# of technical guideline activities	Technical guideline activity as % of total technical assistance activities	Technical guideline subject	# of activities	% of overall effort on technical guidelines
Activities from 2011 and 2012	74	25	34%	e-waste	11	44%
				ships	6	24%
				POPs	5	20%
				other	3	12%
Activities from 2018 and 2019	46	10	22%	e-waste	7	70%
				POPs	1	10%
				other	2	20%

Table 6: Comparison of technical assistance activities on technical guidelines from 2011-12 to 2018-19

163. Based on the above data, it would appear that the total number of technical assistance activities fell by 28 in 2018-19, as compared with 2011-12. In 2011-2012, e-waste occupied 44% of technical guideline activities, with ships and POPs very close in their importance but at substantially lower numbers. More recently, because of the reduction in activities on technical guidelines, seven e-waste activities occupied 70% of effort on technical guidelines under the Convention. Very few other waste streams were addressed. Reports provided to the Conference of the Parties on technical assistance activities did not link them to specific areas of the strategic framework and the Convention’s technical assistance plan does not require that technical assistance activities be linked to the strategic framework.⁷⁰ Further, in its reports to the Conference of the Parties, the Secretariat has not provided a weighting of the activities, as major projects are clearly more labour-intensive than webinars.

164. E-waste has been a high priority due to its increasing volumes moving transboundary and challenges in identifying and managing it, but it has also remained a priority because the Basel Conference of the Parties has had difficulty in achieving final agreement on the complete text of e-waste technical guidelines, in particular the waste/non-waste distinction.

165. For an overview of all technical assistance activities by the Secretariat reported in the baseline and last biennium:

	# of Basel technical assistance activities	# of technical guidelines activities	ESM (general)	Waste prevention/minimization	Ban amendment	Enforcement & illegal traffic	Reporting/inventories	Legislation	General Basel Convention (e.g. info about COP meetings, synergies implementation of BRS)

⁷⁰ See: UNEP/CHW.13/INF/36, Technical Assistance Plan for the implementation of the Basel, Rotterdam and Stockholm conventions for the period 2018-2021.

Activities from 2011 and 2012	74	25	0	0	5	18	6	11	9
COP-14⁷¹ Activities from 2018 and 2019	46	10	4	3	2	2	5	2	18

Table 7: All technical assistance activities in 2011-12 and 2018-19, categorized by subject

166. The number of technical assistance activities has gone down substantially, including those on technical guidelines, but there has been a spike in activities on environmentally sound management and elements of that work (prevention and minimization), a sharp reduction in activities on illegal traffic, a reduction on activities on legislation (some of which are picked up this 2020-21 biennium in activity 13 (cross-cutting implementation) in the budget), and general activities have doubled (e.g., briefings or regional meetings before the Conference of the Parties, and debriefs, and workshops aimed at implementing all three conventions were placed in this category). Specific aspects will be discussed under relevant objectives in this report.

167. While the monitoring and evaluation strategy for the technical assistance plan for the implementation of the Basel, Rotterdam and Stockholm conventions,⁷² foresaw that all the data, progress reports and evaluations generated would serve as substantive inputs for the evaluation of the Basel Convention Strategic Framework, there is no specific link made between the strategic framework and reports on Secretariat technical assistance activities.

168. Comparing voluntary funding allocations for 2012 and 2020-21 is somewhat challenging. First, allocations for work on technical guidelines (priority waste streams/environmentally sound management of hazardous and other wastes) was USD 1,245,000 for 2012 alone and USD 1,005,000 for the 2020-21 biennium (two years), respectively. Further, how these elements of the budget have been described in these respective periods has changed, so it is difficult to do an accurate comparison of what the amounts were expected to cover. Finally, while what is actually spent for 2020 is as yet unknown, as noted above, USD 645,134 was spent on priority waste streams in 2012 alone.

169. It is worth exploring the most recent years for which data is available. And, while a report was made to the fourteenth meeting of the Conference of the Parties in 2019 on actual and projected expenditures, the report on implementation of the programme of work was only available at that time for the biennium 2016-2017. For activity 14, which included work on priority waste streams, and activities related to development, review and update of national plans and strategies, including inventories, for 2016-17, USD 1,470,000 was budgeted, but only USD 660,000 was fundraised and spent for the two years.⁷³ The provisional projected status for the implementation of the biennium 2018-19 as at 28 February 2019 show for all of activity 14,⁷⁴ which involved: increasing capacities of Parties to implement control procedures under the Basel Convention; and strengthening capacities of Parties for the environmentally sound management of hazardous and other wastes, including prevention and minimization, shows that USD 1,000,000 was budgeted for the biennium and the estimated expenditure was projected to be USD 1,208,363.⁷⁵ However, the USD 500,000 allocated to activity 14 per year is less than in 2012, made even less by it covering more than just priority waste streams—which appears to be borne out by the reductions in technical assistance activity levels on priority waste streams in the above tables of activities.

Year	Description	Budgeted USD	Expenditure USD	Average Expenditure on
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⁷¹ Taken from UNEP/CHW.14/INF/25/Rev.1. The numbers in the chart are a bit higher as that document was dated April 2019 and this provides information on activities that happened after the fourteenth Conference of the Parties.

⁷² UNEP/CHW.14/INF/27, p. 14.

⁷³ UNEP/CHW.14/INF/45/Rev.1, Annex IX, and for the report on implementation of the programme of work for 2016-17, see: UNEP/FAO/CHW/RC/POPS/IMPLReport/2016-2017.

⁷⁴ UNEP/CHW.14/INF.13/INF/52/Rev.1.

⁷⁵ UNEP/CHW.14/INF/45/Rev.1, Annex X.

				ESM of Priority Waste Streams per year USD
2012 (one year only)	Priority Waste Streams only	1,245,000	645,134	645,134
2016-17	Activity 14: <ul style="list-style-type: none"> national plans and strategies ESM of priority waste streams 	1,470,000	660,000	On average 330,000 total per year:
2018-19	Activity 14: <ul style="list-style-type: none"> BC control procedures ESM of hazardous and other wastes 	1,000,000	Projected expenditure as of Feb 2019: 1,208,363	On average 604,182 total per year per year
2020-21	Activity 14: <ul style="list-style-type: none"> ESM of hazardous and other wastes only 	1,005,000	---	---

Table 8: Voluntary budget allocations for priority waste streams

170. *Basel Convention Regional Centres activity report for the Conference of the Parties:* The biggest area of activity by regional centres in the last biennium was with respect to plastic waste.⁷⁶ Because of the lack of a comparable activity report at the level of the Conference of the Parties in 2011, a comparison over the lifetime of the strategic framework is not possible. While there has been a substantial improvement in reporting to the Conference of the Parties on regional centre activities through the Secretariat's compilation to the Conference of the Parties,⁷⁷ the utility of the data presented could be further improved by providing more information on the nature of such activities and who benefits from them, as well as clearly linking them to the area of the strategic framework being supported, and like the Secretariat technical assistance, providing a weighting system to illustrate the level of effort for the more complex activities.⁷⁸ Since the presentation of what they do is critical to fully being able to assess trends and progress under the strategic framework, it is recommended that efforts be made to improve this situation, such as by examining the interim evaluation criteria.⁷⁹

171. *Glossary of terms and review of the Annexes:* These provide (or in the case of the review of the annexes, are anticipated to provide) essential explanations for Parties to be better able to fully implement their obligations (the goal) and to develop common understandings of terminology to that end (objective 1.1), particularly in the discussion highlighting the waste/non-waste dichotomy. The relevance to the technical guidelines indicator, if it is to be viewed as more than a simple counting of the number of guidelines, is that throughout the glossary's explanatory notes various technical guidelines are used to provide illustrations of what is meant by a term in the context of specific waste streams. For example, under "reuse", the glossary of terms notes, among others, a definition of "reuse" from the technical guidelines for the environmentally sound management of the full and partial dismantling of ships: "When a product is used again following normal use. Implies recovery and refurbishment before the product can be reused." In other words, the scope of a technical guideline typically needs to set out a common understanding of core terminology, as well as directing Parties to the various means of available environmentally sound disposal options.

172. While this is simply one document addressing definitions and terminology, it provides important clarification until such time as greater legal certainty can be achieved through the review of the

⁷⁶ Decision BC-13/11, paragraph 14.

⁷⁷ UNEP/CHW.14/INF/29 for the fourteenth meeting of the Conference of the Parties.

⁷⁸ This is a presentation issue, because the BCRCs in their individual project descriptions do provide this information.

⁷⁹ For example, the evaluation criteria for the centres at the current time only gives four points out of 33 for the criterion "The centre demonstrates the capacity to identify, document and implement project activities aimed at assisting Parties in the implementation of their obligations under the Convention." Ten points are given for "Achieves concrete and/or measurable results in terms of capacity-building in its technical assistance and technology transfer activities." UNEP/CHW.14/INF/28/Rev.1.

annexes. It contains key definitions to enhance Parties' understandings, in particular on the waste/non-waste distinction noted in the objective.

173. While the review of the annexes has an approved timeline up until the sixteenth meeting of the Conference of the Parties in 2023, it is expected that results at the fifteenth meeting in 2021 will provide updates to the Convention's annexes that will also greatly benefit Parties through improvements to the common understandings on definitions, interpretations and terminologies of the Convention, as per the objective, thus going beyond mere numbers of technical guidelines.

174. These efforts are therefore key to achieving objective 1.1 in support of goal 1.

175. *Work of the Implementation and Compliance Committee:* the likelihood of achieving goal 1 of "effective implementation of Parties' obligations on transboundary movements of hazardous and other wastes" has been enhanced by the Implementation and Compliance Committee's updates to two important core documents, the manual for the implementation of the Convention, (and the revised legislator's checklist) and the guide to the control system. In updating and further refining each, the Committee has made it easier for both Parties and actors involved in transboundary movements to have specific expert guidance on their respective roles and responsibilities, including explanations of terminology and definitions. By changing the focus to the nongovernment actors in a transboundary movement, the guide can help promote better compliance with national law implementing the Convention by educating stakeholders on the possible jurisdictions implicated in a transboundary movement and the need to consult national law of such jurisdictions. The document provides a good discussion of the term "wastes", Annexes VIII and IX, and the control system in general, and can be useful to Parties in educating their own stakeholders. Both this and the implementation manual are broader than the development of common understandings on definitions, interpretations and terminologies, as they address these in the context of the Basel control system in its entirety.

176. Simple counting of the number of technical guidelines in 2011 and since as per the indicator does not provide a real flavour of progress on whether Parties are reaching common understandings on the definition, interpretation and terminology of wastes. If this objective is retained in any future strategic or other evaluation framework, other indicators or a variation of this one may be more suitable. Some of the information provided above, which illustrates a number of useful initiatives taken by the Conference of the Parties to promote those common understandings, could be used to support the search for a more meaningful measure of whether Parties are closer to sharing such understandings.

d. Main findings, conclusions and recommendations for objective 1.1

177. *Main finding:* The ongoing success of the Convention in developing technical guidelines for priority waste streams, for disposal operations and for specific cases of transboundary movements on a regular basis is not demonstrated by the single indicator of counting the number of technical guidelines. Other Convention related documents such as the guide for the control system and the manual for the implementation of the Convention contribute to meeting the existing indicator both numerically by increasing the number of documents (even if not technical guidelines) that assist in developing common understandings, as well as qualitatively by adding detailed outlines of roles and responsibilities in the Basel control system and a legislator's checklist of Convention obligations to be implemented by legislation. The glossary of terms contributes to meeting the indicator both numerically by increasing the number of documents that assist in developing common understandings, and qualitatively by referencing technical guidelines as examples in glossary explanations. It also targets the waste/non-waste issue which is referenced in the objective. The review of the annexes is expected to add legal clarity to the scope of the Convention, including the distinction between wastes and non-wastes, with its focus on addressing specific annexes.

178. *Conclusion:* The Conference of the Parties has adopted useful guidance documents that contribute to the development of common understandings, not just of terminology, but of the operation of the control system, and the waste/non-waste distinction, and could provide the basis for an improved indicator on this objective, if retained in a future strategic and/or effectiveness evaluation. The review of the annexes, by addressing Conference of the Parties-agreed definitional/interpretation issues, also goes beyond the indicator and addresses the broader issues in the objective. The glossary of terms is a useful document pending outcomes of the review of the annexes.

179. *Recommendation:* Should this objective be retained in a future strategic framework, this broad range of technical and other guidance, along with the review of the annexes, should be used to develop an improved indicator for this objective in future frameworks. Upon completion of the review

of the annexes, consideration should also be given to updating the glossary of terms and other relevant documents about the control system.

180. *Main finding:* Some sources of information indicate that some Parties may not be using the technical guidelines.

181. *Conclusion:* Further active efforts need to be made to encourage the use of technical guidelines by Parties.

182. **Recommendation:** A standard part of every decision adopting a new guideline or a substantially updated guideline should continue to be that the Secretariat provide training on it. After adoption of a technical guideline, it should be disseminated to all Parties, and a webinar or other training offered by the Secretariat for all relevant regions. A short document should be prepared that explains how the guidelines can be used at the national level, and made a part of each training session. Such activities would need to be included in budget activity fact sheets of upcoming biennia and included in the proposed work programme and budget and other relevant meeting documents prepared by the Secretariat for consideration by the Conference of the Parties.

183. *Main finding:* The number of technical assistance activities conducted by the Secretariat (as reported to the Conference of the Parties), including on technical guidelines, has gone down in the last biennium as compared with the baseline year. The reports to the Conference of the Parties by the Secretariat on its technical assistance activities do not provide information on how the technical assistance activities link to the elements of the strategic framework, nor are they weighted or explained in a manner that readily conveys the complexity of some activities versus others. (iii) Budgetary allocations on the environmentally sound management of priority waste streams per year were lower in the 2018-19 biennium than for 2012.

184. *Conclusion:* Not only activity levels on technical guidelines have gone down, but expenditures per annum have as well. If all decisions of the Conference of the Parties, including on technical guidelines and on programme and budget, were linked to the strategic framework (see overarching recommendations), then the priority of the technical guidelines could be better reflected in the related budget allocations. Secretariat reports on technical assistance could be improved by providing links between activities and the relevant element of the strategic framework, and more fully presenting the relative complexity of various technical assistance activities.

185. **Recommendation:** The Conference of the Parties, by linking its decisions to the strategic framework: could more easily monitor and measure outcomes, including on whether funding for technical assistance activities on technical guidelines is sufficient or directed at the right guidelines, and could request the Secretariat to ensure that its reporting on technical assistance activities is improved by linking it to the next strategic framework and better reflecting the relative complexity of technical assistance activities.

186. *Main finding:* Activities of the regional centres in the last biennium spiked significantly with respect to plastic wastes, in response to encouragement from the Conference of the Parties at its thirteenth meeting and given the current global attention given to the topic. The contribution of the BCRCs to promoting common understandings on technical guidelines can be very high, but the amount of information presented to the Conference of the Parties in the compilation of the BCRC activity reports was limited and was not linked to the strategic framework in individual activity reports.

187. *Conclusion:* To promote a key role of the BCRCs in the dissemination of and training on technical guidelines, efforts need to be undertaken to link BCRC activities to relevant elements of any future strategic framework and reflect this in more targeted reports presented to the Conference of the Parties on BCRC activities.

188. **Recommendation:** Should a new strategic framework be developed, the Conference of the Parties should ensure that the BCRCs link their activities to an element of the strategic framework as part of the evaluation criteria for the BCRCs and be presented in more detail.

189. *Main finding:* In the case of e-waste, a significant level of effort over the lifespan of the strategic framework has occurred, and the Conference of the Parties has adopted technical guidelines on an interim basis.

190. *Conclusion:* Interim adoption of the e-waste guidelines, which have been under development for more than a decade, allowed Parties to use and test them, despite ongoing challenges in concluding on them.

191. **Recommendation:** Efforts to finalize the e-waste technical guidelines should continue.

2. Objective 1.2

Goal 1: Effective implementation of Parties' obligations on transboundary movements of hazardous and other wastes.

Objective 1.2: To prevent and combat illegal traffic in hazardous and other wastes

Indicator

Parties have reached an adequate level of administrative and technical capacity (in the form of Customs, police, environmental enforcement and port authorities, among others) to prevent and combat illegal traffic and judicial capacity to deal with cases of illegal traffic

Sub-indicators

- Number of Parties that develop and execute training programmes for the staff involved;
- Number of controls and inspections carried out.

192. In addition to the questions on this objective included in the baseline and final evaluation questionnaires, additional information sources used include data from annual national reports; submissions of national legislation; requests by Parties to the Secretariat for assistance in identifying cases of illegal traffic; forms submitted on illegal traffic; self-reviews of national legislation; technical assistance activities of the Secretariat and Basel Convention Regional Centres; the approved programme of work and budget for the 2020-2021 biennium; the needs assessment; the technical assistance plan; manuals adopted by the Conference of the Parties; the work of the Implementation and Compliance Committee; and international cooperation activities.

a. Data from 2011 baseline questionnaire and additional information sources

193. *Baseline questionnaire:*⁸⁰ The questionnaire asked four questions on this indicator and its sub-indicators. For the first question, which reflects the wording of the indicator itself, 26 of 36 responding Parties indicated that they did have an adequate level of administrative and technical capacity to prevent and combat illegal traffic, while three indicated they did not, and seven indicated that the capacity building was in progress. On question 2.1, 11 respondents from developing country Parties and Parties that are countries with economies in transition indicated that they did not have judicial capacity or that it was in progress. As regards the number or estimated number of controls and inspections carried out in 2011, six respondents indicated that they had taken no control or inspection measures, 12 indicated they had taken such measures but had no data for 2011, and of the 19 who had numbers, they ranged from two to 20,000 controls and inspections carried out. The questionnaire results did not provide for an analysis of these numbers.

194. Training programmes in support of controls and inspections took place collectively in a number of Parties through the efforts of a Basel Convention Regional Centre or other organization. Twenty-two (61%) indicated that they had a training programme and 14 (39%) indicated that no programmes existed or were in preparation. A large number of the responses indicating no training or in preparation came from developing country Parties and Parties that are countries with economies in transition.

195. *Annual reports:* The national reporting format in 2011 did not require information on reported cases of illegal traffic, which is essential to tracking the level of illegal traffic. It did not require information on staffing levels for enforcement (as per the indicator), but the 2011 data collected did include border controls in a general sense. For other aspects of the indicator—an adequate level of administrative capacity—there is other information gathered at that time which is relevant but not set out as an indicator: number of Parties with focal points and competent authorities, and number of Parties with Convention implementing legislation. Without implementing legislation, there is no law to violate, and no legal basis for enforcement or prosecution action. No information is collected on the capacity of the judiciary to handle cases of illegal traffic and no other source was identified in the compilation.

(a) *Reported data on Article 5:* Although not listed as a specific indicator, it is a legal obligation to designate a national focal point and at least one competent authority to facilitate the implementation of the Convention, and the annual reports track this data. The *competent* authorities

⁸⁰ The questionnaire is in Appendix II to this report. The responses are tabulated in UNEP/CHW.12/INF/5.

are the backbone of the Basel Convention control system, to ensure, among other things, the notification of proposed transboundary movements and a contact so that cases of illegal traffic can be prevented or notified. The focal points are also important as they enable the Secretariat and other Parties to get in touch with a Party in general, or if there are no competent authorities designated. As of 10 December 2010, out of 175 Parties, 18 Parties had not designated a competent authority (10%), and 10 Parties (6%) had designated neither a focal point nor a competent authority.⁸¹

(b) *Border Controls*: This information is relevant to sub-indicator 2, where the word “control” in the indicator refers to them being “carried out”, thereby suggesting that these are not referring to legislative or regulatory controls, but rather specific enforcement activities being carried out (e.g. spot checks at the border). The 2011 reporting format asked: “Is the border control for the purpose of export/import/transit of hazardous wastes and other wastes established?” Apart from the issue of whether there could be different interpretations of “border control”, such as legislative controls or customs personnel, the reporting rates were fairly low. Of the 174 Parties required to report, only 88 reported (51%), and only 83 (48%) reported on this question; only 71 Parties (41%) reported undertaking “border controls”.

Number of Parties required to report	Number of Parties reporting on the issue	Number undertaking border controls	Number responding border controls in preparation	Number responding border controls not undertaken	No answer	Number using the Harmonized System on customs control of the World Customs Organization, including those in preparation
174	83	71	3	7	2	73

Table 9: 2011 annual report data on border controls

(c) *Legislation*: This topic is addressed in detail under objective 2.1, where legislation was referred to in the objective itself. The reporting format in 2011 asked for information on legislation in a number of places (e.g. for import and export controls) but there was no general question on whether a Party had legislation implementing the Convention. However, in a report prepared by the Secretariat for the Basel Expanded Bureau in 2011,⁸² it was noted that 111 Parties’ national legislation was published on the Convention website.⁸³ For the reasons discussed later in this report, this number is likely to be higher than the number of Parties with legislation fully implementing the Convention, although it is difficult to be sure, given the low levels of reporting (50%) and the fact that no review has ever been conducted of whether Parties’ submitted legislation fully implements the Convention.⁸⁴

(d) *Export controls*: Another possible measure is how many Parties reported an export control of some sort in 2011, either for final disposal or recycling/recovery, as such measures should be made on a legal basis. Out of the 174 Parties required to report in 2011, 80 Parties reported at least one of these measures.

196. *Requests for assistance in the identification of cases of illegal traffic transmitted by Parties to the Secretariat pursuant to Article 16 para 1(i)*: During the 2011-12 biennium, the Secretariat received six requests from Parties to assist in the identification of cases of illegal traffic.⁸⁵

197. *Forms for confirmed cases of illegal traffic*: The form for reporting confirmed cases of illegal traffic (cases confirmed by conviction) was approved by the Conference of the Parties in 1998, but as of 2011, only two cases had been submitted, both having been resolved.

⁸¹ UNEP/CHW/CC/8/20.

⁸² Report on the implementation of programme of work adopted at the ninth meeting of the Conference of the Parties to the Basel Convention (2009-2011), UNEP/SBC/BUREAU/9/2/2.

⁸³ This includes legislation notified through the annual reports and separately sent to the Secretariat. The website can be accessed at: <http://www.basel.int/Countries/NationalLegislation/tabid/1420/Default.aspx>.

⁸⁴ See the discussion on objective 1.4 below for reporting and on objective 2.1 for national legislation.

⁸⁵ UNEP/CHW.11/12, at para. 14.

198. *Self-review of national legislation*: The process noted immediately below in section (b) was established in 2017 at the thirteenth Conference of the Parties and therefore did not exist in 2011.⁸⁶ However, the Implementation and Compliance Committee in late 2010 administered a questionnaire to Parties about their implementing legislation with the following results.⁸⁷ Of 175 Parties at the time, 56 Parties responded (32% of Parties). Six of those had not adopted legislation implementing the Convention, more than one-third indicated that their legislation did not integrate all the Convention's provisions, while 29 (52% of those responding) indicated that their legislation fully integrated the Convention's provisions.

199. *Report to the Conference of the Parties on technical assistance activities conducted by the Secretariat*: For 2011-12, there were 18 activities related to enforcement and illegal traffic including 11 workshops within the context of the Probo Koala Programme in Africa and E-waste Africa Programme,⁸⁸ constituting 25% of the activities on technical assistance.

200. *Needs Assessment*: The first needs assessment was completed in 2014 based on a questionnaire to Parties on technical assistance needs.⁸⁹ 41 developing country Parties and Parties with economies in transition responded to the questionnaire. Of the 41 who responded to a question on the type of assistance required to prevent and combat cases of illegal traffic, respondents answered as follows: development of national strategy to combat illegal traffic 33%; coordination at the national level 27.3%; awareness-raising 23.5%; the review and drafting of legal texts 15%. Only one respondent indicated not having any challenges with respect to illegal traffic. In the case where a transboundary movement is deemed to be illegal, 90% of the respondents indicated that they would require technical assistance to ensure that the wastes are taken back to the country of export for disposal.⁹⁰

201. On questions related to the control procedure, matters of relevance for illegal traffic arose, including: 12.5% of respondents indicated the need for the review and drafting of legal texts, issues identifying custom codes 6.2%, and 13.8% noted challenges related to the use of the notification and movement documents, including with the identification of the wastes.⁹¹ Similarly, on questions related to import and export restrictions and prohibitions, 30.9% noted challenges on identification of wastes at border controls and 16% with the drafting of legal texts/waste definitions.⁹²

202. *4-year technical assistance plan, 2018-2021*: No 4-year plan existed in 2011, but decision BC-10/23 from 2011 took note of the progress made with activities under the programme to support the implementation of the former strategic plan focal areas, and requested the Secretariat to continue facilitating capacity-building activities and pilot projects in those focal areas, subject to the availability of funds, and outlined other areas for capacity-building. Of note in the decision regarding illegal traffic is: "...the implementation of tools related to the Convention to strengthen the legal system, enforcement and competent authorities at the regional and national levels...".⁹³

203. *Basel Convention Regional Centres activity report for the Conference of the Parties*: for 2011 there was very limited information collated from the regional centres. In submissions from Parties, regional centres and other stakeholders on activities carried out to implement the synergies decisions,⁹⁴ mindful that this was about the synergies activities, out of the two regional centres that chose to submit, one listed an activity of national coordination to combat illicit trafficking and trade in hazardous chemicals and wastes.⁹⁵ Another regional centre⁹⁶ noted the same activity, along with being asked to coordinate with the Basel Convention Coordinating Centre for the Africa region and the Green Customs Initiative on the issue of illegal trafficking.

⁸⁶ Decision BC-13/10, paragraph 16, invites Parties, in particular Parties that have not submitted their legislation for implementing the Basel Convention, to undertake a review of their implementing legislation using the legislator's checklist and to submit the outcome of their review to the Implementation and Compliance Committee for its consideration.

⁸⁷ UNEP/CHW.10/INF/11 Annex VI: Implementation and Compliance Committee, Review of the status of existing national legislation and other legal or administrative measures, including implementation regulations, and identify needs for assistance.

⁸⁸ UNEP/CHW.11/INF/31.

⁸⁹ UNEP/CHW.12/INF/24, Part III.A regarding transboundary movements.

⁹⁰ Ibid., paragraphs 14 and 15.

⁹¹ Ibid., paragraph 8.

⁹² Ibid., paragraph 9.

⁹³ Paragraph 2(e).

⁹⁴ UNEP/CHW.10/INF/39.

⁹⁵ Basel Convention Regional Centre for Asia and the Pacific (BCRC China).

⁹⁶ Former BCRC for Central America and Mexico in El Salvador. This BCRC closed down on 4 May 2017.

204. *Decisions of the Conference of the Parties, including adoption of manuals and guidance to build capacity to prevent and combat illegal traffic:* By 2011, the Conference of the Parties had adopted Guidance elements for detection, prevention and control of illegal traffic in hazardous waste (sixth meeting of the Conference of the Parties, 2002), and the Instruction manual on the prosecution of illegal traffic of hazardous wastes or other wastes (tenth meeting of the Conference of the Parties, 2011). In addition, a Basel Convention Training manual on illegal traffic for customs and enforcement agencies was approved by the Open-ended Working Group (decision OEWG-V/9). As of that biennium, the Secretariat had initiated the design, layout and printing of the training manual on illegal traffic in the six UN languages.⁹⁷

205. The guidance elements document was intended to be a practical guide to assist enforcement of national law implementing the Convention, setting out recommended procedures mandated by previous Conference of the Parties decisions, with an intended audience of Party governments, ministries, federal and state authorities and agencies, law enforcement authorities and competent authorities.⁹⁸

206. The training manual⁹⁹ was intended to assist customs and other enforcement agencies in understanding the provisions of the Basel Convention and highlights their role in its implementation. The manual addresses important information for customs officials to implement the Convention; what is illegal traffic and how to detect it; what does any enforcement agency need to know about safety when dealing with hazardous waste shipments; and which are the important details to consider when investigating and prosecuting waste crimes.

207. The instruction manual on prosecutions¹⁰⁰ was intended to provide guidance for those involved in the prosecution of cases of illegal traffic under the Convention and provides practical information for judges and prosecutors.

208. At the tenth meeting of the Conference of the Parties in 2011, the approved work programme of the Implementation and Compliance Committee mandated: development of draft terms of reference for cooperative arrangements on preventing and combating illegal traffic; development of a guidance document based on implementation of and compliance with the take-back provision in Article 9.2 of the Convention; an instruction to guide and review the Secretariat's development of tools and training activities for Customs and other enforcement officials.¹⁰¹

209. *Guidance and support provided in the context of international cooperation activities by the Secretariat with other entities:*¹⁰² In 2011, partners in matters regarding illegal traffic were numerous organizations, including secretariats of other multilateral environmental agreements, the Green Customs Initiative (a partnership the Basel Convention Secretariat is part of), the World Customs Organization (WCO), the Organization for Security and Co-operation in Europe (OSCE), the International Criminal Police Organization (INTERPOL), and the International Network for Environmental Compliance and Enforcement (INECE).¹⁰³

210. As noted above, there had been in the 2011-12 biennium numerous workshops in conjunction with the Green Customs Initiative (GCI).¹⁰⁴ In 2008, the GCI had published the *Green Customs Guide to Multilateral Environmental Agreements*,¹⁰⁵ designed to be used by Customs officers as part of a training curriculum or as a stand-alone introduction to the subject.

211. With the WCO and the Rotterdam and Stockholm Convention Secretariats, the Secretariat was in the process of developing a joint e-learning tool for customs, to be offered in 2012 via the WCO platform that already includes training modules on the other multilateral environmental agreements.

212. The Secretariat was also working with INTERPOL on the development of an e-learning tool for police, based on the tool developed with the WCO.

⁹⁷ National legislation, notifications, enforcement of the Convention and efforts to combat illegal traffic, UNEP/CHW.10/12, Section C. Both the Guidance Elements and Instruction Manual are in all 6 UN languages.

⁹⁸ <http://www.basel.int/Implementation/Publications/GuidanceManuals/tabid/2364/Default.aspx>.

⁹⁹ <http://www.basel.int/Implementation/Publications/TrainingManuals/tabid/2363/Default.aspx>.

¹⁰⁰ <http://www.basel.int/Implementation/LegalMatters/IllegalTraffic/Guidance/tabid/3423/Default.aspx>.

¹⁰¹ Decision BC-10/11, Annex.

¹⁰² UNEP/CHW.10/INF/12.

¹⁰³ See: UNEP/CHW.10/INF/14.

¹⁰⁴ <https://www.greencustoms.org/>.

¹⁰⁵ http://www.greencustoms.org/sites/default/files/public/files/Green_Customs_Guide%20%28low%29.pdf.

213. At the tenth meeting of the Conference of the Parties the Secretariat also reported¹⁰⁶ on the results of a questionnaire administered at four GCI workshops on the implementation and enforcement of the Basel, Rotterdam and Stockholm conventions at the national level, as well as reviewing the reports of four other GCI workshops in this regard. Although not specific to the Basel Convention, for purposes of sub-indicator 1, for which there is little data, two questions are of interest.¹⁰⁷

214. Of 42 respondents, 24 customs officials responded that they had not received training on how to implement and enforce relevant legislation on the Basel, Rotterdam and Stockholm conventions, while 14 answered that they had. Most respondents indicated that this was an isolated or only annual event, while 13 indicated it was part of a national customs training curriculum. Most respondents answered that they did not receive adequate training.¹⁰⁸

b. Latest Data from 2019 questionnaire and additional information sources

215. *2019 questionnaire:* The questionnaire asked four questions on this indicator and its sub-indicators. For the first question, which reflects the wording of the indicator itself, 31 of 50 responding Parties indicated that they did have an adequate level of administrative and technical capacity to prevent and combat illegal traffic, while 4 indicated they did not, and 15 indicated that the capacity building was in progress. Of the 31 positive responses, 22 or 71% were from developing country Parties or Parties that are countries with economies in transition. All of the “in preparation” responses were from those Parties.

216. On question 2.1, 17 respondents indicated that they did not have judicial capacity or it was in progress, while 33 (66%) indicated that they did. Twenty-four of the 33 Parties (73% of positive responses) were from developing country Parties or Parties that are countries with economies in transition.

217. Thirty-one respondents (62%) indicated that they had developed and executed or contributed to the development and execution of training programmes for customs, policy, environmental enforcement, port authorities or other officials to prevent and combat illegal traffic and 5 (10%) indicated that such programmes were in preparation, with 14 (28%) indicating that no programmes existed. Twenty-three of the 31 Parties responding “yes” (74%) were from developing country Parties or Parties that are countries with economies in transition.

218. On specific programmes for administrative, technical and judicial staff, 29 respondents (57%) indicated that they executed such programmes and provided specific details. For customs, police, environmental enforcement, port authorities or other officials, 22 respondents (43%) indicated that they had executed such programmes.

219. As regards whether controls or inspections were carried out on hazardous waste or other facilities, out of 49 respondents, 43 (88%) indicated that they had, while six indicated that they had not. Thirty-four of the 43 positive responses (79%) were from developing country Parties or Parties that are countries with economies in transition.

220. As to the number or estimated number of controls and inspections carried out in 2019, 40 Parties responded to this question, although several had no data, several others indicated that the information was not yet available for 2019, and of the respondents who had numbers for 2019, they ranged from two to 25,000 controls and inspections carried out.

221. Annual reports:

(a) *Reported cases of illegal traffic:* Table 9, which is supposed to report on cases of illegal traffic which have been closed in the reporting year, did not exist for the baseline year of 2011, and was only added for national reports for the year 2016 and onwards. For 2017, taking all cases reported as closed,¹⁰⁹ most Parties (70% of the respondents) indicated that there were no cases of illegal traffic closed in the reporting year (“no” reply to the main question in table 9). Twenty-seven of the Parties transmitting national reports (27% of the respondents) answered “yes” to the question “were cases of illegal traffic closed in the reporting year?”¹¹⁰ Three Parties did not provide a response to the

¹⁰⁶ UNEP/CHW.10/INF/12.

¹⁰⁷ There are other issues with the results, such as multiple persons responding from one country, and the overall low level of responses.

¹⁰⁸ Ibid., at page 23.

¹⁰⁹ If “closed” is to be interpreted as cases that have been resolved by take-back or a result in court, it should be noted that some Parties have reported on cases that are still ongoing, or did not indicate the outcome of the case.

¹¹⁰ These Parties include Austria, Belgium, Bulgaria, China, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Lithuania, Malaysia, Malta, Mexico, Norway, Poland,

question.¹¹¹ In total, the number of reported closed cases was 742, with numbers varying significantly among the Parties.

(b) Of these cases, 258 (35%) involved waste electrical and electronic equipment and end-of-life vehicles/parts of vehicles in 151 cases (20%). For the reported cases of illegal traffic, the vast majority of exports come from Western European and other States; there is a significant - but much less - number of exports of waste from Eastern Europe with a minimal number of exports coming from the other regions; and by far the largest number of reported imports are into African countries, with a third of that number of imports going into WEOG countries; there are an appreciable number of imports into East European and Asian countries, and a minimal number of imports from countries in the group of Latin America and the Caribbean.¹¹²

(c) *Reported data on Article 5:* As of February 2020, all 187 Parties (100%) have nominated a focal point and 186 (99%) have nominated a competent authority.¹¹³

(d) *Border Controls:* the current reporting format does not ask about border controls, and the latest year for this data was 2015. Of the 180 Parties required to report in 2015, only 102 did (57%), and of those, 84 (47% of Parties) reported that they had undertaken border controls. Eight responded these were in preparation and ten reported that no border controls had been undertaken. Eighty-four, including those in preparation, indicated that they used the Harmonized System of the World Customs Organization.

(e) *Legislation:* The updated reporting format now requires in question 1(c) for a Party to indicate whether they have legislation implementing the Convention, and whether this addresses the prevention of illegal traffic, and (optional question) whether it makes it criminal. For 2017, out of 100 reporting Parties, 82 indicated that they had legislation, while 17 indicated they did not. Adding the Parties who indicated yes to this question in 2016 but did not report in 2017, the number of Parties reporting legislation implementing the Convention in either year is 94. If those 94 accurately responded that indeed their legislation implements the Convention, that fact alone would work towards preventing illegal traffic, notwithstanding how the Party responded to the additional question asked of whether a Party's legislation "makes provision to prevent" illegal traffic. This is noted because, of the 94 who reported implementing legislation, seven indicated that it did not provide for the prevention of illegal traffic.¹¹⁴ Of those seven, one Party indicated that the legislation does provide that illegal traffic is criminal. Of the 94 answering yes to having legislation, three Parties said their legislation addressed prevention of illegal traffic but did not provide that it is criminal (optional question). For the 182 Parties required to report in 2017, using the number of 94,¹¹⁵ this constitutes 52% of Parties.

(f) *Export controls:* Looking at the alternate measure of reported export controls, 105 Parties reported by 2017 as having controls on at least one of exports for final disposal or exports for recycling/recovery.

222. *Forms for confirmed cases of illegal traffic:* Although the reporting format only provided for table 9 as of 2016, Parties have had the ability since 1998 to transmit to the Secretariat a form for confirmed cases of illegal traffic. On the current website, there are only six cases reported since

Slovakia, State of Palestine, Sweden, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland.

¹¹¹ The Parties that did not respond to the question are Brazil, Ethiopia and Japan.

¹¹² From Party reports on table 9.

¹¹³ These numbers assume that the information the Secretariat currently holds is up to date, which is dependent on Parties transmitting notifications and updates as needed. While staff follow up whenever a discrepancy comes to their attention, and Parties are reminded at regular intervals to update these contacts, the list may not be fully accurate. For instance, 11 Parties in the list of competent authorities have no email address and seven in the list of Focal Points have no email address. As this is the only method of contact with the Secretariat (other than the rare paper invitation to the Conference of the Parties), and presumably the case with other Parties, this could become a big problem in the context of the operation of a global control system reliant on complete contact information for these designations to function.

¹¹⁴ This formulation of the question reflects the wording of Article 4.4 of the Convention verbatim; however, while legislation can aim to prevent illegal traffic whether that aim is specifically stated or not, it cannot require illegal traffic to be prevented. Depending on how narrowly someone interpreted "provide for prevention", the answers would require further delving into individual Party legislation to be sure of the significance of this response. A better measure is whether the Convention as a whole has been implemented, including Article 9, which outlines which violations (which would be translated into national law) constitute illegal traffic.

¹¹⁵ Those Parties in 2016 who did not report in 2017 were still Parties in 2017 and for that reason have been counted.

2011,¹¹⁶ although it is noted that the information is presented as submitted by Parties, without prejudice to the views of the Parties about the application of the Convention or whether the transboundary movement in question constitutes illegal traffic. There is also no definition of what “confirmed” consists of, meaning both alleged and confirmed cases have been reported. The increased results from table 9 compared to the number of forms submitted, appears to suggest that cases probably arose in other years for which no form was submitted.

223. *Requests for assistance in the identification of cases of illegal traffic transmitted by Parties to the Secretariat pursuant to Article 16 para 1(i):* Between the thirteenth meeting of the Conference of the Parties in 2017 to the end of 2019, the Secretariat provided assistance to five Parties.¹¹⁷

224. *Self-review of national legislation:* This process was established by the Conference of the Parties at its 13th meeting, and after its 14th meeting, in a 19 August 2019 communication, Parties were invited to undertake a self-review by 15 December 2019 for the Implementation and Compliance Committee to review at its fourteenth meeting. As of February 2020, no Party had submitted its legislation to the Committee after self-review. However, if the Party so requests, legislation is reviewed in the context of submissions before the Committee. All eight submissions that have been before the Committee so far on national reporting have led to a compliance action plan, including a review of legislation, and of the 14 new submissions to be considered for the first time by the fourteenth meeting of the Implementation and Compliance Committee, three Parties so far have indicated that their legislation needed to be reviewed.

225. *Report to the Conference of the Parties on technical assistance activities conducted by the Secretariat:*¹¹⁸ In the 2018-19 biennium, only one workshop was reported as providing training on preventing and combating illegal traffic in hazardous chemicals and wastes. In addition, a side event on combatting illegal traffic was held on the margins of fourteenth meeting of the Conference of the Parties. A 2018 workshop on the ban amendment also included strengthening efforts towards prevention of and combatting illegal traffic of wastes.¹¹⁹

226. *Programme of Work and Budget:* The programme of work and budget adopted by the fourteenth meeting of the Conference of the Parties and updated in July 2019¹²⁰ has preventing and combating illegal traffic and trade under activity 13,¹²¹ the technical assistance and capacity development programme of the Basel, Rotterdam and Stockholm conventions. Indicators of achievement include having up to 100 Parties trained on preventing and combating illegal traffic and trade, subject to the availability of funding. Under activity 14, training and capacity development activities under the Basel Convention, component 14.2, training and capacity building to control transboundary movements of hazardous and other wastes, with a projected outcome of increased capacities of Parties to implement the Convention’s control procedures, and thus prevent and combat illegal traffic. Projected activities are subject to available funding.

227. *Needs Assessment:* The latest data from 2016¹²² had 45 respondents from developing country Parties and Parties that are countries with economies in transition to the needs questionnaire. 28.9% of respondents considered illegal traffic a high priority area for technical assistance. When asked to indicate two priority areas to assist in preventing and combating cases of illegal traffic, responses were as follows: 87% identified the need to develop a national strategy to combat illegal traffic; 51% identified the need to support coordination at the national level, 40% identified the need for awareness-raising and 20% the review and drafting of legal texts. Regarding cross-cutting issues, 80% of respondents identified the need for national coordination for enforcement activities. Among the needs for establishing appropriate legal and administrative measures to implement and enforce the provisions of the Convention, 73.3% identified advice (policy, legal, institutional, technical and scientific), the development of project proposals (68.9%) and the development of legislation (51.1%).

¹¹⁶

<http://www.basel.int/Implementation/LegalMatters/IllegalTraffic/CasesofIllegalTraffic/tabid/3424/Default.aspx>.

¹¹⁷ UNEP/CHW.14/15, paragraph 12. No additional requests were made to the secretariat for the rest of 2019.

¹¹⁸ UNEP/CHW.14/INF/25/Rev.1.

¹¹⁹ This was the National consultation on the Basel Convention and facilitation of the entry into force of the Ban Amendment: <http://www.basel.int/tabid/6292/>. It was held in St. John’s, Antigua and Barbuda from 11 March to 12 March 2018.

¹²⁰ UNEP/CHW.14/INF/44/Rev.1.

¹²¹ Component 13.3.

¹²² UNEP/CHW.13/INF/35.

228. *4-year technical assistance plan, 2018-2021*: The plan was welcomed by the thirteenth meeting of the Conference of the Parties,¹²³ and its fourteenth meeting requested that a follow-up plan be developed by the Secretariat for the period 2022-2025¹²⁴ and, taking note of the work carried out on monitoring and evaluation, requested the Secretariat to include in its report to the fifteenth meeting of the Conference of the Parties information on the monitoring and evaluation of projects.

229. Under outcome 1, the current technical assistance plan contains several outputs and indicators of relevance to illegal traffic.

Outcome 1: Increased capacities of Parties to implement control procedures under the Basel Convention	
Output	Indicator
Prevention, identification, investigation and punishment of cases of illegal traffic	Technical guidelines and manuals on control schemes and transboundary movements are used and pilot tested in a number of Parties
Enhanced engagement of Parties with partners involved in the enforcement chain at the national level	Number of pilot projects implemented on the coordination at the national and regional level among entities involved in the enforcement chain
Development of legal and institutional frameworks implementing the control regime, including with respect to the roles and responsibilities of competent authorities.	Number of Parties that have developed or strengthened their legal and institutional frameworks

Table 10: Outputs and indicators of the Technical Assistance Plan

230. *Basel Convention Regional Centre activity report for the Conference of the Parties*:¹²⁵ In the report prepared for the fourteenth meeting of the Conference of the Parties in 2019, data for 2017-18 for all three conventions does not appear to provide for any activities directly related to illegal traffic and/or enforcement out of 59 technical assistance activities listed. However, there were a number of workshops related to e-waste, some aspect of which could relate to enforcement activities, but this is difficult to determine from the limited information reported.¹²⁶ The list of technology transfer activities for all three conventions contains three activities for all Basel Convention Regional Centres that relate to enforcement/illegal traffic (out of a total of 130 listed activities).

231. *Conference of the Parties decisions, including adoption of manuals and guidance to build capacity to prevent and combat illegal traffic*: The Basel Convention Training Manual on Illegal Traffic for Customs and Enforcement Agencies is now available in the six UN languages.

232. In 2014, the Secretariat published a Manual for Customs Officers on Hazardous Chemicals and Wastes under the Basel, Rotterdam and Stockholm Conventions.¹²⁷ The Manual describes in general what Customs officials should know to facilitate the legal trade in hazardous chemicals and wastes and is divided into six modules, each of them containing an introduction, lessons, questions and a resources section.

233. *Work of the Implementation and Compliance Committee*: The Implementation and Compliance Committee developed (and Conference of the Parties adopted in 2017) Guidance on the Implementation of the Basel Convention provisions dealing with illegal traffic (paragraphs 2,3 and 4 of Article 9).¹²⁸ The document is intended to provide practical and workable guidance for all actors involved in the control of transboundary movements of the wastes subject to the Basel Convention:

¹²³ The plan is contained in UNEP/CHW.13/INF/36, Section V.A., as welcomed by Decision BC-13/11, para. 2.

¹²⁴ Decision BC-14/18, para 8(d).

¹²⁵ UNEP/CHW.14/INF/29.

¹²⁶ A project on assessing financial guarantees to cover transboundary movements of hazardous and other wastes reported by BCRC Argentina also could be said to contribute towards addressing issues related to illegal traffic.

¹²⁷

<http://synergies.pops.int/Implementation/TechnicalAssistance/ToolsandMethodologies/ManualforCustomsOfficers/tabid/4457/language/en-US/Default.aspx>

¹²⁸ Decision BC-13/9, para. 15. It should be noted that the final manual addresses all of Article 9.

competent authorities, as well as the various entities involved directly or indirectly in the implementation and enforcement of the Convention (e.g. customs, port authorities, environmental inspectors, police, prosecutors, judges). The guidance also aims at harmonizing the way Parties deal with illegal traffic and to complement the above three existing guidance documents. It also references the updated Guide to the Control System and the updated Manual for the Implementation of the Basel Convention.

234. The fourteenth meeting of the Conference of the Parties approved the Implementation and Compliance Committee work programme for 2020-21 that included seven tasks related to illegal traffic:¹²⁹ undertaking a scoping exercise of the extent of illegal traffic, including number of cases assisting Parties to enhance coordination between their competent authorities and enforcement entities; establishing a dialogue on illegal traffic with other MEAs; reviewing the information provided by Parties on implementing legislation for the Convention; reviewing cooperative arrangements with international organizations and entities with a view to strengthening them; exploring modalities for disseminating existing guidance and technical assistance tools; and overseeing the activities undertaken under the Convention to prevent and combat illegal traffic and developing recommendations.

235. The work programme has three related items under “national legislation”: monitor progress achieved by Parties in transmitting to the Secretariat texts of national legislation and other measures adopted by them to implement and enforce the Convention; monitor requests for information received by the Secretariat from Parties aimed at facilitating the development and review of national legal frameworks, as well as the technical assistance activities of the Secretariat aimed at promoting the implementation of paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention; and develop recommendations on how to improve implementation of and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention, taking into account activity 2 (d) of the work programme.

236. *Guidance and support provided in the context of international cooperation activities by the Secretariat with other entities:* As a result of the mandate given to the Implementation and Compliance Committee in 2011 to develop draft terms of reference for cooperative arrangements on preventing and combating illegal traffic, the Conference of the Parties established in 2013 the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE),¹³⁰ a network of experts to promote Parties’ compliance with the provisions of the Basel Convention pertaining to preventing and combating illegal traffic through the better implementation and enforcement of national law. The Network aims to bring together existing resources and improve cooperation and coordination between relevant entities. The fourteenth Conference of the Parties invited INTERPOL, the World Customs Organization and the United Nations Office on Drugs and Crime to consider joining ENFORCE as members. This decision was noted at the most recent meeting of ENFORCE, in September 2019, at which INTERPOL and the WCO were present as observers. A major outcome of the meeting was the updating of the ENFORCE roadmap of priority activities.¹³¹

237. The Secretariat and INTERPOL have produced an e-learning module for law enforcement officers, which provides, among other things, information about dealing with suspicious or illegal trade/traffic, as well as self-administered questions and exercises.¹³²

238. The Secretariat continues its collaboration with the WCO with a view to finalizing e-learning modules for customs officers on preventing and combating illegal traffic through a focus on the Basel control procedures involved in transboundary movements of hazardous wastes.

239. The Green Customs Initiative developed a 2018 version of the Green Customs Guide to Multilateral Environmental Agreements,¹³³ updating the 2008 Guide, and provides an overview of the role of customs officials in multilateral environmental agreements, including general overviews of the Basel Convention, and addresses common issues for Customs officials. A Green Customs Initiative

¹²⁹ Annex to decision BC-14/15.

¹³⁰ Decision BC-11/8.

¹³¹ Report of the fourth meeting of the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic, 30 September-1 October 2019, UNEP/CHW/ENFORCE.4/3, Annex.

¹³²

<http://synergies.pops.int/Implementation/TechnicalAssistance/ToolsandMethodologies/Elearningmoduleforlawenforcement/tabid/3534/language/en-US/Default.aspx>.

¹³³ <https://www.greencustoms.org/>.

Workshop was held in Paraguay in 2019 for customs authorities in the region dealing in part with illegal traffic.¹³⁴

c. Analysis of data applied to the indicator and sub-indicators over time

240. The following discussion is based on the above information and organized around two key areas: what are the levels of illegal traffic under the Convention; and what are the tools available to deal with it at both the national and international levels?

241. *Levels of illegal traffic reported between 2011 and 2019:* There was not much increase in the number of cases of illegal traffic reported via the form, from two in 2011 to an additional five since that time for a total of seven. However, the number of incidents reported in table 9 for 2017 was 742 cases from 27 Parties, although there is no comparator, due to table 9 not having existed in 2011. With the advent of table 9 in the reporting format, it may be that for those Parties that report, information will be more consistent and accurate, and there will be the ability to track outcomes from the time they are reported during the year via the reporting form, or the Secretariat is requested for assistance in identifying cases, to when they become incorporated in the final table 9 reported for each Party (if they amount to illegal traffic upon closure). Of course, the 61% reporting rate currently affects the accuracy of the reporting on illegal traffic as well.

242. As noted above, the Implementation and Compliance Committee has been requested by the Conference of the Parties in its current work programme to undertake a scoping exercise about the extent of illegal traffic based on the information provided by Parties in table 9 of their national reports, the forms for confirmed cases of illegal traffic notified to the Secretariat and information provided by relevant international organizations and entities with a view to estimating: how many cases of illegal traffic there are; with respect to which wastes; in which regions; and how they were resolved. This exercise will provide the best data the Convention has had to date and could provide relevant baselines for the next strategic framework.

243. *Tools: administrative and technical capacity (indicator)*

(a) *Reported data on Article 5:* The situation with competent authorities is at 99% compliance, and all Parties have designated a focal point, both significant increases since 2011. The Secretariat has been monitoring this situation, and where there is a gap, acts bilaterally with Parties. Should this fail to result in the needed designation, the Secretariat can make a submission to the Implementation and Compliance Committee in accordance with its powers under the compliance procedures. This combination of actions has been very successful in securing designations of these two important roles under the Convention.

(b) *Border controls:* In 2011, 41% of Parties reported taking border control measures, and in 2015 (the last year this question was asked) 47% so reported. As this data is no longer requested under the annual reports, unless it is or another source of this information is obtained, it will not be possible to measure whether the level of effort at Parties' borders is improving. It is likely, however, that as legislative implementation improves and provides customs officials with the legal basis upon which to take border control actions, this area could be improved upon.

(c) *Legislation:* Although the figures for legislation posted on the Convention website in 2011 (111) and 2019 (127) are, for the reasons explained earlier, likely to be on the high side, if viewed as a percentage of Parties, this constitutes 64% and 70%, which still constitutes only a slight increase.

(d) *Export controls:* The number of Parties with export prohibitions or restrictions grew from 80 in 2011 (46% of Parties) to 105 in 2017 (58% of Parties), a modest increase.

(e) *Technical assistance/needs assessments/regional centre activities:* The number of technical assistance activities provided by the Secretariat related to illegal traffic and enforcement was significantly higher in 2011-12, which may have been due to the Probo Koala and E-waste Africa programmes operational at that time. Although there was a workshop on illegal traffic before the beginning of the fourteenth meeting of the Conference of the Parties, there was only one other activity clearly described as such in the biennium preceding that Conference of the Parties. Similarly, only three activities directly related to illegal traffic were organized by the Basel Convention Regional Centres during the most recent biennium. Both needs assessments in 2014 and 2016 asked specifically about illegal traffic, rather than asking for that to be identified as a problem by responding Parties. However, although the number of respondents does not reflect the full range of developing country Parties or Parties with economies in transition, needs with respect to illegal traffic are consistently identified as having a national strategy, better national coordination, improved controls at the border

¹³⁴ UNEP/CHW/ENFORCE.4/INF/4.

and legislation. Based on this information, it would appear that a significant number of Parties continue to feel the need for assistance on the subject of illegal traffic. As regards the 4-year technical assistance plan, the inclusion of illegal traffic in it is a clear signal that the Conference of the Parties considers this to continue to be a priority topic. However, it should be noted that the plan has different indicators on illegal traffic than those in the strategic framework. The facts show that cases of illegal traffic continue to occur—742 were reported for 2017, albeit from only 27 Parties. Both Parties individually and the Conference of the Parties continue to identify it as a priority issue.

244. *Tools: Decisions of the Conference of the Parties, including adoption of manuals and guidance to build capacity to prevent and combat illegal traffic:* It is evident from the foregoing listing of the various manuals and guidance documents that have been adopted both before and after the baseline year by the Conference of the Parties, that there has been consistent follow through by the Implementation and Compliance Committee in particular to develop tools for Parties and those involved in the Basel Convention control system to prevent and combat illegal traffic. The number of efforts, and the extensive mandate given in 2019 to the Committee to continue to focus on illegal traffic, suggests a view by the Conference of the Parties that further assistance is needed to reach an adequate level of capacity to prevent and combat illegal traffic and judicial capacity to deal with cases of illegal traffic.

245. *Tools: Guidance and support provided in the context of international cooperation activities by the Secretariat with other entities:* The number of ongoing efforts is a sign that capacity is still an issue, but they do not provide quantitative data in this regard. The overall volume of recent or ongoing activities allows an inference to be drawn about Parties' general capacity collectively, but not individually. As mentioned above, the Implementation and Compliance Committee is reviewing cooperative arrangements with international organizations and entities with a view to strengthening them, including the terms of reference of ENFORCE. It is noteworthy in this regard that ENFORCE does not have INTERPOL, the WCO or the UN Office on Drugs and Crime as members.

d. Main findings, conclusions and recommendations for objective 1.2

246. *Main findings:* It is difficult to assess progress under the indicator and sub-indicators, due to a shortage of data on levels of administrative and technical capacity in Parties. Based on national reports, for items mentioned in the indicators, there has been a slight increase in border controls part way through the relevant period (question no longer asked on the reporting format). As of 2016, Parties have been directly asked about national implementing legislation and whether it addresses the prevention of illegal traffic. Based on data from the baseline and 2019 questionnaires, it would appear that there was a slight reduction in the number of Parties with adequate levels of administrative and technical capacity to prevent and combat illegal traffic, including judicial capacity; the number of Parties reporting taking control actions increased from 53% of respondents to 88%; the number of training programmes has remained constant.

247. *Conclusion:* Current data provides a very limited picture, mainly due to low reporting levels, but it would appear that a significant number of Parties still face gaps in their capacity to prevent and combat illegal traffic as set out in the indicator.

248. *Recommendation:* See recommendations below about reporting, information-gathering and indicators.

249. *Main findings:* Levels of illegal traffic are difficult to establish at this time, and little data is available from 2011 because the reporting format did not request this information. A mandate has been given to the Implementation and Compliance Committee to undertake a scoping exercise about the extent of illegal traffic based on the new table 9 of the reporting format on illegal traffic and other data.

250. *Conclusion:* The mandate given to the Implementation and Compliance Committee about the extent of illegal traffic based is expected to provide the Conference of the Parties at its fifteenth meeting with a better sense of these statistics.

251. *Main findings:* The indicators provided for objective 1.2, to prevent and combat illegal traffic in hazardous and other wastes, are lacking: (i) they do not have national legislation¹³⁵ as an indicator, even though levels of legislative implementation and border control appear at this time to hover between only 50% and 60% of Parties. (ii) there is no indicator about judicial capacity, even though a number of Parties continue to indicate they lack such capacity; (iii) data on the number of border controls was asked in the 2011 reporting format, but is no longer requested; (iv) there is no indicator

¹³⁵ For purposes of this document, any reference to legislation includes subordinate legislation such as regulations.

about the designation of competent authorities, the backbone of the control system, although through Secretariat monitoring and follow-up the designation of national focal points is at 100% compliance and competent authorities at 99% compliance.

252. *Conclusions:* Trafficking in hazardous wastes or other wastes is not illegal in any jurisdiction without legislation, and therefore legislation is a fundamental underpinning in achieving this objective, and its overarching goal of effective implementation of Parties' obligations on transboundary movements of hazardous and other wastes. If a future strategic framework and/or effectiveness evaluation should be developed and consider other indicators, such as on judicial capacity or border controls, it should identify the source of such information at the time the indicator is adopted. (iv) The Secretariat should continue to monitor the situation of focal points and competent authorities.

253. *Recommendation:* The Conference of the Parties should consider incorporating in any future strategic framework addressing illegal traffic a clear indicator on legislation that measures the number of Parties who have legislation that fully implements the Basel Convention,¹³⁶ as well as other indicators noted above and any others suggested by the work of the Implementation and Compliance Committee from its current work programme, subject to having an available information source for them.

254. *Main finding:* Parties continue to identify illegal traffic as a concern, but there has been a decrease in the percentage of technical assistance activities focusing on illegal traffic held over the lifetime of the strategic framework. The programme of work and budget for the 2020-21 biennium sets out a number of training activities on illegal traffic approved by the Conference of the Parties that will enable the Secretariat to help Parties prevent and combat illegal traffic as identified in the needs assessment, and also sets out activities related to national legislation. The Implementation and Compliance Committee has also been mandated with a range of activities related to identifying challenges faced by Parties to prevent and combat illegal traffic and how to overcome them. As regards legislation in particular, possible sources of technical assistance are described in the discussion under objective 2.1 below.

255. *Conclusion:* Technical assistance activities are subject to voluntary funding being available, and the level of illegal traffic will be better known after the Implementation and Compliance Committee has completed the activities of its 2020-2021 work programme.

256. *Recommendation:* The number, type and geographic location of training activities in the 2022-2023 biennium should be guided by the outcome of the Committee's activities, including the scoping exercise. Given limited voluntary funding for these activities, the approach to training on illegal traffic could emphasize as a first step, for those Parties lacking it, training on national legislation implementing the Convention. For Parties with national legislation, training on border enforcement and prosecution of illegal traffic cases are appropriate as they have the legal basis in place for these activities.

257. *Main finding:* The Conference of the Parties through the Implementation and Compliance Committee has ensured that multiple guidance manuals are available to Parties, thus enhancing collective capacity and promoting harmonized approaches to illegal traffic. The most recent manual on Article 9 adopted at the thirteenth meeting of the Conference of the Parties indicates it is complementary to earlier manuals/guidance on illegal traffic.

258. *Conclusion:* No new manuals appear to be needed at this time.

259. *Recommendation:* The Implementation and Compliance Committee should use its standing mandate on review and updating of reports to verify whether those earlier manuals/guidance need to be updated.

3. Objective 1.3

¹³⁶ Specific recommendations on legislation are found under objective 2.1.

Goal 1

Effective implementation of Parties' obligations on transboundary movements of hazardous and other wastes

Objective 1.3

To improve performance in meeting requirements pertaining to, among other things, notifications of national definitions of hazardous and other wastes, prohibitions and other control measures

Indicator: Percentage of Parties that have notified national definitions of hazardous wastes to the Secretariat in accordance with Article 3 of the Basel Convention

260. No question on this objective was included in the baseline and final evaluation questionnaire. Additional sources of information used in this section are annual national reports; national definitions of hazardous waste; import restrictions and prohibitions; export restrictions and prohibitions; information on competent authorities and focal points; legislation adopted by Parties to implement the Convention and questions about the use of notification and movement documents included in the annual national reports.

a. Data from 2011 baseline questionnaire and additional information sources

261. *Baseline questionnaire:* There was no question included on this point.

262. *Annual reports:* An effective way of measuring for the purpose of the indicator is to examine whether Parties had reported in question 2(c) on whether the Party has a national definition of hazardous wastes as per Article 1.1(b).¹³⁷ The annual report can constitute notification of this national definition and such reports including the national definitions must be so notified before the end of each calendar year. Notifications can also occur separately to the Secretariat at any time.

263. While the indicator is relevant to part of the objective, one challenge with the relevance of the indicator to goal 1 is that Parties are not required to have a national definition of hazardous wastes that goes beyond that of the Convention. However, if they do, they are required to notify it should they wish to rely on the resulting obligations on other Parties that will apply to such transboundary movements.¹³⁸ Similarly, import prohibitions under Article 4 are not required to be implemented, but if a Party does adopt and notify them, then other Parties are required to respect them. Simply having them, however, does not provide an indication of whether the Party has fully implemented the Basel Convention control procedure, but merely that the Party is making use of an additional right under the Convention.

264. There are other aspects of the goal of effective implementation of Parties' obligations on transboundary movements of hazardous and other wastes that are more reflective of whether performance has improved with respect to the transboundary movement control system in the Convention, and several are highlighted here as they fall under "other control measures" in the objective, and contribute to the goal. These include whether it has enacted export controls, designated country contacts pursuant to Article 5, in particular one or more competent authorities, whether a Party has legislation implementing the Convention, whether and how this is enforced, and whether it uses the notification and movement document forms of the Basel Convention. A number of these will be canvassed here.

(a) *National definitions:* In 2011, through the national reports 45 Parties (26% of Parties required to report) indicated that they regulated additional wastes not included within Article 1.1(a) of the Convention and would be controlled for purposes of Article 1.1 (b), while 36 indicated that they did not.

(b) *Import restrictions and prohibitions:* Article 4.1.a of the Convention requires Parties exercising their right to prohibit the import of hazardous wastes or other wastes for disposal to inform the other Parties of their decision pursuant to Article 13. Like the notification of national definitions, there is no requirement for Parties to impose restrictions or prohibitions on imports of wastes (apart from those that will not be managed in an environmentally sound manner),¹³⁹ but if they do, they must be notified to make other Parties aware and again in order to rely on the Convention's provisions. Taking into account this limitation on the data's utility, up until 2011, 126 Parties have indicated that they have a restriction on the import of hazardous wastes and other wastes for final disposal, with nine

¹³⁷ Question 2(b) in the current reporting format.

¹³⁸ See articles 3.1 and 6.5 of the Convention.

¹³⁹ Article 4.2.g.

having measures in preparation. 117 Parties have reported import restrictions for recovery, with eight in preparation.

(c) *Export restrictions and prohibitions*: Export restrictions and prohibitions are numerous in the Convention and are a more reliable indicator of whether a Party has implemented the Convention's control procedures. While the questions in the reporting form do not drill down as far as whether a Party has imposed an export ban to non-Parties or to Antarctica,¹⁴⁰ the legislation referred to in response to the more general questions about whether a Party has an export ban or restriction is illustrative of whether controls have been implemented. There is also an explicit question about whether the Party has implemented the ban amendment,¹⁴¹ mindful that not all Parties have ratified the amendment and that it entered into force only in December 2019. As of 2011, 77 Parties had indicated that they had restrictions on the export of hazardous wastes and other wastes for final disposal, while nine indicated they had such restrictions "in preparation". 78 Parties indicated that they had restrictions on the export of hazardous wastes and other wastes for recovery, with nine Parties indicating such measures were in preparation. 80 Parties had one or the other of such measures in place.

(d) *Competent authorities and focal points*: As of 10 December 2010, out of 175 Parties, 18 Parties had not designated a competent authority (10%), and ten Parties (6%) had designated neither a focal point nor a competent authority.¹⁴²

(e) *Legislation*: In 2011, 111 Parties had legislation implementing the Convention published on the Convention's website.¹⁴³ For the reasons discussed later in this report, this number is likely to be higher than the number of Parties with legislation fully implementing the Convention, although it is difficult to be sure given the low levels of reporting (50%) and the fact that no review has ever been conducted of whether Parties' submitted legislation fully implements the Convention.

(f) *Notification and movement document form usage*: in 2011, 76 Parties (44%) reported that they used the Convention's notification and movement document forms, while 4 reported they did not.

b. Latest data from 2019 questionnaire and additional information sources

265. *2019 questionnaire*: No question was included on this point.

266. *Annual reports*:

(a) *National definitions*: Of 182 Parties required to report in 2017, 79 (43%) indicated yes to the question of whether they had a national definition of hazardous wastes as per Article 1.1(b), while 19 indicated that they did not.

(b) *Import restrictions or prohibitions*: Over the lifetime of the Convention, 142 Parties have indicated that they have a restriction on the import of hazardous wastes and other wastes for final disposal, with 6 having measures in preparation. 132 have reported import restrictions for recovery, with 5 in preparation.

(c) *Export restrictions or prohibitions*: Based on all national reports up to and including 2017, 100 Parties (55% of the 182 Parties required to report in 2017) have indicated that they have adopted export controls for final disposal and 88 (48%) for recovery. 105 Parties reported at least one of those two measures (58% of Parties required to report).

(d) *Competent authorities and focal points*: As of February 2020, all 187 Parties (100%) have nominated a focal point and 186 (99%) have nominated a competent authority.¹⁴⁴

¹⁴⁰ Articles 4.5 and 4.6.

¹⁴¹ Adopted by decision III/1 of the third meeting of the Conference of the Parties in 1995.

¹⁴² UNEP/CHW/CC/8/20.

¹⁴³ For more details, see chapters 1.4 and 2.1. For the reasons discussed later in this report, this number is likely to be higher than the number of Parties with legislation fully implementing the Convention, although it is difficult to be sure given the low levels of reporting (50%) and the fact that no review has ever been conducted of whether Parties' submitted legislation fully implements the Convention.

¹⁴⁴ These numbers assume that the information the Secretariat currently holds is up to date, which is dependent on Parties transmitting notifications and updates as needed. While staff follow up whenever a discrepancy comes to their attention, and Parties are reminded at regular intervals to update these contacts, the list may not be fully accurate. For instance, 11 Parties in the list of competent authorities have no email address and 7 in the list of focal points have no email address. As this is the only method of contact with the Secretariat (other than the few occasions where meeting invitations are transmitted by post, which is not the usual practice), and presumably the case with other Parties, this could become a big problem in the context of the operation of a global control system reliant on complete contact information for these designations to function.

(e) *Legislation*: As noted in the section above on illegal traffic, in the 2017 annual reports, where there was a specific question on implementing legislation, 82 Parties indicated that they had legislation, while 17 indicated they did not. Adding the Parties who indicated yes to this question in 2016 but did not report in 2017, the number of Parties reporting legislation implementing the Convention is 94. By 2017, 127 pieces of legislation were posted on the Convention website.

(f) *Notification and movement document form usage*: In 2017, 96 Parties (53%) reported the use of the forms, while four reported that they did not use the forms.

c. Analysis of Data applied to the indicator and sub-indicators over time

267. The chart below summarizes the data available on the indicator as well as several other measures related to the Basel Convention control system.

Aspect of the control system	2011: # of Parties responding yes	2011: % yes of the 174 Parties required to report	2017: # of Parties responding yes	2017: % yes of the 182 Parties required to report	Assessment of progress
Notification of national definitions (indicator)	45	26%	79	43%	Because it is not mandatory to adopt a national definition beyond the Basel Convention's scope, then short of a comprehensive review of each Party's legislation, it is difficult to judge whether all relevant definitions have been notified. Further, this indicator does not serve as an indication of full implementation of the Basel Convention control procedure.
Adoption of import prohibitions or restrictions	Final disposal: 126	72%	Final Disposal: 142	78%	Slight increase in the number of Parties indicating import prohibitions or restrictions for final disposal
	Recovery: 117	67%	Recovery: 132	73%	Slight increase in the number of Parties indicating import prohibitions or restrictions for recovery
Adoption of export controls	For final disposal: 77	44%	Final disposal: 100 ¹⁴⁵	55%	80 Parties (46%) had at least one of the two export controls in 2011, but by 2017 105 Parties (58%) had at least one of the two export controls noted here.
	Recovery: 78	45%	Recovery: 88	48%	80 Parties (46%) had at least one of the two export controls in 2011, but by 2017 105 Parties (58%) had at least one of the two export controls noted here. Moderate increase.

¹⁴⁵ This number is cumulative over time so represents totals based on all reports up to and including 2017.

Aspect of the control system	2011: # of Parties responding yes	2011: % yes of the 174 Parties required to report	2017: # of Parties responding yes	2017: % yes of the 182 Parties required to report	Assessment of progress
Designation of focal points and competent authorities	CA: 157	90% ¹⁴⁶	186	99% ¹⁴⁷	Almost full compliance
	FP: 165	94%	187	100%	Full compliance
Adoption of implementing legislation	No specific question on legislation in 2011, but 88 Parties of 174 reported	51%	94	52%	No specific question in 2011; direct question in 2017; difficult to compare
	Based on national reports and separately submitted legislation, 111 Parties' legislation posted on website	64%	Based on national reports and separately submitted legislation, 127 Parties' legislation posted on the website (2019)	70%	Even if one were to assume these numbers are not overly high, difficult to compare because of the lack of mandate and difficulty to consider to what extent these texts implement the obligations under the Convention
Use of Convention notification and movement forms	76	44%	96	53%	Some increase in the number of Parties reporting use of the forms

Table 11: Data relevant to the indicator and other aspects of the Basel Convention control system

268. Looking at the range of elements of the control system above, lack of data is a recurrent problem due to non-reporting, but it is also difficult to measure progress from the baseline year due to different questions being used in the reporting format.

269. This indicator proves little about the overall goal of effective implementation of Parties' obligations on transboundary movements of hazardous and other wastes. The same is true about import controls pursuant to Article 4.1.a, which are not mandatory to have, but are mandatory to notify if a Party does have them.

270. Both of these notifications involve information within the knowledge of Parties that can enhance the protections afforded under the Convention for those Parties as a result. For that reason, the temporary extended trigger for the Secretariat to trigger submissions under the Basel Convention mechanism for promoting implementation and compliance¹⁴⁸ in relation to the requirement to make the Article 3 and 4.1.a notifications to the Secretariat was discontinued by the fourteenth meeting of the Conference of the Parties due to the difficulty for the Secretariat—rather than Parties themselves—to be aware of when such a situation exists for individual Parties.¹⁴⁹ The extended trigger for specific submissions in relation to this obligation was never utilized by the Secretariat.

¹⁴⁶ Based on 175 Parties. Only 174 Parties were required to report for 2011, meaning one country became a Party that year and was not required to submit a report, whereas notification of the national focal point and competent authorities is an obligation within three months of becoming a Party.

¹⁴⁷ Based on 187 Parties with an obligation to provide this information.

¹⁴⁸

<http://www.basel.int/Implementation/LegalMatters/Compliance/OverviewandMandate/tabid/2308/Default.aspx>.

¹⁴⁹ See decision BC-14/15, paragraphs 5 and 6. While such information can be derived from the examination of each Party's legislation, this is job that has not been undertaken—and should not—due to the scale, language and interpretation issues, and the fact that Parties are required to provide this information in the reporting format.

271. Export controls—the measures which help protect other Parties—are a more telling measure of whether a Party has implemented the Basel Convention control system for transboundary movements of hazardous wastes and other wastes. These numbers, accumulated over time to provide totals for 2017, illustrate that slightly more than half of the Parties have export controls of some nature. Although theoretically non-reporting Parties could be in full compliance, without their national reports it is impossible to tell.

272. A key element of the control system is the requirement to designate at least one competent authority. Over the period of the strategic framework, the level of designation of competent authorities has improved significantly to the point of almost 100% compliance. The designation of national focal points is at 100%, thanks to ongoing monitoring by the Secretariat. It is however crucial that Parties continue to designate and maintain updated contacts for the Convention, including communicating email addresses.

273. The question of legislation is addressed in more detail, below, under objective 2.1, and was touched on under objective 1.2. For 2016 and 2017, the two years where it was required for Parties to respond directly to a question about whether they had implementing legislation, between the two years only 94 Parties (52%) indicated that they had implementing legislation. If we use the number of Parties reporting as a surrogate for whether they have implementing legislation (because for 2016/17 these numbers appear to align), only 88 of 174 Parties required to report reported in 2011. If we use the figures of those Parties having legislation posted on the website, the number has increased slightly over time.

274. Looking at the last indicator that has been suggested—use of the Convention forms for the notification and movement documents—there has been a slight increase in this over the ten years of the strategic framework, having moved from 44% to 53% of Parties over the ten-year period. Once again, whether there are non-reporting Parties using the forms is not information that is available to the Conference of the Parties.

275. Overall, it appears that other than for the measure of designation of focal points or competent authorities where there is 100% and 99% compliance mainly due to Secretariat perseverance, and the modest increase in export controls, there has marginal if any increase in a number of the measures examined under this objective, revealing a clear information gap with respect to the control system which is suggestive of an equally large implementation gap.

d. Main findings, conclusions and recommendations for objective 1.3

276. *Main finding:* Based on available information, apart from the designation of national focal points and competent authorities, it is likely that approximately only 50% to 60% of Parties have implemented all required elements of the control system. The indicator of the percentage of Parties that have notified national definitions of hazardous wastes to the Secretariat is not helpful in determining whether the goal has been achieved, i.e. “Effective implementation of Parties’ obligations on transboundary movements of hazardous and other wastes”.

277. *Conclusion:* The current indicator does not provide information relevant to the objective. With some tightening of the current objective, and additional indicators such as competent authorities and legislative implementation, a more accurate analysis could be provided about whether the goal has been achieved, but this would also be predicated on having higher levels of reported information to provide a sounder basis of assessment over time.

278. *Recommendation:* The Conference of the Parties in any future strategic framework could consider some of the elements of the control system utilized in the analysis of this objective to develop more meaningful indicators for this goal.

279. *Recommendation:* An indicator could be designed to measure the trend regarding the occurrence of cases misidentified as illegal traffic, resulting from the failure of a State to notify wastes, other than those listed in Annexes I and II, considered or defined as hazardous under its national legislation and any requirements concerning transboundary movement procedures applicable to such wastes.

280. *Recommendation:* see recommendations related to reporting under objective 1.4 below.

281. *Recommendation:* see recommendations related to legislation under objective 2.1 below.

4. Objective 1.4

Goal 1

Effective implementation of Parties’ obligations on transboundary movements of hazardous and other wastes

Objective 1.4

To generate, provide, collect, transmit and use reliable qualitative and quantitative information and data regarding export, import and generation as required under Article 13 of the Convention.

Indicator

Percentage of Parties reporting information to the Secretariat under Article 13.

282. No question on this objective was included in the baseline and final evaluation questionnaire. Sources of information used in this section are annual national reports; and the classification of Parties' compliance performance with regard to the annual reporting obligations undertaken by the Implementation and Compliance Committee.

283. It is important to note that target 12.4 under Sustainable Development Goal 12 ("Ensure sustainable consumption and production patterns") is: "*By 2020, achieve the environmentally sound management of chemicals and all wastes throughout their life cycle, in accordance with agreed international frameworks, and significantly reduce their release to air, water and soil in order to minimize their adverse impacts on human health and the environment.*"

284. The indicator relevant to this, 12.4.1, addresses reporting: "*Number of parties to international multilateral environmental agreements on hazardous waste, and other chemicals that meet their commitments and obligations in transmitting information as required by each relevant agreement.*"¹⁵⁰

285. Progress on reporting under the Basel Convention therefore has implications beyond the Convention.

a. Data from 2011 baseline questionnaire and additional information sources

286. *Baseline questionnaire*: There is no question on this in the questionnaire.

287. *Annual National Reports 2011*: Out of 174 Parties required to report for 2011, 88 did so, for a percentage of 51%.¹⁵¹

288. *Classification of Parties' compliance performance with regard to the annual reporting obligations for 2011 undertaken by the Committee Administering the Mechanism for Promoting Implementation and Compliance*.¹⁵² This exercise is conducted three years after the year in question (i.e. 2014 for 2011); this allows late reports to be factored into the totals. This is done by the Implementation and Compliance Committee at the regular request of the Conference of the Parties. Apart from total numbers and percentage of Parties reporting, the Committee also has benchmarks for completeness and timeliness of reporting. This is the most detailed and accurate evaluation of reporting information available under the Convention.

289. In 2011, less than one percent (.58%) of the Parties reported in a complete manner (against a target of 20%) and only 17% were on time (against a target of 30%).

b. Latest data from 2019 questionnaire and additional information sources

290. *2019 questionnaire*: There is no question on this in the questionnaire.

291. *Latest annual reports*: For the 2017 reporting year, as of December 15, 2019, one hundred Parties have reported out of a total of 182¹⁵³ required to report, constituting 55% of the Parties.¹⁵⁴

¹⁵⁰ The other indicator, 12.4.2, will be addressed later in this report under Goal 3, and states: "*Hazardous waste generated per capita and proportion of hazardous waste treated, by type of treatment.*"

¹⁵¹ It should be noted that while objective 1.4 speaks to information on generation, import and export, the indicator speaks simply to what is required to be reported under Article 13, and this is a larger issue than whether specific types of information are provided. The work of the Implementation and Compliance Committee on classification of Parties' compliance with their reporting obligations has revealed that for 2016 information on export and imports were provided by over 90% of reporting Parties. This section of the report will focus on the reporting issue in general, while specific issues related to generation statistics will be addressed under objectives 2.2 and 2.3.

¹⁵² UNEP/CHW.14/INF/21, Annex I. This report was prepared by the Implementation and Compliance Committee based on data available to them in June 2018.

¹⁵³ Angola only became a Party in 2017 and was not required to report for that year.

¹⁵⁴ Please note that since that date, four more Parties reported, bringing the total up to 104 and 57%. However, these were not taken into account as it would have required recalibrating all calculations for 2017 for this report with very little practical gain.

292. *Implementation and Compliance Committee classification of Parties' compliance with their reporting obligation:* The latest classification exercise by the Committee, conducted in June 2020, was for the year 2016.¹⁵⁵

293. In 2016, 110 Parties of 180 required to report did so, 61%. 36% of the Parties reported complete, against a target of 20%, and 37% were on time, against a target of 30%. Twenty-three percent of reports due for 2016 were transmitted complete and on time against a target of 25 percent, with 36 percent of reports for 2016 transmitted complete, whether on time or late, against a target of 50 percent.

294. For 2017, a preliminary assessment by the Committee indicated that 38 percent of the Parties transmitted their report on time (December 31, 2017), a very slight increase. It also appears likely that 31% of reports would be deemed transmitted complete, whether on time or late.¹⁵⁶ It should be noted that a revised reporting format was adopted by the Conference of the Parties for the years 2016 and onwards.¹⁵⁷ The classification of Parties' compliance with their reporting obligation for 2016 and 2017 is part of the Committee's programme of work for 2020-2021 and will therefore be considered by the fifteenth Conference of the Parties in 2021.

295. *Implementation and Compliance Committee work programme for 2020-2021:* The work programme of the Committee for national reporting is to: (a) Classify and, as appropriate, publish information on Parties' compliance with their annual national reporting obligations for 2016 and 2017 based on the assumptions, criteria and categories adopted by the Conference of the Parties at its thirteenth meeting¹⁵⁸ and the targets adopted by the Conference of the Parties at its fourteenth meeting;¹⁵⁹ (b) Develop recommendations on the revision of targets referred to in paragraph 13 of decision BC-14/15 for the reports due for 2018 and subsequent years; (c) With a view to increasing the completeness and timeliness of national reporting under paragraph 3 of Article 13, explore how individual Parties can integrate national reporting needs under the Basel Convention into the United Nations Development Assistance Framework; (d) Monitor the activities undertaken by or with the support of the Basel Convention regional and coordinating centres, the United Nations Environment Programme and other entities aimed at assisting Parties to transmit national reports and develop recommendations on improving implementation and compliance with paragraph 3 of Article 13 of the Convention; (e) Develop recommendations on how best to make use of the information contained in the national reports as a means of improving timeliness and completeness of national reporting under paragraph 3 of Article 13 of the Basel Convention. In addition, the Committee was mandated to consider elaborating and further assessing measures not included under paragraphs 20 (a) and (b) of the terms of reference of the Committee that may be required when a Party has not submitted its national report for two or more years since the report due in 2016, and to report to the Conference of the Parties at its fifteenth meeting.¹⁶⁰

c. Analysis of data applied to the indicator over time

296. The table below outlines the latest available numbers as well as the progress between 2011 and the latest annual reports classified by the Implementation and Compliance Committee.¹⁶¹

	# of Parties required to report	# of Parties reporting	% of Parties reporting	% reporting on time*	% reporting complete*
2011	174	88	51%	0.58%	17%
2015	180	99	55%	26%	18%

¹⁵⁵ UNEP/CHW/CC.14/3/Add.1/Rev.1.

¹⁵⁶ UNEP/CHW/CC.14/3/Add.7

¹⁵⁷ Decision BC-12/6, and further updated by decision BC-13/9 and decision BC-14/10.

¹⁵⁸ Decision BC-13/9, para. 12.

¹⁵⁹ Decision BC-14/15.

¹⁶⁰ See paragraph 19 of decision BC-14/15. Although this work was not completed at the time of writing of this report, the Implementation and Compliance Committee recently held two online parts of its fourteenth meeting from 29 June 2020-3 July 2020 and 21-25 September 2020, with a final online part scheduled for the week of December 7, 2020. Relevant documents are available at: <http://www.basel.int/TheConvention/ImplementationComplianceCommittee/Meetings/ICC14/Overview/tabid/8289/Default.aspx>

¹⁶¹ The narrative has been amended to reflect the 2016 overall numbers, recently made available by the Implementation and Compliance Committee. Because the 2017 data is "preliminary" in nature, the reporting rate used here is the 2016 rate of 61%. Since the December 2019 cut-off date for 2017 reports, four additional Parties have reported but their data has not been integrated throughout this report.

2016 ¹⁶²	180	110	61%	38%	36%
2017 ¹⁶³ (preliminary; Implementation and Compliance Committee still to review)	182	104	57%	38%	31%

Table 12: Comparative reporting data over time based on national report tabulations, and data from Implementation and Compliance Committee classification exercise (marked *)

297. The indicator is about the percentage of Parties reporting information under Article 13. There has been a 10% increase in the reporting rates over the period of the strategic framework, from 51% to 61%. The Committee has nevertheless noted that the targets for the year 2016 approved by the Conference of the Parties at its fourteenth meeting have not been met, with 23 percent of reports due for 2016 transmitted complete and on time against a target of 25 percent, and with 36 percent of reports for 2016 transmitted complete, whether on time or late, against a target of 50 percent. It has also concluded that the adoption of revisions to the format to be used for national reporting for the year 2016 and onwards by decisions BC-12/6 and BC-13/9 has led to improvements in the overall rate of transmission of national reports, with, as at 26 August 2020, 61 percent of Parties, or 110 out of 180 Parties required to do so, having transmitted their report for 2016 against 55 percent for 2015, while emphasizing that the problem of non-reporting, incomplete reporting or late reporting is all the more serious because of the close link between the core obligations of the Convention and the obligation to transmit national reports in accordance with paragraph 3 of Article 13 of the Convention.¹⁶⁴ With a view to monitoring overall progress with the overall reporting rate, the Committee is recommending that the Conference of the Parties, at its fifteenth meeting, consider setting a 70% overall reporting rate¹⁶⁵. The Committee's detailed data on reporting is very useful in considering this objective, and the fact that it is done three years after the relevant years under consideration is not a huge factor in understanding the situation.

298. As to what needs to be targeted, this has been clearly delineated by the Committee, both in its general work for improving national reporting and in its approach to individual cases of compliance difficulties referred to it, where the lack of national implementing legislation and lack of national inventories are the two areas most frequently addressed by the Committee in action plans for individual cases.

299. The Committee provided a report to the fourteenth meeting of the Conference of the Parties analyzing the reasons for failure to report: the reporting format, reasons pertaining to national circumstances, and lack of perceived benefits of reporting or consequences of lack of reporting.¹⁶⁶ It noted that the reporting format cannot in and of itself be held primarily responsible for the lack of reporting, but can explain incomplete reports. Substantial work has been done since the eleventh meeting of the Conference of the Parties on the reporting format, and small increases as noted earlier, are already being seen in the rate of timeliness. Whether completeness has also improved is a matter the Committee still has to examine.

300. A second reason for failure to report pertains to national circumstances, which generally has fallen in the following three categories: lack of available data (e.g. lack of inventories), inadequate legal and institutional frameworks, and lack of capacity (e.g. human resources, information technology). The third reason was the lack of perceived benefits in reporting or consequences for failure to report.

301. The Implementation and Compliance Committee has focused extensively on systemic issues of non-reporting, but also on assisting Parties through individual cases, where most such cases before the Committee have involved non-reporting. Of 17 submissions that have been before the Committee to date, 11 involved a failure to report. In March 2019, the Secretariat triggered 14 further cases

¹⁶² UNEP/CHW/CC.14/3/Add.1/Rev.1.

¹⁶³ UNEP/CHW/CC.14/3/Add.7.

¹⁶⁴ See the draft conclusions in UNEP/CHW/CC.14/3/Add.1/Rev.1, which were agreed by the Committee during the 21-25 September 2020 online sessions of its fourteenth meeting (UNEP/CHW/CC.14/8/Add.1).

¹⁶⁵ See the report of the 21-25 September 2020 online sessions of the fourteenth meeting of the Committee (UNEP/CHW/CC.14/8/Add.1).

¹⁶⁶ UNEP/CHW.14/INF/21, Annex III.

pertaining to difficulties with national reporting, which will be considered by the Committee during its fourteenth meeting. Of the 11 cases that have been resolved, three were due to the reports being transmitted, and six (plus two other ongoing cases) action plans addressed the issues of lack of legislation and lack of inventories and benefited from support from the Implementation Fund.

302. On systemic issues, numerous activities have been undertaken by the Committee, a Small Intersessional Working Group on Reporting and the Secretariat to try to improve reporting.¹⁶⁷ Among them: updating and completing a manual for completing the format for national reporting and a user manual for the electronic reporting system; developing guidance documents such as the guidance on the development of inventories and guidance on improving national reporting.

303. The Committee proposed a number of ideas to the fourteenth meeting of the Conference of the Parties to address this important issue,¹⁶⁸ and most of them were adopted in one form or another, with a number of them in the Committee's work programme for 2020-21. In particular, the Conference of the Parties responded by requesting the Secretariat to expand its technical assistance activities aimed at supporting Parties in transmitting their national reports, including country-level technical assistance activities, targeting both the development of inventories and the development of adequate legal and institutional frameworks.

304. It also encouraged Parties not transmitting national reports complete and on time that seek support from the 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 to include in their project proposal a specific deliverable on the transmission of reports pursuant to paragraph 3 of Article 13 of the Convention.

305. In examining the reasons outlined by the Committee for non-reporting, the first (problems with the national reporting format) has been substantially addressed over time, in particular with the adoption of the revised reporting format by the twelfth meeting of the Conference of the Parties. As to the second, national circumstances, the Committee has pointed to lack of data (inventories) and legislative frameworks as two key areas for further attention, along with lack of capacity. The third main reason given for failure to report, which is a lack of understanding of the benefits of reporting, can be addressed through this report and how it is taken up, but the other aspect of this third reason—lack of consequences for non-reporting—also needs to be addressed. In this context, it is worthwhile mentioning that the fourteenth meeting of the Conference of the Parties mandated the Committee to “consider elaborating and further assessing measures not included under paragraphs 20 (a) and (b) of the terms of reference of the Committee that may be required when a Party has not submitted its national report for two or more years since the report due in 2016, and to report to the Conference of the Parties at its fifteenth meeting”.¹⁶⁹

Key Reasons for non-reporting identified by the Implementation and Compliance Committee:

1. Problems with the national reporting format
2. National circumstances
 - Lack of data (inventories)
 - Lack of legislation
 - Lack of capacity
3. Lack of understanding of benefits of reporting/
lack of consequences for non-reporting

Figure 4: Reasons for non-reporting

In highlighting the problem of national reporting, the fourteenth meeting of the Conference of the Parties' decision on the Committee Administering the Mechanism for Promoting Implementation and Compliance emphasized the importance of reporting in two ways:¹⁷⁰

12. *Acknowledges that the problem of non-reporting, incomplete reporting and late reporting is all the more serious because of the close link between the core obligations of the Convention and the obligation to submit national reports* in accordance with paragraph 3 of Article 13 of the Convention;

¹⁶⁷ *Ibid.*

¹⁶⁸ UNEP/CHW.14/13.

¹⁶⁹ See paragraph 19 of decision BC-14/15.

¹⁷⁰ Decision BC-14/15, paragraphs 12 and 20.

...

20. Emphasizes the importance of the transmission of national reports for measuring progress towards the goals and objectives of the Basel Convention strategic framework for 2012–2021 as well as towards achieving the Sustainable Development Goals, in particular using indicator 12.4.1 (number of parties to international multilateral environmental agreements on hazardous waste and other chemicals that meet their commitments and obligations in transmitting information as required by each relevant agreement) and indicator 12.4.2 (hazardous waste generated per capita and proportion of hazardous waste treated, by type of treatment); (underlining added).

306. Thus, not only are the low reporting rates affecting the ability of the Conference of the Parties to assess progress under the Convention's strategic framework, but it is also compromising the data necessary to measure whether target 12.4 of the Sustainable Development Goals has been met. With its deadline of 2020, not 2030 as with other targets, the Convention's shortfall in reporting is even more significant.

d. Main findings, conclusions and recommendations for objective 1.4

307. *Main finding:* Reporting under the Convention has increased 10% over the life of the strategic framework, from 51% of Parties in 2011 to 61% in 2016.

308. *Conclusion:* This has resulted in a significant data gap for purposes of this review of progress under the strategic framework and has been identified as a "serious" systemic problem by the Implementation and Compliance Committee. It will also limit the Convention's ability to contribute data to assessing achievement of the targets under the Sustainable Development Goals.

309. *Recommendation:* The Conference of the Parties at its fifteenth meeting should urgently consider additional strategies for improving annual reporting, taking into account the outcome of the classification of compliance performance for 2016 and 2017, and including the results of the work done under the mandate given to the Implementation and Compliance Committee to "consider elaborating and further assessing measures not included under paragraphs 20 (a) and (b) of the terms of reference of the Committee that may be required when a Party has not submitted its national report for two or more years since the report due in 2016...".

310. *Recommendation:* for purposes of a future strategic framework, clear step-wise indicators and/or other parameters for measuring reporting (e.g. targets) should be outlined from the beginning of the framework until the 2030 date of the Sustainable Development Goals, with a projected progression over that period.¹⁷¹

311. *Main finding:* As noted by the Implementation and Compliance Committee, the main national circumstances resulting in a failure to report are the lack of national inventories, the lack of national legislation, and lack of capacity.

312. *Main finding:* In addition, there appears to be a lack of understanding of benefits of reporting and of a lack of consequences for non-reporting.

313. *Conclusion:* Efforts to improve levels of national reporting should be targeted towards these findings.

314. *Recommendation:* Technical assistance activities of both the Secretariat and the regional centres should prioritize the development of capacity for Parties to develop national inventories and national legislation hand-in-hand in order to build on the approach taken by the Implementation and Compliance Committee in individual cases of non-reporting.

315. *Recommendation:* Moreover, the Conference of the Parties should give due consideration to recommendations from the Implementation and Compliance Committee regarding further measures not included under paragraphs 20 (a) and (b) of the terms of reference of the Committee that may be required when a Party has not submitted its national report for two or more years since the report due in 2016.

¹⁷¹ See, for example, the Strategic Plan adopted by the Parties to both the 1996 Protocol to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 and the Convention, by the meetings of their 11th and 38th governing bodies, respectively, where targets were staged to be achieved from the date of adoption in 2016 to the SDG target date of 2030. For reporting the targets are: "By 2022 75% of Parties report; by 2026: 85% of Parties report; by 2030: 100% of Parties report." http://www.imo.org/en/OurWork/Environment/LCLP/Documents/Strategic%20Plan%20leaflet_final_web.pdf.

B. Strategic Goal 2

1. Objective 2.1

Goal 2: Strengthening the environmentally sound management of hazardous and other wastes

Objective 2.1: To pursue the development of environmentally sound management of hazardous and other wastes, especially through the preparation of technical guidelines, and to promote its implementation in national legislation

Indicator: Number of Parties with national hazardous waste management strategies or plans in place.

Sub-indicator: Number of guidelines on environmentally sound management of wastes developed.

316. *Sources* considered in this section in addition to the baseline and final evaluation questionnaire are annual national reports; a questionnaire administered by the Implementation and Compliance Committee in 2010 about Parties' implementing legislation; other work by the Conference of the Parties and the Implementation and Compliance Committee related to legislation; decisions by the Conference of the Parties adopting technical guidelines on environmentally sound management of wastes; and the work by the Expert Working Group on environmentally sound management.

a. Data from 2011 baseline questionnaire and additional information sources

317. *Baseline questionnaire.*¹⁷² The questionnaire asked two questions to reflect the indicator and sub-indicator. To the question, does your country have a national hazardous waste management strategy or plan in place, 24 of 36 responding Parties said yes, seven said it was in preparation and five said no. Thirty-one respondents indicated that they have developed guidelines or carried out programmes, projects or activities aimed at the environmentally sound management of wastes.

318. *Annual reports:* For the indicator, which references national hazardous waste management strategies or plans, there was no question asking about such strategies or plans in general, the intent of the first indicator. Question 5 of the annual report for 2011 asked Parties to report on whether they had undertaken any national strategies or policies for development of technologies for the reduction and/or elimination of the amount of hazardous wastes and other wastes generated. Although more specific than national hazardous waste management strategies or plans, as reduction is a component of environmentally sound management, this information was examined to determine whether it provided any value in assessing the indicator. Out of the 174 Parties required to report, 88 reported, and 81 Parties indicated that they did have national strategies or policies, although the question used "policies" instead of "plan" (as per the indicator); the two that did not list a strategy or policy did list in response a number of legislative or regulatory measures to respond to the question about reduction. Of the 81, these Parties provided a wide range of plans, policies and strategies, but because of the focused nature of the question and the limited information provided about each response, this is not a particularly good measure of whether all 81 had national hazardous waste management plans or strategies that fully respond to this indicator.

319. Objective 2.1 specifically mentions implementing environmentally sound management via national legislation, and this is examined in this section of the report because the issue of legislation is not mentioned anywhere else in the strategic framework. In 2011, there was no specific question in the national report on whether Parties had legislation implementing the Convention.¹⁷³ However, in a report prepared by the Secretariat for the Basel Convention Expanded Bureau in 2011,¹⁷⁴ it was noted that 111 Parties' national legislation was published on the Convention website. As noted in the discussion under objective 1.3, the implementation of export controls is a useful barometer as to

¹⁷² The questionnaire is in appendix II to this report. The responses are tabulated in UNEP/CHW.12/INF/5.

¹⁷³ However, there were some questions on import and export prohibitions and restrictions that did ask about the legislative basis of such prohibitions and restrictions, and questions 5 and 6 addressing reduction of generation and transboundary movements did ask about the legislative authority for these, if any. This data is not further addressed here because it responds to very narrow questions and would require substantial further investigation (a review of each national law) to determine whether it fully implements the Convention's requirements for environmentally sound management.

¹⁷⁴ Report on the implementation of programme of work adopted at the ninth meeting of the Conference of the Parties to the Basel Convention (2009-2011), UNEP/SBC/BUREAU/9/2/2.

whether implementing legislation exists, and data shows that by 2011, 80 Parties (46%) had either an export restriction for final disposal or recovery.

320. *Implementation and Compliance Committee questionnaire:* The Committee in late 2010 administered a questionnaire to Parties about their implementing legislation with the following results:¹⁷⁵ of 175 Parties at the time, 56 Parties responded (32% of Parties). Six of those had not adopted legislation implementing the Convention, more than one-third indicated that their legislation did not integrate all of the Convention's provisions, while 29 indicated that their legislation fully integrated the Convention's provisions.

321. *Other work of the Conference of the Parties/Implementation and Compliance Committee on legislation:* As noted in the discussion above on objective 1.1, an implementation manual was adopted in 1995 and model national legislation was approved by Conference of the Parties in 1995.¹⁷⁶

322. *Conference of the Parties decisions adopting technical guidelines on environmentally sound management:* the sub-indicator speaks to the development of technical guidelines, which takes place at the international level, while the objective and indicator appear to be directed at activities at the national level. As noted in the discussion of objective 1.1, prior to the tenth meeting of the Conference of the Parties in 2011, there were 20 technical guidelines and at that meeting three more were approved, bringing the total to 23. As noted in table 7 in that discussion, technical assistance activities by the Secretariat during that biennium related to legislation were 11 out of 74 activities (15%).

323. *Work of the Expert Working Group on environmentally sound management:* Relevant to the objective and sub-indicator, the tenth meeting of the Conference of the Parties noted that a more systematic and comprehensive effort was needed to improve guidance on environmentally sound management of wastes, and requested a technical expert group to complete the development of a framework for the environmentally sound management of hazardous and other wastes.¹⁷⁷ Following development of the environmentally sound management framework, an expert working group on environmentally sound management was mandated to develop an environmentally sound management toolkit, including practical tools to assist Parties and others in implementing environmentally sound management.¹⁷⁸

b. Latest data from 2019 questionnaire and additional information sources

324. *2019 questionnaire:* Out of 50 respondents to the question of whether your country has a national hazardous waste management strategy or plan in place (the indicator), 26 Parties answered yes (52%), 11 said no (22%) and 13 (26%) indicated that it was in preparation. The question is broader than the sub-indicator: has your country developed guidelines or carried out programmes, projects or activities aimed at the environmentally sound management of wastes? 40 of 48 responding Parties replied that they did (83%), while eight indicated they did not (17%). While not asked directly about legislation, in responses to question 10, which asked whether there was any additional information that Parties wanted to provide relevant to the strategic framework, announcements of recent or ongoing legislative or regulatory development were listed by more than half of the respondents.

325. *Annual reports:* For 2017, out of the 182 Parties required to report, 100 Parties did. For the indicator, which references national plans and strategies, in the 2017 reports for question 5¹⁷⁹ about national policies and strategies for reducing hazardous waste generation, 94 Parties indicated that they had such policies or strategies, while six did not. For 2016, the Implementation and Compliance Committee confirms that 61% of Parties reported.

326. For the objective, which references national legislation, starting in 2016 Parties were specifically asked whether they have adopted legislation to implement the provisions of the Basel Convention.¹⁸⁰ Of these, 82 Parties indicated they had implementing legislation and 17 answered that they did not.

¹⁷⁵ UNEP/CHW.10/INF/11 Annex VI: Implementation and Compliance Committee, Review of the status of existing national legislation and other legal or administrative measures, including implementation regulations, and identify needs for assistance.

¹⁷⁶ Adopted by decisions III/8 and III/6 respectively.

¹⁷⁷ <http://www.basel.int/tabid/3616/>.

¹⁷⁸ <http://www.basel.int/tabid/5839/>.

¹⁷⁹ The question was slightly different than the one in 2011, by asking Parties to describe the measures taken for the reduction and/or elimination of hazardous waste generation, with national strategies and policies being one of the categories. These numbers were obtained through a manual counting.

¹⁸⁰ Question 1(c)(i).

327. Using data compiled from national reports for both 2016 and 2017, in case some Parties have not yet filed their 2017 reports, 94 Parties indicated that they have legislation implementing the Convention, and 21 Parties indicated they did not. Using the more generous cumulative number of 94, and without any review of the individual pieces of legislation for their adequacy for this purpose, this results in a figure of 52% of the Parties that have stated that they have legislation implementing the Convention.

328. As of December 2019, 127 Parties' legislation is included on the Convention website.¹⁸¹

329. Having regard to the responses to questions on exports for final disposal and recovery, where one would expect an export control for any Party wishing to meet the Convention's obligations regarding the prior informed consent system, by 2017 100 Parties have indicated that they have specific legislation or regulations on export for final disposal, while 88 responded that they have legislative measures for export for recovery. By 2017, 105 Parties in total had reported one of these two types of export restrictions. This is likely closer to the actual number of Parties with legislation specifically implementing the Convention, for reasons identified earlier. Because this number has been provided cumulatively over time (even before 2011) it is suggestive that the 111 number in 2011 is also high, although it is difficult to be sure given that the reporting rate has hovered between 50% and 60% in the last several years.

330. The more conservative number of 94 (52% of Parties) based on data provided by Parties in recent national reports is probably more reliable as the latest data and may rise once late reports for 2016 and 2017 are received.

331. *Self-review of national legislation:* Parties have been invited since the thirteenth meeting of the Conference of the Parties, particularly those that have not submitted their legislation for implementing the Basel Convention to the Secretariat, to undertake a review of their implementing legislation using the legislator's checklist and to submit the outcome of their review to the Committee for its consideration.¹⁸² As of December 2019, no Party has submitted its text to the Implementation and Compliance Committee after self-review.

332. *Other work of the Conference of the Parties/Implementation and Compliance Committee on legislation:* at its twelfth meeting, the Conference of the Parties in 2015¹⁸³ withdrew the model national legislation that had been approved in 1995, instead inviting Parties to use as appropriate, when evaluating their legislation, the updated manual for the implementation of the Basel Convention, including its checklist for the legislator. In 2019, the Conference of the Parties adopted the Implementation and Compliance Committee's Guide for the development of national legal frameworks to implement the Basel Convention,¹⁸⁴ which provides guidance to Parties on transposing the provisions of the Basel Convention into their national legal framework. Other related activities are contained in the Committee's work programme approved at the fourteenth meeting of the Conference of the Parties.¹⁸⁵

333. The Implementation and Compliance Committee 2020-2021 extensive work programme on national legislation includes inviting Parties to undertake a self-review of their legislation for implementing the Convention, monitoring progress achieved by Parties in transmitting texts of national legislation, and developing recommendations on how to improve implementation of and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention.

334. *Conference of the Parties decisions on technical guidelines:* As noted earlier in this section, the sub-indicator addresses technical guidelines, which is an activity undertaken at the Conference of the Parties, rather than national, level, and for this reason may not be helpful to assessing whether the objective has been met. More detailed data and discussion has been provided about technical guidelines under objective 1.1. In summary, the total number of guidelines adopted as of May 2019 is 30, although it must be noted that several of these address multiple related waste streams, and several have been updated several times since 2011. In the 2018-19 biennium, as noted in the discussion of technical guidelines under objective 1.1, only two of 46 technical assistance activities (4%) were directed at legislation.

335. *Work of the Expert Working Group on environmentally sound management:* From 2011 until its final report to the fourteenth meeting of the Conference of the Parties in 2019, the group created a

¹⁸¹ This can be found at: <http://www.basel.int/Countries/NationalLegislation/tabid/1420/Default.aspx>.

¹⁸² Decision BC-13/9.

¹⁸³ Paragraphs 16 and 15, Decision BC-12/7.

¹⁸⁴ UNEP/CHW.14/13/Add.2/Rev.1, adopted by Decision BC-14/15, para. 23.

¹⁸⁵ Items 3 (a) to (e) in the annex to decision BC-14/15.

number of resources as part of an “environmentally sound management toolkit” to help Parties better manage hazardous and other wastes in an environmentally sound manner, as well as completing work underpinning the framework for the environmentally sound management of hazardous and other wastes, adopted at the eleventh Conference of the Parties.¹⁸⁶ The group was disbanded at that meeting on the basis that it had successfully completed its mandate.¹⁸⁷

c. Analysis of data applied to the indicator over time

Measure	2011	Latest data	Progress over the period of the strategic framework
Strategic framework questionnaire—national hazardous waste strategies or plans	24 of 36 respondents indicated they have them (67% of respondents, but only 14% of all Parties ¹⁸⁸)	26 of 50 respondents (52% of respondents but only 14% of all Parties)	Some reduction but the number of respondents is not a large sample in either case, so difficult to assess.
Strategic framework programmes, projects or activities for ESM	31 of 36 respondents indicated they had undertaken a programme, project or activity on ESM (86% of respondents but only 18% of all Parties)	40 of 48 respondents (83% of respondents but only 22% of all Parties)	Slight reduction but the number of respondents is not a large sample in either case, so difficult to assess.
Annual Reports—national plans/strategies	81 Parties of 174 reported policies, plans or strategies (for reduction) (46.5%)	94 of 182 Parties reported policies, plans or strategies (for reduction) (52%)	Even assuming the references to national policies, plans or strategies for reduction in the national reports is reflective more generally of whether such policies, plans or strategies exist more generally, still only a small increase over time.
Annual Reports--legislation	No specific question on legislation in 2011, but 88 Parties of 174 reported (51%)	94 of 182 Parties indicated they have implementing legislation (52%)	Not comparable as no question in 2011 asked directly about implementing legislation, whereas in 2016 and 2017 there was.
	Based on national reports and separately submitted non-reviewed legislation, 111 Parties' legislation posted on website (64%)	Based on national reports and separately submitted non-reviewed legislation, 127 Parties' legislation posted on website (70%)	Even if one were to assume these numbers are not overly high compared with the 52% above, difficult to compare because of the lack of examination to what extent these texts implement the obligations under the Convention.
	Export controls: 80 Parties (46%) of Parties reported having a control on export for final disposal or for recovery in 2011.	Export controls: 105 Parties (58%) of Parties reported having a control on export for final disposal or for recovery by 2017.	At face value, this appears to be a modest increase over the lifespan of the strategic framework.
Self-review of legislation	In response to Implementation and Compliance Committee	In response to new element of Implementation and	As the Committee's questionnaire was not repeated, there is no

¹⁸⁶ For its report for the 2018-19 biennium, see UNEP/CHW.14/5. The framework was adopted by BC-11/1.

¹⁸⁷ Decision BC-14/2, para. 10.

¹⁸⁸ For consistency, the number of Parties used is those required to report in the baseline year.

Measure	2011	Latest data	Progress over the period of the strategic framework
	questionnaire of 175 Parties when conducted, 56 responded (32%) and 29 of those indicated their legislation fully implemented the Convention	Compliance Committee work programme since 2017, no Parties have responded with a self-review of national legislation	comparability of these two activities over time.
Work of the Conference of the Parties/Implementation and Compliance Committee on legislation	Model national legislation, manual on implementation of the Convention, checklist for the legislator	Model national legislation withdrawn Manual for the implementation of the Basel Convention updated Legislator's checklist: updated Guide for the development of national legal frameworks to implement the Basel Convention (new) Ongoing activities	Existing tools updated or withdrawn; new tools developed.
Conference of the Parties decisions on technical guidelines	23 technical guidelines	30 technical guidelines	New technical guidelines continued to be developed, with several being updated to adjust to new developments
Work of the ESM expert group	Established at the beginning of the period	ESM Toolkit including: <ul style="list-style-type: none"> • Checklist for self-assessment of national ESM capacity • Compilation of ESM criteria and core performance elements • Compilation of training materials • ESM Framework • Fact sheets on specific waste streams • Guidance on prevention and minimization • Guidance on recycling and recovery • Guidance on addressing ESM in the informal sector • Pilot projects to test the ESM Toolkit • Practical Manuals on promoting the ESM of wastes, including on EPR • Information on incentives for the private sector 	Group completed its mandate after developing a number of products to assist Parties in managing wastes in an environmentally sound manner.

Table 13: Progress on national strategies, plans, legislation and technical guidelines

336. A key challenge under objective 2.1 is that the objective and indicator focus on actions to be taken at the national level (legislation and national plans/strategies, respectively), while the sub-

indicator focuses on an action that would be taken by the Conference of the Parties (guidelines, although the objective mentions “technical guidelines”), already discussed under objective 1.1 and deemed a success, and to be discussed further under objective 2.4. Neither indicator addresses the aspect of promoting environmentally sound management in national legislation.

337. If one were to assume that “guidelines” in the sub-indicator should be given a broader interpretation, a number of activities were carried out over the last decade by the Expert Working Group on environmentally sound management and completed at the fourteenth meeting of the Conference of the Parties. The Expert Working Group provided a broad range of products for Parties during the period of the strategic framework, adding a broader and more wide-ranging exploration of environmentally sound management than in the technical guidelines (e.g. compilation of ESM criteria and core performance elements).

338. Even if having national plans or strategies was a good indicator of whether this contributed to achieving the development of environmentally sound management and its implementation in national legislation, there is no reliable source for this information. Neither the 2011 or 2019 questionnaire was answered by a sufficient number of Parties to be representative, and question 3.1¹⁸⁹ is too broad to provide meaningful information. The annual reporting form only asks for national strategies or plans on the pages dealing with reduction or elimination of the generation of waste, or the reduction of transboundary movements, and not more generally, and while reduction of generation is an obligation, having such plans is not. If one were to assume that a national strategy on reduction would be part of a large strategy, then one can say that roughly half of the Parties have reported positively that they have such plans or strategies, which is only a small increase since 2011.

339. Even if we were to assume national legislation is an indicator, as was done in this section of the report, the 2011 reporting format asked about legislation only in the questions on prohibitions and restrictions, and not more generally. Going forward, the annual national reports now require information on legislation implementing the Convention. For 2016 and 2017, 52% of the Parties have confirmed through their annual reports that they have legislation implementing the Convention.

340. The actual numbers of Parties submitting national legislation can be affected by a number of factors, such as whether there has been a particular push by the Secretariat to collect them at a particular point in time; the low levels of national reporting that result in national legislation not being submitted even where it exists; cases where measures have been adopted and are referred to in the national report, but have not been submitted to the Secretariat.

341. No report has ever been done reviewing all Parties’ implementing legislation for conformity with the Convention, so it is difficult to assess how many Parties have actually fully implemented the Convention. So far, despite the Conference of the Parties’ invitation, no Parties have submitted their legislative self-review to the Implementation and Compliance Committee. Nor has the Committee been given the mandate to review every Party’s legislation implementing the Convention, a job outside the scope of this report that could require significant resources.

342. Since 2011, the Implementation and Compliance Committee has continued to develop numerous tools to help Parties fully legislatively implement the Basel Convention. Whether all Parties have the capacity to enact implementing legislation is a separate question. The Convention currently has no programme specifically aimed at the development of legislation, although the Committee in its work on individual cases on failure to report has consistently listed the development of legislation in its action plan for a non-compliant Party, including support through the Implementation Fund.¹⁹⁰

343. UNEP’s Special Programme, created in 2014 by the UN Environmental Assembly¹⁹¹ is aimed at supporting country-driven institutional strengthening at the national level that falls outside the mandate of the Global Environment Facility, and could prove to be a useful source of financing for country-specific Basel Convention implementing legislation. Since its inception in 2015, the Special Programme has processed two rounds of applications and is currently funding projects from 42 countries. A number of projects address the issue of legislative implementation of the chemicals and waste multilateral environmental agreements.¹⁹²

¹⁸⁹ The question reads: “Has your country developed guidelines or carried out programmes, projects or activities aimed at the environmentally sound management of wastes?”

¹⁹⁰ <http://www.basel.int/tabid/2310/>.

¹⁹¹ Resolution UNEA 1/5. See Special Programme website at: <https://www.unenvironment.org/explore-topics/chemicals-waste/what-we-do/special-programme/goal-special-programme>.

¹⁹² Website accessed January 9, 2020.

344. The Implementation and Compliance Committee, pursuant to a mandate from Conference of the Parties, produced a report in 2018 based on the results of a questionnaire sent to the BCRCs, UNEP, the Global Environment Facility, World Bank, the International Finance Corporation of the World Bank Group (IFC) and the European Bank for Reconstruction and Development (EBRD).¹⁹³ The questionnaire was aimed at evaluating the role of the different organizations in providing assistance on the development and/or review of national implementing legislation, the forms of assistance provided, any best practices identified and promoted through this assistance and the outcome achieved. The only replies were from UNEP Law Division and 4 BCRCs, and the report concludes that despite many attempts by the Conference of the Parties to assist Parties with legislation, “a number” of Parties need to do more to develop their legal frameworks.

345. According to the Committee:

The Convention’s success is based, to a large extent, on the development of legal frameworks by the individual Parties. Where Parties’ legislative and institutional arrangements are flawed those Parties risk failing to comply with, and implement the Convention. Moreover, inadequate legal frameworks endanger the outcomes the Convention is intended to achieve.¹⁹⁴ (underlining added)

346. The report concluded that there is evidence that a number of Parties need to do more to develop adequate legal frameworks¹⁹⁵ and recommended that organizations that support the Basel Convention should, *inter alia*, offer specific support to individual Parties’ development of their legal frameworks and to use the relevant guidance in Conference of the Parties-adopted documents.¹⁹⁶ This led to the Conference of the Parties recommending in the Implementation and Compliance Committee’s work programme that it monitor and oversee assistance provided to Parties to develop their legal frameworks, with a view to strengthening efforts to implement the Convention and “improving the overall implementation and effectiveness of the Convention.” The latest recommendations by the Committee aimed at improving Parties’ development of adequate legal frameworks are set out in the report of the 29 June-3 July 2020 sessions of its fourteenth meeting, which will be considered by the fifteenth meeting of the Conference of the Parties¹⁹⁷.

347. Such legal frameworks, would of course, need to address not just environmentally sound management, but all aspects of the Convention set out in the manual on implementation and the legislator’s checklist. More detailed guidance for legislative drafters is provided in the Implementation and Compliance Committee’s Guide for the development of national legal frameworks to implement the Basel Convention.

d. Main findings, conclusions and recommendations for objective 2.1

348. *Main findings:* (i) For purposes of the indicator, based on annual reports and the questionnaires completed by fewer than half the Parties, it is difficult to assess the exact percentage of Parties who have national hazardous waste management strategies or plans in place, but no more than 61% per cent of the Parties have so reported, a 10% increase since 2011. (ii) The sub-indicator addresses the number of guidelines developed on environmentally sound management (“technical guidelines” in the objective), but this is a collective activity that has been reviewed under objective 1.1 and considered as successfully contributing to enhancing common understanding of environmentally sound management for specific waste streams subject to those technical guidelines. Priority waste streams under technical guidelines are reviewed under objective 2.4 below. (iii) If one takes a broader look at the sub-indicator, the number of “guidelines” or other tools developed on environmentally sound management, the work of the expert working group on environmentally sound management over the decade produced a number of products under the ESM Toolkit and successfully completed its mandate. (iv) There is no indicator on legislation, even though the objective is about pursuing environmentally sound management of hazardous and other wastes and promoting it in national legislation.

349. *Conclusions:* Collective activities on technical guidelines and the broader examination of environmentally sound management through the recently disbanded expert working group on environmentally sound management have provided Parties with guidance on different aspects of

¹⁹³ *National Legislation: Monitoring of Activities*, UNEP/CHW/CC.13/INF/11, August 17, 2018.

¹⁹⁴ *Ibid.*, Annex, para. 27.

¹⁹⁵ *Ibid.*, at para 32.

¹⁹⁶ *Ibid.*, para. 38.

¹⁹⁷ See paragraphs 54(a), 84 and 85 of the report of the meeting, document UNEP/CHW/CC.14/8 at: <http://www.basel.int/tabid/8424/>.

environmentally sound management of various waste streams subject to the Convention. However, the focus of the objective—promoting it in national legislation—is not the subject of an indicator. The indicator on national strategies and plans is not currently associated with a source of that information, unless one assumes that information reported in annual reports about national strategies and plans on reduction is a surrogate for that data.

350. **Recommendation:** Given the broad range of areas of the Convention impacted through the lack of legislation, including illegal traffic, inventories, and national reporting, the existence of legislation implementing the Convention should appear more prominent in the objectives, and any further work within such a strategic framework context should have an indicator related to Parties with legislation implementing the Convention, including performance in legislative implementation as a keystone objective. (cross-reference with same recommendation at paragraph 636 under Overarching main findings, conclusions and recommendations)

351. **Main findings:** Almost thirty years after entry into force of the Convention, the development of legislation implementing the provisions of the Convention is still lacking among a significant number of Parties. Data, however, is incomplete due to the lack of national reporting and other reasons canvassed above in the discussion under objective 1.4. Conversely, Parties without legislation have difficulty reporting as they have no legal basis upon which to compel the provision of information by national actors involved in the management of hazardous and other wastes, and to create national inventories. Lack of legislation also complicates the implementation and enforcement of the control procedure under the Convention and Parties' ability to manage their borders. Recent documents have been developed by the Implementation and Compliance Committee and adopted by the Conference of the Parties to assist Parties in the development of national legislation implementing the Convention. There is currently no mandate for the Implementation and Compliance Committee to undertake a comprehensive approach to identifying Parties without legislation implementing the Convention.

352. **Conclusions:** The development of legislation implementing the provisions of the Convention continues to be a significant problem for the success of the Basel Convention in achieving its objectives and the goals set out in the strategic framework. However, as there is currently no mechanism under the Convention to review whether Parties have national legislation implementing the Convention, or assessing legislation submitted as implementing the Convention, future work should focus on a more comprehensive approach to identifying which Parties appear most in need of assistance with legislation, and providing a Party by Party review. Recent documents and manuals developed by the Committee to assist Parties in the development of national legislation implementing the Convention should be kept up to date and future work in this area should be based on these documents.

353. **Recommendation:** To address this significant problem, the Conference of the Parties at its fifteenth meeting could entrust the Implementation and Compliance Committee to review, within available resources and in accordance with COP priorities established for each biennium, Parties' implementation of the Basel Convention into national law, for consideration of the Conference of the Parties at its sixteenth and subsequent meetings. Appropriate budgetary allocations in the budget to provide support for the Implementation and Compliance Committee to undertake this work, along with allocations in the technical assistance budget specifically for implementation of the Basel Convention to help individual Parties, are recommended. (same recommendation as in paragraph 637 of the Overarching main findings, conclusions and recommendations)

2. Objective 2.2

Goal 2: Strengthening the environmentally sound management of hazardous and other wastes

Objective 2.2: To pursue the prevention and minimization of hazardous waste and other waste generation at source, especially through supporting and promoting activities designed to reduce at the national level the generation and hazard potential of hazardous and other wastes

Indicator:

Number of Parties that have developed and implemented national strategies, plans or programmes for reducing the generation and hazard potential of hazardous and other wastes

Sub-indicator:

- Number of Parties that have implemented systems for measuring hazardous waste generation in order to assess progress in selected hazardous waste streams and to reduce the generation and hazard potential of hazardous wastes and other wastes.

354. As a number of related terms are contained in this objective and its indicators, as well as objective 2.3 and its indicators, some definitions are noted at the outset from existing guidance. The Guidance to assist Parties in developing efficient strategies for achieving the prevention and minimization of the generation of hazardous and other wastes and their disposal adopted by the thirteenth meeting of the Conference of the Parties¹⁹⁸ provides as follows:

This document focuses on the upper elements of the waste management hierarchy,¹⁹⁹ namely prevention, minimization and reuse. It provides guidance on developing strategies and measures, both mandatory and voluntary, to achieve the prevention, minimization and reuse of hazardous wastes and other wastes. Prevention may include strict avoidance, source reduction and direct reuse. Minimization includes strict avoidance, source reduction, direct reuse, reuse and recycling. Recycling, however, and also recovery are not addressed in this document as they are the subject of a large number of other guidance documents under the Basel Convention, such as technical guidelines.²⁰⁰

355. The underlined reflects the approach to these terms taken for purposes of objectives 2.2 and 2.3, i.e. the term is understood to exclude recycling and recovery.²⁰¹

356. Because objective 2.3 addresses capacity-building for purposes of reduction of the generation and hazard potential of hazardous and other wastes, a number of collective capacity-building efforts undertaken by the Conference of the Parties, such as the above Guidance and the Practical Manual, will be discussed under objective 2.3.

357. It is important to note that under SDG 12 on ensuring sustainable consumption and production patterns, target 12.4 provides that by 2020, in accordance with agreed international frameworks, the international community will achieve the environmentally sound management of chemicals and all wastes throughout their life cycle. The discussion on reporting under objective 1.4, above, addressed the first indicator. The second indicator for this target, 12.4.2, relates to this objective and provides: “Hazardous waste generated per capita and proportion of hazardous waste treated, by type of treatment.” Target 12.5 provides: “By 2030, substantially reduce waste generation through prevention, reduction, recycling and reuse,” with indicator 12.5.1: “National recycling rate, tons of material recycled.”

¹⁹⁸ UNEP/CHW.13/INF/11/Rev.1, para. 8.

¹⁹⁹ Recognized by decision BC-10/2 as prevention, minimisation, reuse, recycling, other recovery including energy recovery, and final disposal.

²⁰⁰ Basel Convention technical guidelines are available at: <http://basel.int/Implementation/Publications/TechnicalGuidelines/tabid/2362/Default.aspx>.

²⁰¹ The *Practical Manual* discussed below provides at paragraph 6: “Waste prevention (i.e. strict avoidance, source reduction and direct reuse), while part of waste minimisation (that also covers reuse and recycling), is fundamentally different from all other activities within the waste management hierarchy as it is implemented *before* products or materials become wastes. Waste prevention measures occur prior to waste management, as part of strategies and actions promoting or even mandating environmentally sound production, trade and consumption. While some stakeholders may define their respective waste management hierarchies in slightly different ways, this manual references the general concept of a waste management hierarchy as follows: prevention, minimization, reuse, recycling, other recovery including energy recovery, and final disposal (see the definition in Appendix I of this document).” UNEP/CHW.13/4/Add.1/Rev.1, Appendix V, adopted by BC-13/2.

358. In this section, sources in addition to the baseline and 2019 final evaluation questionnaire are annual national reports, the classification of Parties' compliance by the Implementation and Compliance Committee, and the publication "Waste Without Frontiers II".

a. Data from 2011 baseline questionnaire and additional information sources

359. *Baseline questionnaire:* Question 4 asked for specific information on national strategies, plans, programs or other systems for measuring hazardous waste generation and for reducing the generation and hazard potential of hazardous and other wastes (indicator). The majority of the 36 respondents indicated that work was being done in both the areas of measurement and in reducing generation and hazard potential. The responses are shown immediately below.²⁰²

Table 14: Question 4: National strategies, plans or programs

Has your country developed and implemented national strategies, plans, programmes or other systems and actions for			
	Yes	No	In preparation
Measuring hazardous waste generation?	58% (21 of 36 responding)	14% (5)	28% (10)
Reducing the generation and hazard potential of hazardous and other wastes?	57% (20)	14% (5)	29% (10)

360. Question 4.1 sought information on the capacity to survey or otherwise collect information on hazardous waste generation, management and disposal. The responses are shown immediately below.

Table 15: Question 4.1 Hazardous Waste Information²⁰³

Does your country survey or otherwise collect information on:			
	Yes	No	In preparation
Generation of hazardous and other wastes	66% (23)	14% (5)	20% (7)
Management of hazardous and other wastes?	64% (23)	19% (7)	17% (6)
Disposal of hazardous and other wastes?	70% (25)	11% (4)	19% (7)

361. On generation, 34% did not have arrangements in place to collect generation data.

362. *Annual reports:* Question 5 in 2011 asked Parties to "Describe measures taken for the reduction and/or elimination of the amount of hazardous wastes and other wastes generated" in four categories: (i) national strategies/policies, (ii) legislation, regulations and guidelines, (iii) economic instruments/initiatives, (iv) measures taken by industries/waste generators.

363. For the 174 Parties required to report, 88 Parties reported, and 83 reported on this question. Of these, 81 Parties (46.5%) reported that they had national strategies/policies on reduction and/or elimination of hazardous and other wastes generated (indicator). The two who did not have such strategies/policies indicated that they had legislative or regulatory measures in this regard.

364. *Classification of Parties' compliance performance with regard to the annual reporting obligations for 2011:*²⁰⁴ For the 85 Parties reporting in 2011, 64 of 85 reports were considered incomplete regarding the total amount of generation of hazardous wastes and other wastes (still a mandatory reporting requirement in 2011). 71 of 85 were considered incomplete with respect to the non-mandatory Table 8B on the generation of hazardous wastes and other wastes by Y categories in that year.

365. *Waste Without Frontiers II:* See section (b) below for a full analysis on hazardous waste and other waste, including for the baseline year of 2011.

²⁰² Taken from UNEP/CHW.12/INF/5, table 2.

²⁰³ *Ibid.*, Table 3.

²⁰⁴ Undertaken by the Committee Administering the Mechanism for Promoting Implementation and Compliance, for baseline year of 2011, see: UNEP/CHW.12/INF/19.

b. Latest data from 2019 questionnaire and additional information sources

366. *Responses to the 2019 questionnaire:* Using comparable tables to the data provided for the 2011 baseline, the responses in 2019 can be tabulated as follows:

Table 16: Question 4: National strategies, plans or programs

Has your country developed and implemented national strategies, plans, programmes or other systems and actions for:			
	Yes	No	In preparation
Measuring hazardous waste generation?	50% (25 of 50 responding)	10% (5)	40% (20)
Reducing the generation and hazard potential of hazardous and other wastes?	48% (24)	20% (10)	32% (16)

Table 17: Question 4.1 Hazardous Waste Information

Does your country survey or otherwise collect information on:			
	Yes	No	In preparation
Generation of hazardous and other wastes	68% (34 of 50 responding)	14% (7)	18% (9)
Management of hazardous and other wastes?	70% (35)	14% (7)	16% (8)
Disposal of hazardous and other wastes?	72% (25)	12% (6)	16% (8)

367. *Classification of Parties' compliance performance with regard to the annual reporting obligations:*²⁰⁵ For 2015, for table 8A (still mandatory at that time) on total amount of generation of hazardous wastes and other wastes, 53% of the 99 reporting Parties were incomplete. For the non-mandatory table 8B on the generation of hazardous and other wastes by Y-categories, 43% of the 99 Parties were incomplete. For the reports pertaining to the year 2016 and onwards, reporting on table 8A is now the optional table 6. For 2016, the Implementation and Compliance Committee reports that of the 110 Parties reporting, only 13 were incomplete with respect to table 6 (12%).²⁰⁶ This means that 97 of 110 Parties reported on generation (53%).

368. *Annual reports:* For 2017, question 5 asked whether measures had been undertaken for development of technologies for the reduction and/or elimination of the amount of hazardous wastes and other wastes generated—yes or no. It then asked Parties to specify one of the following measures: national strategies/policies; legislation, regulations and guidelines; others. Ninety-four responded that they had taken measures and all of those 94 mentioned something in the box for strategies/policies.

369. Table 6 requests reported generation data, but it is now optional to provide. As noted earlier in this report those Parties who reported did so on either hazardous wastes generated under Article 1.1(a), hazardous wastes generated under Article 1.1(b), other wastes (Annex II), or any combination thereof. Counting all those Parties who reported waste generation in any category, 67 of 182 Parties (37%) required to report (in general, but not on this measure) provided generation data.

370. *Waste Without Frontiers II (WWFII):*²⁰⁷ This report provides the second analysis of the annual reporting data transmitted under Article 13 of the Convention, covering the period 2007-2015, with some extrapolation, as well as data from the UN Statistics Division, the OECD and Eurostat on hazardous waste and other waste generation.²⁰⁸ The generation data is from 104 Parties and analyzed geographically and in accordance with wealth and population. WWF II notes that only 25-30% of the 50% of reporting Parties report generation data annually.²⁰⁹ Further, after the thirteenth Conference of

²⁰⁵ Undertaken by the Implementation and Compliance Committee, for 2015 (prepared by the Implementation and Compliance Committee in June 2018, this exercise is three years behind the year being assessed), UNEP/CHW.14/INF/21.

²⁰⁶ UNEP/CHW/CC.14/3/Add.1/Rev.1.

²⁰⁷ <http://www.basel.int/Implementation/Publications/Other/tabid/2470/Default.aspx>.

²⁰⁸ UN Statistics Division data can be obtained directly at: <https://unstats.un.org/unsd/envstats/qindicators.cshtml>. Statistics on Waste are based on official statistics supplied by national statistical offices and/or ministries of environment (or equivalent institutions) in response to the biennial UNSD/UNEP Questionnaire on Environment Statistics, complemented with comparable statistics from OECD and Eurostat.

²⁰⁹ *Ibid.*, page 2.

the Parties in 2017, now that generation data in table 6 is considered optional, this situation may not improve.

371. In light of these gaps in reporting generally, and on generation specifically, WWFII concluded that the Basel Convention data did not provide significant data for global trends and therefore used additional data sources: data reported to Eurostat, (the statistical office of the EU, covering both hazardous wastes and other wastes); data reported to the OECD secretariat (covering other wastes only); data reported to the UN Statistics Division²¹⁰ (covering hazardous wastes and other wastes). The indicators for objective 2.2 are geared directly at the number of Parties reporting either national strategies, plans or programmes reducing the generation and hazard potential, or the number of Parties implementing systems for measuring hazardous waste generation in order to assess progress. The data produced by WWFII does not directly address these questions, but the report provides important global data as to whether the generation of hazardous and other wastes is being reduced world-wide.

372. WWFII indicates that the conclusions of their analysis must be read with great caution due to the very poor dataset of the Basel Convention, challenges comparing one Party's reported data from year to year, inability to compare between Parties, the lack of explanations for large disparities in reported numbers, and the subsequent use of extrapolation to estimate global data. Thus, the statistics for the global generation of hazardous waste over time are not considered very accurate,²¹¹ but are as follows:

- (a) the overall 50% increase in the generation of hazardous waste between 2007 and 2015 is mainly due to growth in the countries with lower-middle and higher-middle income;
- (b) this trend is more accurate²¹² than the total amount of hazardous waste generated, that is estimated to be between 256-9 million metric tons (MT) in 2007, 332 million MT in 2011 and 390-94 million MT in 2015;
- (c) Generation of hazardous waste per inhabitant is highest in high income countries but the generation per unit of gross domestic product (GDP) is highest in low income countries:
 - (i) for data per inhabitant:
 - a. the amount of hazardous waste increases with increasing income level, with the amounts increasing over time mainly due to the increase in lower-middle and upper-middle income countries;
 - b. in low income countries, the generation per inhabitant appears to be going down and in high income countries is stable;
 - (ii) for data per unit of GDP, there is an inverse pattern: the lower the income, the higher the generation of hazardous waste per unit of GDP, suggesting that lower income countries depend more on economic activities that are more polluting or that use processes that are more polluting:
 - a. the trend over the years appears to be stable except for the lower income countries where the amounts per unit of GDP are lower at the end of the period covered.²¹³

²¹⁰ As Basel Convention data on generation was limited, WWFII complemented this data with data from other sources in four steps: 1. inclusion of data from other sources; 2. fill gaps via interpolation and extrapolation and assessing the trends per country to identify implausible data; 3. calculation of indicators per group of countries, based on income level and population; 4. estimation of the amount generated by countries not included in the dataset, based on the indicators in item 3.

²¹¹ WWFII, at p. 9.

²¹² *Ibid.*, at p. 9. For upper middle and high income countries, the share of the data from Parties that reported usable data on generation at least once is around 75% and therefore estimates of totals can be considered "relatively" robust. For the low income countries the reported data is only about around 10% of the totals, and as such is unreliable.

²¹³ *Ibid.*, pages 8 and 9.

Population	2007	2008	2009	2010	2011	2012	2013	2014	2015
Low Income ²¹⁴	10	10	11	11	11	11	11	8	8
Lower-middle income	55	52	55	58	67	69	82	119	123
Upper-middle income	42	50	64	98	105	106	105	107	107
High income	152	162	155	153	150	160	158	154	155
Total	259	274	285	320	332	345	356	388	394

Table 7 from WWFII: Estimated global amounts of hazardous waste generated (in millions of MT) in countries in the different categories of income level. Extrapolation based on size of population.

GDP	2007	2008	2009	2010	2011	2012	2013	2014	2015
Low Income	9	9	9	9	9	10	10	8	8
Lower-middle income	54	53	56	60	69	71	84	120	125
Upper-middle income	46	54	68	104	112	113	110	112	108
High income	147	159	153	154	151	161	156	149	149
Total	256	275	286	326	340	355	360	388	390

Table 8 from WWFII: Estimated global amounts of hazardous waste generated (in millions of MT) in countries in the different categories of income level. Extrapolation based on size of the economy.

373. On the generation of “other wastes”, the report concludes that in 2015, the amount of household waste generated globally was estimated to be around 1.6 billion MT.²¹⁵ That amount increased around 12% in the period 2007-2015. While the amounts are increasing in all groups of countries, with the exception of the high-income countries, the increase was most rapid in upper-middle income countries, which in 2015 generated nearly the same amount of household waste as high income countries.²¹⁶

Categories of income level	2007	2008	2009	2010	2011	2012	2013	2014	2015	Increase 07 - 15
Low Income	25	26	26	26	27	27	29	31	30	18%
Lower-middle income	319	374	349	353	359	355	353	357	364	14%
Upper-middle income	464	468	480	496	502	516	558	618	595	28%
High income	626	617	611	617	617	599	611	590	608	-3%
Total	1.424	1.468	1.463	1.489	1.500	1.492	1.547	1.590	1.591	12%

Table 12 from WWFII: Estimated global amounts of household waste generated (in millions of MT) in countries in the different categories of income level. Extrapolation based on size of population.

374. WWFII also concluded that the data reported to the Basel Convention form a rather poor basis for their analysis due to the low reporting rate, as well as large differences in the reported data that may result from differences in definitions and concepts that are used as a basis for these data.²¹⁷ However, for upper middle and high-income countries, the share of the data from Parties that reported is around 95% and therefore can be considered robust. For lower-middle income countries, the reporting rate is only 25% and for the low-income countries around 10%, and the data for the last two groups is less reliable due to the low proportion of Parties reporting.

²¹⁴ The countries were classified according to the categories of income level established by the World Bank²¹⁴. Economies are divided according to Gross National Income (GNI) per capita data, calculated using the World Bank Atlas method. In this analysis the categories based on the GNI data of 2016 are used. The groups are: low income, GNI per capita was USD 1.005 or less; lower-middle income, GNI per capita was USD 1.006 - USD 3.955; upper-middle income, GNI per capita was USD 3.956 - USD 12.235; and high income, GNI per capita was USD 12.235 or more. For a complete list of the countries, see Annex I of Waste Without Frontiers II.

²¹⁵ *Ibid.*, page 10.

²¹⁶ *Ibid.*

²¹⁷ For example, it seems that certain Parties report on municipal waste and not on household waste, while others report on residual household waste and not on total household waste—which means that they do not report amounts of household waste that are being collected separately e.g. for recycling. Others may report extremely low amounts of household waste because they report on hazardous household waste only.

375. However, it notes optimistically that the overall guidance document on the environmentally sound management of household waste to be developed by the Basel Convention Household waste partnership may help in addressing such issues.

c. Analysis of data applied to the indicator over time

376. *Baseline questionnaire:* The report for the baseline questionnaire stated: "...plans and strategies for hazardous waste management, reduction and minimization of hazard are either fairly widely used by parties or are in preparation. This is reinforced by the review of country report fact sheets where a significant number of such plans were cited and in some cases details given."²¹⁸ As to data collection on hazardous waste generation, management and disposal, the answers to question 4.1 indicate that 60-70% of the Parties surveyed collected such data. The limited response to this questionnaire means that the statistics should be viewed with caution.

377. For the 2019 questionnaire, the number of Parties responding to this question (50) is slightly above 25% of the Parties to the Convention. However, if you count those responding positively to the question of whether they have developed and implemented national strategies, plans, programmes or other systems for measuring hazardous waste generation, half of the responding Parties said they did, which seems modest, but if added to 16 who indicated that such plans and strategies or data collection systems were in preparation, the percentage is 90%.

378. *Annual Reports:* In 2011, 46.5% of Parties reported that they had national policies or strategies aimed at the reduction of hazardous and other wastes (the indicator). In 2017, 94 (out of 100 Parties reporting) Parties so indicated, constituting 52% of the Parties, a small increase.

379. *Classification of Parties' compliance performance with regard to the annual reporting obligations:* There is good data for the baseline year and 2016 on whether Parties actually reported generation data, but no comparator available for 2019, as the exercise tracks data three years behind.

Tables on generation	Number of Parties responding in 2011	Number/Percentage of incomplete reports on generation in 2011 ²¹⁹	Number of Parties responding in 2016	Number/Percentage of incomplete reports on generation in 2016	Overall progress (i.e. reduction in incomplete reports)
Table 8A	85	64 (75%)			
Table 8B	85	71 (83.5%)			
Table 6	N/A	N/A	110	13 (12%)	63%

Table 18: Findings from Implementation and Compliance Committee classification of Parties' reporting

380. It is evident that while Parties are still not fully reporting information on waste generation, there was substantial progress between 2011 and 2016, the last year for which this Implementation and Compliance Committee exercise was conducted. The fact that table 6 on generation is not mandatory has not appeared to act as a disincentive for Parties to improve data collection. On the other hand, while only 12% of those reporting omitted data on generation, this only amounts to 53% of Parties reporting on generation, due to the fact that only 61% of Parties reported in that year. In fact, from preliminary 2017 data, only 25% of Parties required to submit a national report actually reported under table 6. The final classification report of the Implementation and Compliance Committee for 2017 should illustrate whether the progress in 2016 was maintained for 2017.

381. This aspect of the classification only addresses the number/percentage of Parties reporting on generation and not the total amount of hazardous wastes and other wastes generated. However, this does align with the indicators under objective 2.2, which focus on the number of Parties with strategies and plans reducing generation and hazard potential and that collect data in that regard.

382. So, while a number of Parties have indicated in their national reports that they have national policies or strategies aimed at reduction, that number exceeds the number of Parties actually reporting on hazardous and other waste generation. Until there is consistent reporting on generation, it is

²¹⁸ UNEP/CHW.12/INF/5, p. 15.

²¹⁹ The Implementation and Compliance Committee changed from a number in 2011; the numbers in brackets for 2011 were calculated for purposes of this report.

challenging to measure whether there have been any reductions and whether strategies and policies adopted by individual Parties are successful in achieving reductions.

383. *Waste Without Frontiers II*: Through a series of steps to expand on the available data, this report provides data, some more robust than others, which illustrate that between 2007 and 2015 there was a 50% increase in hazardous waste generation and a 12% increase in “other waste” generation at the global level. Substantial challenges exist in comparability of data between Parties in “other wastes” in particular.

384. Therefore, in addition to there being little data available on reduction of hazardous and other waste generation, the data available does suggest that there is an overall trend of growth in hazardous waste and other waste generation, but not in every classification of country, as per the WWFII report.

385. This could be interpreted to suggest that in general plans, policies and strategies have not, even where adopted, helped to date with the overall 50% increase in the generation of hazardous waste between 2007 and 2015, particularly in countries with lower-middle and higher-middle incomes. There are also implications about the extent to which work under the Basel Convention can contribute data to the SDG process about hazardous waste generated per capita under indicator 12.4.2.

d. Main findings, conclusions and recommendations for objective 2.2

386. *Main finding*: Through annual national reports, 46.5% of Parties in 2011 and 52% of the Parties in 2017 indicated that they have developed and implemented national strategies, plans or programmes for reducing the generation and hazardous potential of hazardous and other wastes (the indicator). This number exceeds the number of Parties implementing systems for measuring hazardous waste generation (the sub-indicator), if the 37% of Parties reporting any such data (not necessarily complete) in 2017 is any indication. Reporting on generation of hazardous and other wastes has improved substantially as of 2016, even though it is no longer required for Parties to provide generation data. This has related implications for contributing data to inform progress under the Sustainable Development Goals.

387. *Conclusion*: To the extent that hazardous and other waste generation data is considered significant for measuring progress under the Convention, more needs to be done to enable Parties to measure and report on it.

388. *Recommendation*: Should the Conference of the Parties wish to take further action, it could: (i) seek the provision of waste generation data once every four years, (ii) update the Waste Without Frontiers II report in the 2021-22 biennium to serve in part as an existing baseline information on generation and other statistics for the next strategic framework.

389. *Main finding*: As set out in Waste Without Frontiers II, hazardous and other waste generation continues to grow at the global level, although not in every classification of country. Overall, hazardous waste generation increased by 50% between 2007 and 2015, and although the numbers are less robust due to comparability of data, there has been an estimated 12% increase in “other waste” generation.

390. *Conclusion*: To date, there are no global reductions in generation of hazardous and other wastes.

391. *Recommendation*: A continued focus is needed under the Convention on the types of national strategies and plans, including inventories and legislation, that are measurable for purposes of a future strategic framework and will result in reductions in hazardous and other waste generation. Best practices from Parties achieving both should be showcased, but refined to suit the needs of a wider range of economies, and retained in the data base mentioned under the second recommendation under objective 2.3 below.

392. *Main finding*: Challenges exist in comparability of reported data on waste collected from households between Parties resulting from differences in definitions and concepts that are used. Waste Without Frontiers II pointed out that this challenge could be addressed through the Basel Convention household waste partnership.

393. *Conclusion*: More could be done to enhance comparability of reported data in the area of household wastes.

394. *Recommendation*: In considering the overall guidance document on the environmentally sound management of household waste under development by the Basel Convention household waste partnership, the Conference of the Parties at its fifteenth meeting could address the issue of differences in definitions and concepts that are used to define waste collected from households to help better assess the issue of generation of household/“other” wastes, as recommended in Waste Without Frontiers II.

3. Objective 2.3

Goal 2: Strengthening the environmentally sound management of hazardous and other wastes

Objective 2.3: To support and promote capacity-building for Parties, including technological capability, through technology needs assessments and technology transfer, so as to reduce the generation and hazard potential of hazardous and other wastes

Indicator: Number of Parties that have developed and implemented national strategies, plans or programmes for hazardous waste minimization

Sub-indicators:

- Number of Parties receiving capacity-building support that report reductions in hazardous waste generation;
- Number of Parties receiving capacity-building support for hazardous waste minimization.

395. This section of the report focuses on the sub-indicators, as the indicator is very similar to the one under objective 2.2, and the relevant data for that indicator is addressed in 2.2. As noted in that section of the report, recycling and recovery are not addressed here, as the scope would be too broad to be meaningful. This section builds on that analysis but focuses on the sub-indicators, which address the number of Parties receiving capacity-building support and/or that report reductions in hazardous waste generation.

396. In addition to the baseline questionnaire and the 2019 final evaluation questionnaire, this section considers reports on technical assistance by the Secretariat, reports on the activities of the Basel and Stockholm Convention regional centres, and collective capacity-building by the Conference of the Parties in the form of inventory guides, decisions on environmentally sound management, the Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes, the Practical Manual on Waste Prevention, and work of the Implementation and Compliance Committee in individual cases.

a. Data from 2011 baseline questionnaire and additional information sources

397. *Baseline questionnaire:* This questionnaire addresses both the indicator and the sub-indicators. For the indicator, of the 36 Parties who responded, twenty said they have developed national strategies, plans or programs for reduction of hazardous waste generation, 6 indicated they were under development and ten indicated they had not developed anything. 9 Parties indicated they had received capacity-building support and 4 of those reported that the support had resulted in reduction in hazardous waste generation.

398. *Reports on technical assistance activities by the Secretariat for the Conference of the Parties:* The reports for the 2011-2012 biennium did not contain any technical assistance activities on waste prevention.²²⁰

399. *Report of the activities of the Basel and Stockholm convention regional centres:* The limitations of this document in the baseline year have been noted earlier in this report.

400. *Methodological Guide for Undertaking National Inventories under the Basel Convention:* This was developed as a draft in May 2000.

401. *Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes:* At its tenth meeting in 2011, the Conference of the Parties recognized that despite efforts taken and progress achieved in the first twenty years of the Basel Convention, the volume of hazardous and other wastes continued to increase on a global level, and transboundary movements of hazardous and other wastes had not diminished. To address the resulting threats to human health and the environment, the Conference of the Parties adopted the Cartagena Declaration. Parties thereby committed to actively promote and implement more efficient waste prevention and minimization strategies, to take measures to decouple economic growth and environmental impacts, and to encourage more systematic and comprehensive global and regional efforts for improved access to cleaner production methods, including through capacity-building and technology transfer.

²²⁰ UNEP/CHW.11/INF.31 and UNEP/CHW.10/INF/28. See table 7 under objective 1.1.

b. Latest data from 2019 questionnaire and additional information sources

402. *2019 questionnaire*:²²¹ The question posed was “Has your country developed and implemented national strategies, plans or programmes for hazardous waste minimization?” Of the 50 Parties responding, 23 indicated yes (46%), 11 (22%) indicated no, and 16 (32%) indicated that they were in preparation. On the related question of whether the Party has received capacity-building support for reducing hazardous waste generation, 11 said yes (22%) and 39 said no (78%).

403. On the further question of, if the country has received capacity-building support, have they identified any reductions in hazardous waste generation, out of the ten responding Parties, eight indicated that they had identified reductions and two said they had not. Finally, Parties were asked whether their country has received capacity-building support for hazardous waste minimization: 11 (22%) answered yes and 39 (78%) answered no. These are the identical responses to the above very similar question about whether they have received such support for reducing hazardous waste generation.

404. In the open-ended questions at the end of the questionnaire, a number of Parties provided additional information on recent activities relevant to the strategic framework, and among the most frequently mentioned were the development of inventories, and legislative and policy initiatives related to prevention and minimization, both discussed in this section. Several developing country Parties emphasized the need for capacity-building in this area of the Convention’s work.

405. *Conference of the Parties decisions on environmentally sound management*: Via decision BC-11/1 on the follow-up to the Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention, the eleventh meeting of the Conference of the Parties adopted the Framework for the environmentally sound management of hazardous wastes and other wastes,²²² which highlighted the importance of prevention and minimization of hazardous wastes and other wastes.²²³ The Expert Working Group on environmentally sound management was also established through that decision. The Practical Manual on Waste Prevention,²²⁴ prepared by the Expert Working Group, and adopted by decision BC-13/2, provides stakeholders, including governments, with general guidance on waste prevention principles, strategies and possible measures and tools, along with examples and references to already existing information and experience.²²⁵

406. *Cartagena Declaration follow-up*: At its twelfth meeting, the Conference of the Parties adopted a road map for action on the implementation of the Cartagena Declaration which mandated the expert working group on environmentally sound management to develop guidance to assist Parties in developing efficient waste prevention and minimization strategies, taking into account the prevention manual developed by the same group.²²⁶ The thirteenth meeting of the Conference of the Parties adopted the Guidance to assist Parties in developing efficient strategies for achieving the prevention and minimization of the generation of hazardous and other wastes and their disposal,²²⁷ which referenced the strategic framework minimization objectives. Focusing on prevention, minimization and reuse, the document provides guidance on developing strategies and measures, both mandatory and voluntary, to achieve the prevention, minimization and reuse of hazardous wastes and other wastes.

407. *The Methodological Guide for the Development of Inventories of Hazardous Wastes and Other Wastes under the Basel Convention*,²²⁸ prepared by the Implementation and Compliance Committee and adopted at the twelfth meeting of the Conference of the Parties, provides general guidance as well as focusing on priority waste streams for which inventories are needed. First generation inventories involve making basic calculations of waste generation and a review of management practices aiming at identifying priority waste streams and sources, main risk, main players, etc.²²⁹ Second generation inventories are a more advanced stage when a national system is in place with detailed waste

²²¹ Questions 5, 5.1, 5.1.1 and 5.2.

²²² The Framework for the environmentally sound management of hazardous wastes and other wastes is available at:

<http://www.basel.int/Implementation/CountryLedInitiative/EnvironmentallySoundManagement/ESMFramework/tabid/3616/Default.aspx>.

²²³ Paragraphs 3 and 4 of UNEP/CHW.13/INF/11/Rev.1.

²²⁴ UNEP/CHW.13/4/Add.1/Rev.1, Appendix V, adopted by BC-13/2, para. 6.

²²⁵ Practical Manual at paragraphs 1 and 2.

²²⁶ Decision BC-12/2.

²²⁷ UNEP/CHW.13/INF/11/Rev.1.

²²⁸ UNEP/CHW.12/9/Add.1.

²²⁹ Paragraph 16.

legislation, licensing and enforcement, as it the self-monitoring and compliance monitoring systems that produce data for annual inventories.²³⁰

408. The fourteenth meeting of the Conference of the Parties requested the Open-ended Working Group to consider as a high priority in its work programme the development of inventories for the waste streams set out in BC-14/10: plastic waste; obsolete pesticides, including pesticide-container waste; and waste batteries containing lithium. Medium priority for the development of inventory guidance are waste cartridges and toners, and olive oil milling waste. That decision also requests the Secretariat to continue, subject to the availability of resources, to undertake pilot projects to test the practical guidance for the development of inventories of used lead-acid batteries, waste electrical and electronic equipment and waste oils, and to prepare, on the basis of the outcomes of those projects and comments received by Parties and observers on their experience in using the guidance, revised practical guidance for consideration by the fifteenth Conference of the Parties.²³¹ Practical guidance on the development of inventories of plastic waste,²³² of obsolete pesticides and pesticide-container waste,²³³ and of waste batteries containing lithium²³⁴ is under development and will be considered by the Conference of the Parties at its fifteenth meeting.

409. *Reports to the Conference of the Parties on technical assistance activities conducted by the Secretariat:*²³⁵ A workshop held in Barcelona Spain in April 2019²³⁶ was the first in a planned series organized by the Secretariat to raise awareness of marine litter pollution caused by plastics. It highlighted Parties' obligations with respect to the Basel and Stockholm conventions and opportunities to apply for funding under the Special Programme of UNEP, as well as lessons learned in the process of carrying out inventories in both developing economies and developed countries. The workshop also highlighted the importance of prevention schemes, innovative approaches to increase collection and recycling, examined alternatives to plastic products, and held technical discussions on appropriate disposal techniques for plastic wastes. As part of the same series, a workshop was held in Jakarta, Indonesia in June 2019.²³⁷

410. Two plastics projects are ongoing on marine litter and microplastics aimed at promoting the environmentally sound management of plastic waste and achieving the prevention and minimization of the generation of such waste (NORAD-1).²³⁸ The projects seek to prevent and significantly reduce marine litter and microplastics by strengthening capacity in Bangladesh and Ghana, as well as at the regional and global levels. The projects, initiated in 2018, are expected to be completed in 2021, and are structured across three components: controlling the transboundary movements of plastic waste; ensuring the environmentally sound management of plastic waste; and tackling prevention and minimization at source.

411. *Report of the activities of the Basel and Stockholm convention regional centres:* A project proposed by BCRC-Caribbean on identifying feasible strategies for the environmentally sound disposal of spent lighting products in Saint Kitts and Nevis, Saint Lucia, Suriname and Trinidad and Tobago also tested the ESM manuals. The 2019 report²³⁹ on that project concluded that while "broad coverage for ESM principles exists, there are significant gaps in the systems and a deficiency for a considerable volume of the strategies for ESM that are proposed in the Manuals. As a result, it can be deduced that there is a need for the participating countries to put the recommended strategies for achieving ESM in the Manuals into operation."²⁴⁰ It also pointed out that the Practical Manual on

²³⁰ Paragraph 16.

²³¹ Paragraph 6(f).

²³² UNEP/CHW/OEWG.12/INF/15.

²³³ UNEP/CHW/OEWG.12/INF/16.

²³⁴ UNEP/CHW/OEWG.12/INF/17.

²³⁵ UNEP/CHW.14/INF/25/Rev.1.

²³⁶ "Workshop on the Environmentally Sound Management of Plastic Wastes for the prevention of marine litter and plastic pollution,":

<http://www.basel.int/Implementation/TechnicalAssistance/EmergencyAssistance/WorkshopSpainApr2019/tabid/7944/Default.aspx>.

²³⁷ <http://www.basel.int/Implementation/Plasticwastes/WorkshopIndonesiaJun2019/tabid/8015/Default.aspx>.

²³⁸ <http://www.basel.int/Implementation/Plasticwaste/Technicalassistance/Projects/tabid/8341/Default.aspx>.

²³⁹ "Analysis Report on the Applicability of the Revised Set of Draft Practical Manuals for the Promotion of the Environmentally Sound Management (ESM) of Wastes", by Environmental Advisors Inc. and the Basel Convention Regional Centre for Training and Technology Transfer for the Caribbean, <http://basel.int/Implementation/CountryLedInitiative/EnvironmentallySoundManagement/ESMToolkit/Pilotprojects/tabid/5846/Default.aspx>.

²⁴⁰ *Ibid.*, at page 4.

Waste Prevention was quite general, and that participants had used it in conjunction with the guidance developing efficient strategies for achieving the prevention and minimization of the generation of hazardous and other wastes and their disposal. It recommended that both documents be considered together when being updated.²⁴¹ It also pointed out that the manuals recommended strategies that were more suitable for developed countries and that the economic and social realities of small island developing states were not reflected in the manuals, and recommended that the manuals further elaborate how such countries could improve areas related to data collection, capacity-building of human resources and institutional capabilities.

412. BCRC Egypt conducted a workshop in February 2019 to test and verify the applicability of the guidance to assist Parties in developing efficient strategies for achieving the prevention and minimization of the generation of hazardous and other wastes and their disposal and also sent a questionnaire to Arab countries in Asia and Africa.²⁴² The report noted that while some countries thought the guidance was sufficient for helping countries to develop strategies on prevention and minimization of waste, others felt there were gaps in it, such as not addressing clean technologies, nor providing technical advice on hazardous waste management, that it did not elaborate on how to motivate stakeholders, and there was no information assessing existing laws related to waste management and the identification of obstacles or gaps in applying such laws.²⁴³ It outlined obstacles and challenges faced by a number of countries, such as lack of familiarity with proper disposal techniques, lack of human resources and financing, lack of accurate information on generated hazardous waste, and the need to prepare a database on generated waste. Most countries indicated that the dissemination and implementation of the guidance needed more time, including for consultations with stakeholders at the national level.

413. The SCRC Spain²⁴⁴ undertook a training and support programme to support Small and Medium-sized Enterprises (SMEs) and Civil Society Organizations (CSOs) to implement innovative solutions to prevent the generation of waste ending up as marine litter and the shift to safe alternatives to POPs and toxic chemicals.²⁴⁵

414. On prevention of plastic waste, two projects were completed by the Uruguay BCRC and SCRC. SCRC Spain with UNEP/Mediterranean Action Plan completed two projects, and SCRC Spain completed a project and has another planned. In other regions, another eight prevention activities were either ongoing, completed or planned. As regards plastic waste minimization (defined for this purpose as “plastic waste recycling and recovery”), the report of the BCRCs identified seven projects that were completed, ongoing or planned.

415. *Work of the Implementation and Compliance Committee on individual cases:* The work of the Committee on individual cases of non-reporting triggered through the compliance procedures is of note here. Where such cases have not been resolved by the Party transmitting the information, the trend has been that Parties with respect to whom a submission has been made have frequently developed voluntary action plans involving the development of inventories, and have received financial support from the Committee’s Implementation Fund. In resolved cases of failure to report that have been before the Committee as of December 31, 2019, the statistics are as follows:

²⁴¹ *Ibid.*, at page 11.

²⁴² 53 responses were received to the questionnaire from 17 countries, 44 from government bodies and 9 from non-governmental organizations.

²⁴³ “Report on the outcome and recommendations of the workshop: Guidance to assist Parties in developing efficient strategies for achieving the prevention and minimization of the generation of hazardous and other wastes and their disposal,” <http://basel.int/Implementation/CountryLedInitiative/EnvironmentallySoundManagement/ESMToolkit/Pilotprojects/tabid/5846/Default.aspx>, at page 15.

²⁴⁴ The Centre’s activities are conducted under the Regional Activity Centre for Sustainable Consumption and Production (SCP/RAC) for international cooperation with Mediterranean countries.

²⁴⁵ UNEP/CHW.14/INF/29-UNEP/POPS/Conference of the Parties.9/INF/28, p. 11. The SCP/RAC has also published a book on innovative solutions to combating marine litter in the Mediterranean Region: <http://www.cprac.org/en/news-archive/general/25-innovative-solutions-to-combat-plastic-marine-litter-a-unique-tool-for-busin>.

Resolved by Party transmitting report ²⁴⁶	Cases resolved through action plan that includes inventory, legislation and support from implementation fund	Ongoing cases ²⁴⁷ involving an inventory, legislation and support from implementation fund	Total non-reporting cases addressed by the Implementation and Compliance Committee to date
3	6	2	11

Table 19: non-reporting case outcomes for cases that have been before the Implementation and Compliance Committee

416. Inventories are a key basis for understanding national generation statistics and assisting Parties in reporting as required under the Convention. For non-reporting Parties, legislation was the other key element consistently approved by the Implementation and Compliance Committee for inclusion in action plans. The above table illustrates that except for cases where the matter was resolved by the Party transmitting its report (three of 11 cases) 100% of the cases before the Implementation and Compliance Committee resulted in action plans involving inventories and legislation. Support from the Committee's implementation fund was provided in all cases.

c. Analysis of data applied to the indicator over time

417. There are two challenges that arise immediately in addressing this objective and related indicators. First, the goal and objective cover hazardous wastes and other wastes, but the indicator and sub-indicators are about hazardous waste only, although for purposes of this analysis that fact was ignored, as there was so little information available. The use of "reduction" and "minimization" apparently interchangeably between objectives 2.2 and 2.3 is confusing. While "reduction" is part of the definition of "minimization", as noted earlier "minimization" can have a broader meaning that can include recycling and recovery, two aspects not considered here due to their breadth. Only objective 2.2 uses "prevention", which is defined in both the Practical Manual and the Guidance. When the strategic framework was developed, neither of these documents existed, and commonly understood definitions were not yet agreed.

418. The considerable overlap between objectives 2.2 and 2.3, including the indicators, suggests that objective 2.3 is more of a means to achieve objective 2.2, rather than a separate objective itself.

419. The support provided to individual countries through technical assistance by the Secretariat and support from the BCRCs on waste minimization and reduction is a small percentage of the overall technical assistance provided by both the Secretariat and the BCRCs (and SCRCs, where relevant). Some related to testing the Practical Manual and the Guidance, but most focused on the specific waste stream of plastics. In 2011, nine Parties advised through the questionnaire that they had received capacity-building for waste prevention or minimization and in 2019, 11 replied similarly. Therefore, there has not been a significant increase in technical assistance activities in this regard, except as regards plastics.

420. The Implementation and Compliance Committee has proven to be a source of individual Party technical assistance through its implementation fund, with inventories on the generation of hazardous waste and other waste consistently approved as a key underpinning to improving reporting, along with legislation. Inventories are also a key underpinning to measuring waste reduction and targeting strategies for waste prevention and minimization. However, with the new reporting format for 2016 and onwards, data on waste generation is no longer mandatory, and this may affect the Conference of the Parties' ability to assess whether reduction and minimization is taking place.

421. Substantial efforts have been made by the Conference of the Parties over the life of the strategic framework to produce capacity-building for all Parties in the form of guidance and manuals to help improve their efforts with strategies for hazardous waste prevention and minimization, but also in measuring the results. Thus, while the Guidance to assist Parties in developing efficient strategies for achieving the prevention and minimization of the generation of hazardous and other wastes and their disposal does not provide information that speaks to the indicator or sub-indicators directly, which

²⁴⁶

<http://www.basel.int/Implementation/LegalMatters/Compliance/SpecificSubmissionsActivities/Resolvedsubmissions/tabid/7978/Default.aspx>

²⁴⁷ Ongoing cases are found at:

<http://www.basel.int/Implementation/LegalMatters/Compliance/SpecificSubmissionsActivities/Currentsubmissions/tabid/2310/Default.aspx>

aim at counting numbers of Parties with national strategies, plans or programmes that address the prevention of generation of hazardous and other wastes, or that have received support, it can be counted as an effort by the Conference of the Parties to provide capacity-building to all Parties for purposes of the second sub-indicator. The same applies to the Practical Manual on Waste Prevention. In both cases, these documents were adopted in 2017, and it will take some time for Parties to fully benefit from the guidance in these documents and before any positive effects can be attributed to them. Some of the testing of those documents has revealed that they may need further refinement so that they provide suggestions that are workable for Parties with a wide range of capacities.

422. Pursuant to the request in the 2019 questionnaire to provide additional information relevant to the strategic framework and meeting obligations under the Convention, a number of Parties shared activities and documents, including on waste prevention and minimization, and these are now available on the Convention website.²⁴⁸

d. Main findings, conclusions and recommendations for objective 2.3

423. *Main findings:* As noted in the discussion of objective 2.2, data show that hazardous waste generation increased by 50% between 2007 and 2015, particularly in the lower-middle and higher-middle income countries, and although the data is less robust, it is estimated that household waste generation increased by 12%. While there have not been significant numbers of capacity-building efforts over the decade regarding waste reduction and minimization, there has been a slight upward trend in the regional technical assistance projects in this regard, especially in the area of plastics. There has been attention paid by the Conference of the Parties to hazardous waste reduction and minimization over the decade in a policy sense, starting with the Cartagena Declaration, and a significant increase in the number of Conference of the Parties guidance documents or manuals directed at this question. A few workshops have been held and resulted in valuable lessons learned. As a result of the 2019 questionnaire, further examples of waste prevention and minimization systems have been shared.

424. *Conclusions:* It will take some time for Parties to be able to consider such guidance and integrate it into national waste management plans and strategies. In the meantime, lessons learned can be utilized to refine existing guidance and develop further activities on hazardous and other waste prevention and minimization.

425. *Recommendations:* To build on the data base of examples of waste prevention and minimization systems on the Convention website²⁴⁹ and submissions made to the 2019 questionnaire, Parties could again be invited to share successful national examples of waste reduction and minimization efforts. The Secretariat in its next workshops on waste prevention and minimization systems could work with developing country Parties to further refine existing best practices from developed country economies, and developing countries, where these exist, into models that are workable for their particular circumstances, including those of small island developing states and those Parties experiencing the largest increases in generation according to Waste Without Frontiers II, building on existing guidance and the database. Waste Without Frontiers II could be further publicized so that Parties can benefit from its data and conclusions.

426. *Main findings:* Inventories are a key basis for understanding national generation statistics and assisting Parties in reporting as required under the Convention. To be able to compel the provision of necessary data from the private sector, gathering of data at the national level must be grounded in national hazardous waste management laws.

427. *Conclusion:* To improve inventories, the development of inventories could work hand-in-hand with the development of national legislation, as has been done by the Implementation and Compliance Committee.

428. *Recommendation:* Future technical assistance activities by the Secretariat relating to inventories should be linked with the development of national implementing legislation, and vice versa.

²⁴⁸

<http://www.basel.int/Implementation/StrategicFramework/Evaluation/Finalevaluation/Responsestotheonlinesurvey/tabid/8355/Default.aspx>.

²⁴⁹ <http://www.basel.int/Implementation/CartagenaDeclaration/Overview/tabid/5854/Default.aspx?>

4. Objective 2.4

Goal 2: Strengthening the environmentally sound management of hazardous and other wastes

Objective 2.4: To facilitate national, regional and international commitment with regard to the management of priority waste streams, as identified in the programme of work of the Convention, taking into consideration the priorities of developing countries and countries with economies in transition and in accordance with the requirements of the Convention

Indicator: Number of programmes, projects or activities carried out by Parties, jointly with other Parties or together with other stakeholders (regional and international organizations, conventions, industry bodies, etc.), aimed at the environmentally sound management of priority waste streams²⁵⁰ that have been monitored and assessed to achieve this goal

429. Additional sources considered in this section in addition to the baseline and final evaluation questionnaire are the work programme of the Open-ended Working Group; reports on technical assistance activities conducted by the Secretariat and the Basel and Stockholm conventions regional centres relating to or referring to technical guidelines for priority waste streams; relevant projects funded by the Global Environment Facility; guidance developed on inventories of waste streams; and Partnerships established on Priority Waste Streams.

a. Data from 2011 baseline questionnaire and additional information sources

430. *Baseline questionnaire:* Of the 36 responding Parties, 28 of 35 responded positively to the question about whether they have jointly carried out programmes, projects or activities with others aimed at the environmentally sound management of priority waste streams. Five said they had not and three said it was in preparation. As to whether the programmes have been monitored and assessed, 58% indicated that such programs were monitored and assessed or are in preparation for monitoring and assessment.

431. *Open-ended Working Group Programme of Work:* In the early days of the Convention until the sixth meeting of the Conference of the Parties, there was typically no more than one decision on technical guidelines, and there was no model of a “lead country” or a small intersessional working group. At that meeting, there were five decisions on technical guidelines, the Technical Working Group was replaced by the Open-ended Working Group, and in several decisions the leadership of individual countries was recognized for the first time.²⁵¹ The first small intersessional working group (SIWG) for POPs wastes was mandated by the Open-ended Working Group at its first meeting²⁵² and has been since extended by the Conference of the Parties.²⁵³

432. At the tenth meeting of the Conference of the Parties in 2011, the Open-ended Working Group was assigned four tasks regarding technical guidelines on ESM of POPs waste, all ranked as high priority.

433. Prior to that meeting, there were 20 technical guidelines, and at the tenth meeting, three more were approved, bringing the total to 23.

434. Activities with respect to the adopted technical guidelines outlined in decisions at 2011 were typically: dissemination in the six UN languages; inviting Parties and others to use the guidelines and submit comments; requesting the Secretariat to compile comments received.

435. *Reports to the Conference of the Parties on technical assistance activities conducted by the Secretariat:* As was noted under objective 1.1, technical assistance activities of the Secretariat for 2011-12 reported in 2013 at the eleventh meeting of the Conference of the Parties involved 25 activities (34% of total TA activities) on all technical guideline waste streams. However, focusing here only on technical guidelines focusing on ESM, e-waste interim technical guidelines are excluded, having been discussed under objective 1.1. Of the 74 technical assistance activities conducted, 14 (19%) were on ESM technical guidelines, with six on ships (43%); five on POPs (36%) and three on other various guidelines (21%).²⁵⁴ At this time, there was a heavy emphasis in the work programme on

²⁵⁰ As per the objective, the source of prioritization is the work programme of the Open-ended Working Group, which provides the plan for detailed technical discussions on waste streams and allocates priorities.

²⁵¹ Decisions BC-6/20, 6/22 and 6/23 recognized the work of Germany, Brazil and Canada.

²⁵² Decision OEWG-I/4.

²⁵³ The SIWG mandate was then extended by decision BC-7/13, and most recently at the fourteenth meeting of the Conference of the Parties.

²⁵⁴ See table 1 under objective 1.1 for the data for all technical guidelines, including e-waste.

POPs wastes, and of activities related to ship waste. Of course, the fact that the Stockholm Convention continues to list new chemicals at each Conference of the Parties means that there is always a need for the Open-ended Working Group to keep pace on the waste-related aspects. Technical guidelines for ship waste had been adopted in 2002.

436. *Report to the Conference of the Parties of the activities of the Basel and Stockholm conventions' regional centres:* As noted in the technical guideline discussion under objective 1.1, there was no equivalent of today's BCRC collated activity report, and individual reports by BCRCs did not provide information that was comparable between themselves or with today's report.

437. *Global Environment Facility (GEF) funded projects:*²⁵⁵ The GEF, in its role as the financial mechanism of the Stockholm and Minamata conventions, responds to objective 2.4 by facilitating national, regional and international commitment with regard to the management of specific priority waste streams. In such, the GEF is providing funding, among others, for the disposal of POPs waste, in line with the Memorandum of Understanding (MOU) between the Conference of the Parties and the GEF Council and guidance provided to the GEF by the Stockholm Conference of the Parties. The GEF Secretariat reports to each Conference of the Parties on how it implemented this guidance. A similar setting has been put in place with respect to mercury waste.

438. The Report of the GEF to the sixth meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants covered the period of the baseline year of 2011, reporting from July 1, 2010 to August 30, 2012. In the reporting period, \$139.6 M was approved, and an additional \$754 M leveraged from other sources for Stockholm projects. During the period, twenty-one Full-sized Projects were approved, 16 of which had wastes as at least a partial component.²⁵⁶ The GEF in its report did not delineate the dollar amount attributable to waste issues. Fifteen of the projects were for individual Parties and two were regional projects helping four and eight countries, respectively. Thus, GEF financing in the relevant two-year period addressed the needs of 27 Parties to the Stockholm Convention, 26 of which were Basel Convention Parties at that time, and one which became a Party within the reporting period. In the baseline year, 2011, the Minamata Convention on Mercury was in its negotiation phase, with the third session of its Intergovernmental Negotiating Committee taking place in Nairobi in October 2011, and consideration was being given at that time as to whether the GEF would be agreed as the financial mechanism for the Convention.

439. *Methodological Guide for Undertaking National Inventories under the Basel Convention:* This was developed and published in a draft version in May 2000.

440. *Partnerships on Priority Waste Streams:* The Conference of the Parties has worked with the concept of partnerships from the early 2000s, mainly with two types: global multi-stakeholder "Partnerships" established by the Conference of the Parties and "partnerships" in which the Secretariat is a partner in cooperation arrangements of other organizations.²⁵⁷ This aspect of the report focuses on the activities of the former, as they are Conference of the Parties-established platforms governed by a subsidiary body (working group). In 2004, the Conference of the Parties at its seventh meeting adopted the work programme for the Basel Convention Partnership Programme for the years 2005-2006,²⁵⁸ which laid the foundation for the development of the modalities of engagement with non-state actors under the Convention. The Programme was endorsed by the Ministerial Declarations adopted by the seventh meeting of the Conference of the Parties and by its eighth meeting in 2006,²⁵⁹

²⁵⁵ Report of the Global Environment Facility to the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants at its sixth meeting, Executive Summary, UNEP/POPS/COP.6/22. The full report is contained in UNEP/POPS/COP.6/INF/24.

²⁵⁶ As an example, in Annex 2 of UNEP/POPS/COP.6/INF/24, a Synthesis of Projects approved during Reporting Period (2011-12), one project is described as: "This project will assist Algeria to dispose of 5,000 tonnes of PCB waste and promote the transfer of disposal technology to the country. The project will further develop a system for environmentally sound management of POPs and build the technical capacity to implement the system." It is beyond the scope of this project to do an analysis of the percentage of each project budget attributable to wastes.

²⁵⁷ Examples are the Global Mercury Partnership (with UNEP Chemicals); Global Partnership on Waste Management (UNEP/International Environmental Technology Centre); Solving the E-waste Problem (StEP) (UN University); Partnership on Measuring Information and Communication Technologies for Development under the International Telecommunication Union; Global Partnership on Marine Litter (with various international agencies, government, academia, private sector, civil society and individuals). UNEP/CHW.14/INF/33, paragraph 27. The report, prepared for fourteenth meeting of the Conference of the Parties, discusses some of the issues related to these types of partnership.

²⁵⁸ Decision BC-VII/3, 2004.

²⁵⁹ Ministerial statement on partnerships for meeting the global waste challenge, document UNEP/CHW.7/33, Annex IV, 2004; Nairobi Declaration on the environmentally sound management of electrical and electronic waste, document UNEP/CHW.8/16, Annex IV, 2006.

lending it an additional level of authority. The Conference of the Parties at its eighth and ninth meetings adopted biennial work programmes for the Partnerships for the following years.

441. The initial work programme for 2005-2006²⁶⁰ took into account activities for 2003-2004 under the Strategic Plan for the Implementation of the Basel Convention, identified priority areas under the Strategic Plan, and set as a performance indicator: “Effective partnerships established with relevant stakeholders to support environmentally sound management activities for priority waste streams identified in the strategic plan.” At that time, the priority waste streams so identified were: electronic wastes, used lead-acid batteries, used oils, obsolete stocks of pesticides, PCBs, dioxins/furans, by-products from the dismantling of ships, biomedical wastes and healthcare wastes.

Priority waste streams identified under the former Strategic Plan

- Electronic wastes
- Used lead-acid batteries
- Used oils
- Obsolete stocks of pesticides
- PCBs
- Dioxins/furans
- By-products from ship dismantling
- Biomedical and health care wastes

442. At the tenth meeting of the Conference of the Parties, the year the current strategic framework was adopted, the Conference of the Parties requested the Secretariat “To continue, subject to the availability of financial resources, to implement actively the Partnership Programme as a key instrument for supporting the implementation of the Strategic Plan for the Implementation of the Basel Convention in conjunction with all relevant and interested partners.”²⁶¹ (underlining added)

443. For the priority waste stream of e-waste, partnerships have been active. The tenth meeting of the Conference of the Parties adopted²⁶² the revised guidance document on environmentally sound management of used and end-of-life mobile phones developed by the Sustainable Partnership on the Environmentally Sound Management of End-of-Life Mobile Phones (the Mobile Phone Partnership Initiative (MPPI)), established at the sixth meeting of the Conference of the Parties in 2002. That partnership produced five technical guidelines and an overall guidance document, and initiated pilot projects to test these.²⁶³

444. The Partnership for Action on Computing Equipment (PACE), launched in 2008 by decision IX/9 as a follow-up to the Nairobi Declaration on the Environmentally Sound Management of Electrical and Electronic Waste adopted by the eighth meeting of the Conference of the Parties, was developed as a multi-stakeholder public-private partnership. In 2011, the Conference of the Parties adopted most of the PACE guidance document on environmentally sound management of used and end-of-life computing equipment, but requested the portion on transboundary movements to be revised taking into account any adopted technical guidelines on e-waste, and requested that Parties and others offer financing to, *inter alia*, facilitate the evaluation of the guidelines. This highlighted one challenge with partnerships that might be covering the same ground as an expert group under the Conference of the Parties.²⁶⁴

b. Latest data from 2019 questionnaire and additional information sources

445. *2019 questionnaire*:²⁶⁵ Question 6 asked whether the respondent’s country “jointly with other Parties or with other stakeholders...engaged in programmes, projects or activities aimed at the environmentally sound management of priority waste streams”. Thirty-seven of 49 respondents replied yes (75.5%), ten responded no (20%) and two indicated that they were in preparation (4.1%). When asked whether such programmes have been monitored and assessed, 21 of 36 respondents said yes (58%), six said no (17%) and 9 (25%) said it was “in preparation”.

446. *Open-Ended Working Group programme of work*: At the fourteenth meeting of the Conference of the Parties, out of seven tasks regarding technical guidelines on ESM assigned to the Open-Ended Working Group, five were rated a high priority. Two ranked as medium priority involved considering whether particular guidelines should be updated (lead-acid batteries, physico-chemical treatment (D9)

²⁶⁰ Decision VII/3.

²⁶¹ Decision BC-10/19, subparagraph 3(a).

²⁶² Decision BC-10/21.

²⁶³ UNEP/CHW.14/INF/33, paragraph 19. For lessons learned from this partnership, see paragraph 23.

²⁶⁴ *Ibid.*, at paragraph 26.

²⁶⁵ It should be noted that question 6 states after “priority waste streams” (“e.g. persistent organic pollutants waste, used oils, used lead acid batteries, e-waste, clinical and medical waste, etc.”) whereas today’s priorities are different—but the question was retained as is.

and biological treatment (D8)). The priority tasks involved two on POPs guidelines, one on plastic waste, one on mercury waste, and ongoing work on D10 (incineration on land) and incineration as covered by R1 as well as D5 (specially engineered landfill).

447. After the last meeting of the Conference of the Parties there was a total of 29 technical guidelines on ESM for different waste streams.

448. Activities outlined in decisions with respect to the adopted technical guidelines currently include: dissemination in the UN's six official languages; training to be provided by the Secretariat on the technical guidelines subject to available resources; the SIWG to monitor and assist in the review, updating and preparation, as appropriate, of technical guidelines on POPs wastes; a draft analysis of candidate persistent organic pollutants recommended for listing by the POPs Review Committee in order to identify whether technical guidelines will need to be updated or developed.

449. As is evident, the Conference of the Parties has continued the model of an Open-ended Working Group reviewing draft guidelines, ideally with a lead country, and prepared by an SIWG or expert working group as needed.²⁶⁶ This model, which has been in play since the first meeting of the Open-ended Working Group in 2003, and continues to be relied on by the Conference of the Parties for the smooth development of highly technical guidelines that have to identify options for environmentally sound management that are reasonably available to a wide range of Parties with differing levels of economic development.

450. A program synergy has been adopted by the Stockholm and Basel conventions conferences of the Parties. The Basel SIWG on POPs is requested by the Conference of the Parties to prepare a draft analysis anticipating whether proposed new listings under consideration by the Stockholm Conference of the Parties will need new or updated technical guidelines for a particular waste stream. This practical synergy is carried through to the conferences of the Parties' organization, in that the Stockholm Conference of the Parties makes decisions related to any chemicals listed at the Stockholm Conference of the Parties that are recommended for the development of new technical guidelines at the Basel Conference of the Parties. Also, in the final plenary of the two weeks of conferences of the Parties, the Stockholm Conference of the Parties takes action on the technical guidelines on POPs that are adopted by the Basel Conference of the Parties.

451. More recent decisions in 2017 and 2019 have listed the need for training to be given on the technical guidelines by the Secretariat "subject to available resources", although the fourteenth Conference of the Parties added that such training be organized "in cooperation with the regional and coordinating centres under the Basel Convention or by other appropriate means".

452. The SIWG on POPs is also given a mandate to monitor and assist in the review, updating and preparation, as appropriate, of technical guidelines on POPs wastes. For POPs wastes the OEWG was given the task of considering comments and information invited from Parties and observers relating to the review of provisional low POPs content values in the general guideline and other guidelines, as appropriate.²⁶⁷

453. *Global Environment Facility funded projects on priority waste streams:*²⁶⁸ While not the financial mechanism for the Basel Convention, the 5th GEF assembly removed the POPs and ozone-depleting substances (ODS) focal areas and replaced them with a Chemicals and Waste Focal Area that includes POPs, ODS, Mercury and the Strategic Approach to International Chemicals Management (SAICM).²⁶⁹ To the extent that the Basel Convention addresses priority waste streams

²⁶⁶ While initially the SIWG was limited to POPs, eventually this has spread, for example, to an expert working group on e-waste and an SIWG on mercury.

²⁶⁷ Decision BC-14/4.

²⁶⁸ Current database as of November 27, 2019:

http://www.thegef.org/projects?search_api_views_fulltext=waste+projects&=Apply; or see the report of the GEF contained in UNEP/SC.9/INF/30: *Report of the Global Environment Facility to the Ninth Meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants*, 8 April 2019. *While in the GEF-6 replenishment (2014-18), \$554 million was notionally allocated to the chemicals and wastes focal area, of which \$375 million was allocated to the support the Stockholm Convention. Due to a resource shortfall, the adjusted GEF-6 allocation for the chemicals and wastes focal area was \$467 million, \$281.87 M of which was used for SC programming during GEF-6, including 253 M of GEF project grants. The seventh replenishment of the GEF (GEF-7) approved an indicative allocation of \$599 million for the chemicals and wastes focal area, Report at p. i.*

²⁶⁹ UNEP/POPs/Conference of the Parties.7/23, *Executive summary of the report of the Council of the Global Environment Facility to the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants at its seventh meeting*, 22 January 2015, paragraph 12.

such as POPs waste and mercury waste, which are funded by the GEF, Basel Convention Parties can benefit from funding.

454. The Stockholm Convention Conference of the Parties in the guidance to the GEF decided at its eight meeting, listed PCB waste management as a high priority for funding. At the next Conference of the Parties in 2019, the GEF reported on projects approved in the reporting period of July 1, 2016 to June 30, 2018.²⁷⁰ In total, \$139.81 million of GEF resources were utilized for programming to support the Stockholm Convention during the reporting period, \$125.91 million of which were for project grants. In the reporting period, 14% of these funds were allocated for disposal of obsolete chemicals, including DDT, in five Parties; and 17% on PCB management and disposal for ten Parties amounting to the disposal of 19, 923 metric tons of PCB and PCB-containing and contaminated equipment and material.²⁷¹ Fifteen percent of resources was programmed in two Parties to manage and dispose of three of wastes related to the new POPs: lindane, endosulfan, and PFOS.

455. As to the assessment and monitoring in the indicator, paragraph 10 of the SC Conference of the Parties Memorandum of Understanding with the GEF Council requires the Council to report on GEF monitoring and evaluation activities concerning projects in the POPs focal area. GEF projects and focal area portfolio are monitored by the GEF Secretariat through its Annual Portfolio Monitoring Report and Corporate Scorecard, and independently evaluated by the GEF Independent Evaluation Office (IEO). The GEF IEO is responsible for undertaking independent evaluations that involve a set of projects from more than one implementing or executing agency. The first comprehensive study of the chemicals and wastes focal area was presented to the 52nd meeting of the GEF Council in 2017.

456. The study²⁷² confirmed that the chemicals and wastes focal area of the GEF has evolved through the GEF-4, GEF-5, and GEF-6 phases to remain highly relevant, including expanding to cover new global priorities such as mercury and embracing synergies between chemicals issues. It noted that the transition to a single chemicals and waste focal area has been synergistic. It was noted that reliable data on the aggregate impact of closed chemicals and wastes projects in terms of tons of POPs, ozone depleting substances, mercury, and other chemicals and related wastes phased out, reduced, or disposed were not consistently available, highlighting the need for systematic data collection and monitoring. The recommendations included support for reforms, where the GEF may want to consider providing more support for broad-based regulatory reform and sector-wide approaches, to address chemicals and wastes issues more holistically. Also, given the challenges the study faced in tallying the verified results of the GEF chemicals and wastes focal area, it concluded that the GEF's monitoring procedures deserve more attention.²⁷³

457. During the reporting period of 1 July 2018 to 30 June 2019, the GEF committed \$22.6 million for programming to support the implementation of the Minamata Convention, adopted in 2013, which has included the GEF as its financial mechanism.²⁷⁴ Initial Minamata Conference of the Parties guidance had requested that the priority was to address activities related to legally binding obligations, including mercury wastes. The GEF's response for the third meeting of the Minamata Conference of the Parties indicates two projects approved during the reporting period that have a mercury waste component.²⁷⁵ One project involves an African regional project helping 12 countries in the amount of \$6,390,000. The second is a global project of \$4,750,000, helping 27 small island developing states.

458. While both the Stockholm and Minamata Conference of the Parties have the ability to provide guidance to the GEF, and pursuant to their MOUs with the GEF a response is provided to how the guidance supported funding decisions, both Conventions also require their Conference of the Parties to periodically review the financial mechanism, with the Stockholm Convention having recently launched its fifth such review.²⁷⁶

²⁷⁰ *Report, ibid.*, at p. i.

²⁷¹ *Ibid.*, at p. 23, paragraphs 49-51.

²⁷² *Chemicals and Waste Focal Area Study, 2018*, http://www.gefio.org/sites/default/files/ieo/evaluations/files/cw-study-2017_0.pdf

²⁷³ *Ibid.*, at p. 16.

²⁷⁴ UNEP/MC/Conference of the Parties.3/9, Update on matters related to the Global Environment Facility, online at: [http://mercuryconvention.org/Meetings/Conference of the Parties3/tabid/7854/language/en-US/Default.aspx](http://mercuryconvention.org/Meetings/Conference%20of%20the%20Parties3/tabid/7854/language/en-US/Default.aspx).

²⁷⁵ UNEP/MC/Conference of the Parties.3/INF/2, at page 4.

²⁷⁶ Decision SC 9-15. See Article 13 of the Convention.

459. *The Methodological Guide for the Development of Inventories of Hazardous Wastes and Other Wastes under the Basel Convention.*²⁷⁷ as noted in the discussion under objective 2.3, provides general guidance as well as focusing on priority waste streams for which inventories are needed. Draft practical guidance on the high priority waste streams noted to the right are under development and will be considered by the Conference of the Parties at its fifteenth meeting.

460. *Partnerships on Priority Waste Streams:* The continued work of PACE²⁷⁸ on e-waste resulted in a guidance document on the environmentally sound management of used and end-of-life computing equipment as adopted by the thirteenth Conference of the Parties on an interim basis; Annex III provides a report on project experiences and lessons learned, prepared by an independent consultant. Three projects and four activities were implemented between 2012 and 2017. One of the findings was that the PACE guidelines, which were translated into a number of languages, served as a reference in most of the projects and activities, supporting the development of project proposals, and served as references and models for national guidelines. PACE was considered to have done an excellent job in leveraging efforts with various other initiatives and actors, with most of the PACE-initiated activities continuing in one way or another. The thirteenth Conference of the Parties considered the work of PACE to be complete.

461. The fourteenth Conference of the Parties established a new partnership working group, led by the BCRCs, under the supervision of the Open-ended Working Group, to follow up on PACE's efforts. Parties and others were invited to comment on the draft terms of reference and programme of work, with which the Conference of the Parties had agreed in principle.²⁷⁹ The programme of work included translation of current MPPI and PACE guidelines into additional national languages, dissemination activities, development of a PACE model of an implementation roadmap for environmentally sound management, an analysis of potential new e-waste types, and pilot projects to test PACE and MPPI guidance documents.²⁸⁰

462. The fourteenth meeting of the Conference of the Parties decided to establish the working group of the Partnership on Plastic Waste and adopted its terms of reference and workplan for 2020-2021.²⁸¹ Its goal is to improve and promote the environmentally sound management of plastic waste at the global, regional and national levels and prevent and minimize their generation so as to reduce significantly and in the long-term eliminate the discharge of plastic waste and microplastics into the environment, in particular the marine environment.

463. The Household Waste Partnership has prepared a draft overall guidance document²⁸² (rather than technical guidelines) on the environmentally sound management of household waste, which was provided for consideration of the online segment of the Open-ended Working Group in 2020, with an invitation to Parties and others to submit comments to the Secretariat by 15 October 2020. The Partnership is to work with the new Plastic Waste Partnership established at the fourteenth meeting of the Conference of the Parties.

c. Analysis of data applied to the indicator over time

464. This objective is linked to objective 1.1, whose sole indicator related to the number of technical guidelines contributing to common understandings on definitions, interpretations and terminologies. The findings there were limited to the number of technical guidelines and other documents that contribute to such common understandings.

465. The breadth of the indicator for objective 2.4--the number of programmes, projects or activities carried out by Parties, jointly with other Parties or together with other stakeholders (regional and international organizations, conventions, industry bodies, etc.), aimed at the environmentally sound

**Priority Waste Streams for Inventory
Guidance Development
(2019-2021)**

High-Priority:

- ✓ Plastic waste
- ✓ Obsolete pesticides, including pesticide-container waste
- ✓ Waste batteries containing lithium

Medium Priority

- ✓ Waste cartridges and toners
- ✓ Olive oil milling waste

²⁷⁷ UNEP/CHW.12/9/Add.1.

²⁷⁸ UNEP/CHW.13/INF/31/Rev.1; Decision BC-14/19.

²⁷⁹ Decision BC-14/19.

²⁸⁰ UNEP/CHW.14/INF/30, Annex III.

²⁸¹ Decision BC-14/13.

²⁸² UNEP/CHW/OEWG.12/INF/29.

management of priority waste streams that have been monitored and assessed to achieve the goal-- means that it is virtually impossible to assess the number of activities over the period of this strategic framework. First, these could be at the national, regional or global level. Next, they could be undertaken jointly with anyone in those categories, as long as they are aimed at the environmentally sound management of priority waste streams. To the question in the baseline questionnaire, every Party could legitimately answer yes, given the collective activities at Conference of the Parties, the Open-ended Working Group, other subsidiary bodies and partnerships to address priority waste streams, thus rendering that data of little use. Further complicating matters, there is no common system, even within the Secretariat's technical assistance activities, but certainly not at the national level within Parties, to report consistently on such activities, including weighting those activities of more utility towards meeting the objective. Not every activity or program will have equal effect, and many will never be monitored and assessed as per the indicator. This highlights that the choice of indicator should be more targeted and the data supporting that indicator should be in hand at the time the indicator is selected, so that information that has built-in quality control can be chosen at the time.

466. Nevertheless, by following up on the additional sources of information outlined in the compilation, some useful information can be distilled about progress over the decade of the strategic framework on priority waste streams.

Table 20: Summary of programmes, projects or activities carried about by Parties jointly over time aimed at the environmentally sound management of priority waste streams

Information Source	2011	2019-20	Progress
Strategic framework questionnaire, q. 6 (states after "priority waste streams": "(e.g. persistent organic pollutants waste, used oils, used lead acid batteries)")	28 of 36 responding Parties have jointly conducted activities (78%), 5 have not and 3 in preparation; 58% indicated that such programs were monitored and assessed or are in preparation for monitoring and assessment.	Thirty-seven of 49 respondents replied that they have jointly conducted activities (75.5%), ten responded no (20%) and 2 indicated that they were in preparation (4.1%). When asked whether such programmes have been monitored and assessed, 30 of 36 respondents (83%) said either yes or "in preparation".	A consistent percentage of Parties have indicated that they have been involved in joint activities over time on priority waste streams.
Decisions adopted by Conference of the Parties on technical guidelines on ESM	23 guidelines in existence, including 3 adopted at COP-10	29 technical guidelines, including in 2019, adoption of 1 new technical guideline, and five updates	Substantial increase in number of new guidelines, mindful that several amended guidelines regularly add new substances (e.g. POPs).
Follow-up activities in Conference of the Parties decisions for adopted technical guidelines	COP-10 decisions in 2011 were typically: dissemination in the 6 UN languages; inviting Parties and others to use the guidelines and submit comments; requesting the Secretariat to compile comments received.	COP-14, 2019, typically: dissemination in the UN's six official languages; training to be provided by the Secretariat on the technical guidelines subject to available resources; the SIWG to assist in the review, updating and preparation, as appropriate, of TGs on POPs wastes; a draft analysis of candidate POPs recommended for listing by the POPs Review Committee in order to identify whether technical guidelines will need to be updated or developed.	Follow-up activities pursuant to adoption of technical guideline have grown over time to include monitoring functions for updating as well as training.

Information Source	2011	2019-20	Progress
		Conferences of the Parties work organized to accommodate program synergies between SC and BC on POPs wastes.	
OEWG work programme priorities	OEWG was assigned 4 tasks on technical guidelines on ESM on POPs waste, all ranked as high priority	<ul style="list-style-type: none"> • 7 tasks on technical guidelines on ESM, 5 ranked a high priority. High priority waste streams: POPs, plastics, mercury, and ongoing work on D10 (incineration on land together with R1) and D5 (specially engineered landfill). • Ongoing monitoring for any new guidelines needed on POPs waste 	An increase in the number of priority waste streams according high priority under the work programme.
Reports on technical assistance	14 (19%) of technical assistance activities on technical guidelines on ESM <ul style="list-style-type: none"> • 6 of 14 activities on ships (43%) • 5 on POPs (36%) • 3 on other (21%) 	3 (7%) of technical assistance activities on technical guidelines on ESM <ul style="list-style-type: none"> • 1 of 3 activities on POPs (33%) • 2 activities on other (67%) 	The number of technical assistance activities on technical guidelines has reduced substantially over time.
BCRC reports	No easily accessible comparable data	119 activities on technical guideline subjects (42% of 282 BCRC/SCRC activities) <ul style="list-style-type: none"> • 97 plastics • 11 POPs • 4 mercury • 7 other 	No comparable data to illustrate progress over time. Reporting on activities of the BCRCs has improved.
GEF funding reports for POPs waste streams	27 Stockholm Convention Parties (26 Basel Convention Parties) approved for funding for projects involving hazardous wastes and other wastes at least in part for total of \$81,273,195 involving POPs waste, including approximately \$11 M to unintentional POPs with benefits to e-waste management in one country.	GEF allocation of \$125.91 million in grant funding for Stockholm: <ul style="list-style-type: none"> • 17% on PCB management and disposal for ten Parties amounting to the disposal of 19, 923 metric tons of PCP and PCB-containing and contaminated equipment and material (\$21.4M) • 14% of these funds were allocated for disposal of obsolete chemicals, including DDT, in five Parties (\$17.6 M) 	Although difficult to compare the numbers as projects often include wastes with other objectives, more money for POPs has been allocated over the period of the strategic framework.

Information Source	2011	2019-20	Progress
		<ul style="list-style-type: none"> Fifteen percent of resources was programmed in two Parties to manage waste related to three of the new POPs: lindane, endosulfan, and PFOS (\$18.8M) 	
Inventory Guide	Methodological Guide for Undertaking National Inventories under the Basel Convention, draft document of May 2000	Methodological Guide for the development of inventories of hazardous wastes and other wastes under the Basel Convention: updates previous guide, adopted at COP-12; provides general guidance on inventories and some waste streams; COP-14 decision to address new high priority waste streams in inventory guidance: plastic waste; obsolete pesticides, including pesticide-container waste; and waste batteries containing lithium; draft practical guidance to be provided to OEWG-12	Qualitative improvements in this area are that the new guide was adopted by the COP in 2015, and the 2019 COP requested additional guidance for high priority waste streams.
Partnerships	MPPI and PACE address e-waste	<ul style="list-style-type: none"> PACE concludes COP-13 PACE follow-up COP-14 Household Waste Partnership (COP-13) Plastic Waste Partnership (COP-14)—which includes collaboration with Household Waste Partnership 	<p>PACE partnership deemed by COP-14 a success and work concluded, but follow-up approved;</p> <p>Household and Plastic Waste Partnerships continue and are collaborating.</p>

467. The baseline questionnaire as compared to the 2019 data showed a very slight decrease in the number of Parties indicating that they have undertaken joint activities, although there was a significantly higher percentage of Parties who indicated that such joint activities had been monitored and assessed.

468. The number of technical guidelines on ESM adopted are not conclusive of progress, but over the decade six new guidelines were adopted, and numerous updates, including of both mercury and POPs guidelines. This at a very minimum points to a very active Open-ended Working Group following through on Conference of the Parties priority waste streams.

469. While the former strategic plan specifically identified priority waste streams, the current strategic framework does not, leaving those to be amended over time by the Conference of the Parties through the programme of work of the Open-ended Working Group. This is a more flexible approach to priority-setting, as priorities can change over a decade—as illustrated through recent work addressing household waste, an issue of expressed importance to developing countries, and plastic waste, a recent urgent global concern. POPs wastes a high priority in 2011, continue to be so identified in the work programme in 2019.

470. POPs will remain in the high priority category in case additional POPs will be listed in the Stockholm Convention, or existing listings be amended, and waste technical guidelines are needed to support each listing or change of listing.

471. The issue of ships was on the Conference of the Parties agenda from its fifth meeting in 1999 until its thirteenth twelfth meeting in 2017. Parties may choose to revisit this issue following entry into force of the 2009 Hong Kong Convention on the Safe and Environmentally Sound Recycling of Ships, which is intended to directly address the recycling of ships.²⁸³ Objective 2.4 specifically mentions taking into consideration the priorities of developing countries and countries with economies in transition: the Household Waste Partnership, and recent actions on plastic waste by the BCRCs in particular, all respond to expressed concerns of developing countries.

472. While the fourteenth meeting of the Conference of the Parties requested the Open-ended Working Group to consider lead-acid battery and D8 and D9 guidelines for possible updating, (noting also that D8 and D9 are in English only), there are a number of guidelines more than ten years old that have not been updated or are still in English only. Apart from those mentioned above, a list of these is as follows:

Guideline	Adoption	Current work	Languages
Organic Solvents Y6	COP-2 1994	nil	English only
Waste Oils Y8	COP-2 1994	nil	English only
Used Oil Re-Refining or other Re-Uses	COP-3 1995	nil	English only
Biomedical and healthcare wastes Y1; Y3	COP-6 2002	nil	6 UN languages
Ships	COP-6 2002	Nil. Note: 2009 <i>Hong Kong Convention for the Safe and Environmentally Sound Recycling of Ships</i> still not in force	English, French, Spanish
Environmentally sound recycling/reclamation of metals R4	COP-7 2004	nil	6 UN languages
DDT	COP-8 2006	nil	6 UN languages

Table 21: Guidelines more than ten years old not updated or translated

473. While there could be valid reasons why these have not been pursued for updating or further translation, such as the waste streams are no longer of concern, this could be systematically monitored and tracked by the Conference of the Parties through the Open-ended Working Group.

474. As to post-adoption activities regarding technical guidelines, in 2011 the adopted technical guidelines were disseminated in the 6 official languages of the UN, Parties were encouraged to use and comment on them, and the Secretariat requested to compile such comments. While not a formal monitoring and assessment system, it formed the beginnings of a system which has been added to over the decade. Since then, post-adoption activities have grown and become more sophisticated and the Basel and Stockholm conventions conferences of the Parties coordinate their work on POPs wastes. The Basel Convention POPs SIWG is also given a mandate to monitor and assist in the review, updating and preparation, as appropriate, of technical guidelines on POPs wastes. More recent decisions in 2017 and 2019 have listed the need for training to be given on the technical guidelines by the Secretariat “subject to available resources”.

475. It might be useful for the Conference of the Parties to consider whether it could be useful to address work on inventories at the same time or immediately following the development of technical guidelines.

476. Technical assistance efforts over the decade related to technical guidelines focusing on ESM have reduced substantially. When technical guidelines are under development, they are often high priorities in the Open-ended Working Group work programme and part of the core budget. Once completed, however, the Secretariat is asked to train Parties on the guidelines, but subject to available resources (i.e. voluntary funding). A slightly more informative presentation of technical assistance activities would be needed to enable a future strategic framework to better assess their contribution to achieving its goals. In the last biennium, technical assistance efforts on the Basel Convention in

²⁸³ For more detail, please see the discussion under objective 1.1.

general were fewer than in 2011-2012, and with that reduction, activities on technical guidelines were reduced. The biennium saw an increased number of activities related to the broader topic of environmentally sound management, as well as general information sessions about the Convention or its meetings.

477. Even though the Conference of the Parties at its thirteenth meeting addressed plastics in a very limited way, the BCRCs organized an extraordinary number of activities on plastic waste issues in the biennium that followed (before it was a Conference of the Parties priority), reflecting the global nature of the problem. The fourteenth meeting of the Conference of the Parties responded to this issue with comprehensive new actions on plastics, including an amendment to the Convention. While the BCRC reports are now more comparable through Secretariat efforts, they still need to provide greater detail on the projects they are funding in their presentation to Conference of the Parties in order to assist in future evaluations.

478. From its most recent report, it appears that the GEF has provided substantial amounts of funding, including towards addressing disposal of POPs wastes, but given the information provided and the integrated approach being used in the chemicals and waste focal area, it is difficult to ascertain exactly how much is being spent on specifically waste issues; similarly, without delving deeply into each project, it is impossible to compare whether over the decade the situation has improved. Certainly, the amount allocated for the Stockholm Convention funding has been increased over time, but with the new chemicals and wastes focal area, there will be pressures to share overall chemicals and waste funding with SAICM and ODS, as well as the Minamata Convention on Mercury. The GEF provides internal and independent reviews of its project funding, and the Stockholm and Minamata conferences of the Parties are required to regularly review the financial mechanism. The Stockholm Convention Conference of the Parties forwards in its guidance to the GEF its priorities for POPs, including POPs wastes. That this appears to be working for new priority waste streams is illustrated by Stockholm Convention ninth meeting of the Conference of the Parties welcoming²⁸⁴ the inclusion in the programming directions for the seventh replenishment of the GEF trust fund of measures with respect to marine plastic litter and microplastics, and alignment between those matters in the strategies for the international waters and chemicals and waste focal areas.

479. The fourteenth meeting of the Conference of the Parties established a new Plastics Waste Partnership, approved follow-up to the PACE Partnership, and continued the Household Waste Partnership. A report to Conference of the Parties²⁸⁵ evaluated past and ongoing partnerships and made recommendations for developing partnerships in the future, although the Conference of the Parties did not adopt recommendations on opportunities to further develop partnerships under the Basel Convention. Nevertheless, the report characterized the multi-stakeholder Partnerships under the Convention as an “overall success story”.²⁸⁶

d. Main findings, conclusions and recommendations for objective 2.4

480. *Main findings:* The OEWG (through the use of SIWGs and lead Parties) has focused effectively on waste streams such as POPs and mercury on a high priority basis as requested by Conference of the Parties. POPs guidelines are updated at each Conference of the Parties, mainly due to the ongoing listing process under the Stockholm Convention. In the case of mercury, updated guidelines responded to the negotiation and adoption of the Minamata Convention on Mercury and to developments in its work programme after entry into force.

481. *Conclusions:* In general, the approach by the Conference of the Parties, using the Open-ended Working Group, small intersessional working groups and lead Parties, has been very successful in keeping pace with demands of priority waste streams.

482. *Recommendation:* The current approach to establishing work on technical guidelines on priority waste streams has been successful and should continue. Update or development of future technical guidelines should be prioritized according to their relevance for the fulfillment of the objectives and related indicators of a future strategic framework.

483. *Main finding:* A number of older technical guidelines identified in table 21 have not been translated into all six UN languages nor recently updated.

²⁸⁴ Decision SC-9/15.

²⁸⁵ UNEP/CHW.14/INF/33, *Report on evaluating past and ongoing partnerships and setting out recommendations on opportunities to further develop partnerships under the Basel Convention*.

²⁸⁶ UNEP/CHW.14/INF/33, at paragraph 69 (f).

484. *Conclusion:* It is up to the Conference of the Parties to decide on starting work on updating technical guidelines and to request the Secretariat to arrange for translating guidelines where appropriate, as well as to allocate the corresponding budget.

485. *Recommendation:* Any Party concerned with the updating or translation of any Basel technical guideline should draw this to the attention of the Conference of the Parties.

486. *Main finding:* Post-guideline adoption activities requested by the Conference of the Parties have become more sophisticated and numerous, including training for Parties on adopted guidelines, but “subject to available resources” i.e. voluntary funding.

487. *Conclusion:* As the development of technical guidelines is a core activity of the Convention, enhancement of the dissemination of, and training and technical assistance activities (e.g. pilot projects) on, adopted guidelines appears fitting.

488. *Recommendation:* The Conference of the Parties should consider prioritizing the enhancement of the dissemination of, and training and other technical assistance activities on, adopted technical guidelines.

489. *Main findings:* Basel Convention Parties have benefited substantially from funding from the Global Environment facility linked to POPs and mercury wastes, where the GEF serves as the financial mechanism for the Stockholm and Minamata Conventions. Information on the amounts spent on waste management of these priority waste streams are contained in GEF reports to the Conference of the Parties, reports for the GEF Independent Evaluation Office as appropriate, or in in mid-term and terminal evaluation reports of the respective projects as prepared by the respective GEF implementing agencies. Such information could be derived through a desk study to further inform any future strategic framework and/or effectiveness evaluation.

490. *Conclusion:* This would provide stronger baseline data for any future strategic framework and/or effectiveness evaluation.

491. *Recommendation:* Should the Conference of the Parties wish to develop another strategic framework and/or effectiveness evaluation, baseline data in this regard could be obtained through a desk study analyzing various information sources to further assess how much funds are spent on waste management of these priority waste streams.

5. Objective 2.5

Goal 2: Strengthening the environmentally sound management of hazardous and other wastes

Objective 2.5: To enhance and promote the sustainable use of resources by improving the management of hazardous and other wastes and to encourage the recognition of wastes as a resource, where appropriate

Indicator:

Percentage of Parties that collect information on the generation, management and disposal of hazardous and other wastes.

Sub-indicators:

- Number of training and awareness-raising activities undertaken to enhance and promote the sustainable use of resources;
- Percentage of Parties that require the separation of hazardous wastes from non-hazardous other wastes;
- Percentage of Parties that have national inventories on the generation and disposal of hazardous wastes and other wastes;
- Percentage of selected Convention waste streams reused, recycled or recovered.

492. *Because* the indicator is the percentage of Parties that collect information on the generation, management and disposal of hazardous and other wastes, the indicator under objective 1.4--the percentage of Parties reporting information to the Secretariat under Article 13--has been used as a surrogate here. The only exception is for waste generation, where data collected by the

Implementation and Compliance Committee shows particular difficulty with responses to questions on generation.²⁸⁷

493. In addition to data from the 2011 and 2019 questionnaires, this chapter has canvassed the following sources of information: annual national reports, the Implementation and Compliance Committee's Classification of Parties' compliance performance with regard to the annual reporting obligations, the publication *Waste Without Frontiers II*, technical assistance activities by the Secretariat and the Basel Convention Regional Centres, inventory guides, reporting manuals, and submitted texts of national legislation.

494. Related to the above, indicator 12.5.1 of Goal 12 of the SDGs provides: "*National recycling rate, tons of material recycled.*"

a. Data from the 2011 Baseline Questionnaire and Additional Information Sources

495. *2011 baseline questionnaire*: The results from the baseline questionnaire for questions 7 through 7.5 for both 2011 and 2019 are contained in section (c) below for comparative purposes.

496. The analysis of the responses for the baseline questionnaire states that "while many parties indicated that they had the capacity to measure the generation of hazardous and other wastes, or were preparing it, the actual generation of such data on a regular basis appears more problematic."²⁸⁸

Indicator:

497. *Annual national reports*: The surrogate for measuring this indicator, which is the number of Parties that collect information on the generation, management and disposal of hazardous and other wastes, is how many Parties have reported as required because Parties have to collect this data nationally to be able to report on them under Article 13.

498. In 2011, of the 174 Parties required to report, 88 Parties reported, constituting 51%.

499. *Classification of Parties' compliance performance with regard to the annual reporting obligations*: As was outlined in the chapter on objective 1.4 on reporting, less than one percent (.58%) of the Parties reported in a complete manner (against a target of 20%) and only 17% were on time (against a target of 30%).

500. However, that report also identified the fact that for waste generation, for the 85 Parties reporting in 2011, 64 of 85 reports were considered incomplete regarding the total amount of generation of hazardous wastes and other wastes to be reported in table 8A.²⁸⁹ Seventy-one of 85 reports were considered incomplete with respect to the non-mandatory table 8B on the generation of hazardous wastes and other wastes by Y categories in that year.

Sub-indicator 1:

501. This indicator is difficult to work with because of its breadth: "Number of training and awareness-raising activities undertaken to enhance and promote the sustainable use of resources." Other sections of this report analyze technical assistance related to specific waste streams, so only technical assistance activities related to the subjects of the indicator and sub-indicators are captured here. This information must be viewed with caution, given that the various activities were not linked with specific sections of the strategic framework, and therefore it is an assessment based on limited descriptions of the projects.

502. *Report to the Conference of the Parties on technical assistance activities conducted by the Secretariat*.²⁹⁰ Out of 74 technical assistance activities in all subject areas, seven activities appear to have addressed the content of objective 2.5 and its indicators. From May 2011 until December 2012, two regional workshops were held (both in conjunction with the relevant Basel Convention Regional Centre) on national inventories and the Basel national report. Another project helped two countries develop an inventory for mercury-containing wastes. Two activities were undertaken specific to waste minimization (oily wastes) and recycling techniques and repair, refurbishment and reconditioning of e-waste. Two other projects in South-East Asia addressed the issue of collection and/or separation of e-waste. In other words, 9% of technical assistance activities addressed the areas of this objective and

²⁸⁷ UNEP/CHW.14/INF/21, annex II, p. 15 illustrates that 53% of the 99 Parties required to and having transmitted their report for 2015 did not complete table 8 seeking information on the total amount of generation of hazardous wastes and other wastes.

²⁸⁸ UNEP/CHW.12/INF/5, p. 15.

²⁸⁹ This was still a mandatory reporting requirement in 2011.

²⁹⁰ UNEP/CHW.11/INF/31, Capacity-building and training activities organized by the Secretariat from May 2011 to December 2012.

indicators, but the precise number of countries assisted is not possible to ascertain from the available documentation.²⁹¹

503. *Report of the activities of the Basel and Stockholm convention regional centres*: For reasons noted above, and as only two regional centres provided activity reports at that time, no attempt was made to canvass this information.

504. *Methodological Guide for Undertaking National Inventories under the Basel Convention*: This was developed and published in a draft version in May 2000.

505. *Basel Convention Reporting Manuals*: The manual for the questionnaire on transmission of information which was adopted by the Conference of the Parties at its sixth meeting in 2002, was superseded by the manual for completing the format for national reporting,²⁹² described below in section (b).

Sub-indicator 2:

506. *Number of Parties submitting texts of national legislation and other regulatory measures to the Secretariat for posting on the Basel Convention website that require separation of hazardous and non-hazardous wastes*: While 111 Parties had legislation posted on the website, the national reporting format in 2011 did not require that this separation be reported.²⁹³

Sub-indicator 3:

507. While the indicator asked for the percentage of Parties that collect information on the generation, management and disposal of hazardous and other wastes, this sub-indicator appears to go after the same information but asks specifically about the percentage of Parties that have national inventories for the generation and disposal of hazardous wastes.

508. *Annual national reports*: For the 174 Parties required to report, 88 Parties reported. This number is used as surrogate, assuming that all who have reported have inventories of some form.

509. *Classification of Parties' compliance performance with regard to the annual reporting obligations*:²⁹⁴ As noted above for the indicator, for the 85 Parties reporting in 2011, 64 of 85 reports were incomplete regarding total amount of generation of hazardous wastes and other wastes to be reported in table 8A. 71 of 85 were incomplete with respect to the non-mandatory table 8B on the generation of hazardous wastes and other wastes by Y categories in that year.

510. *Methodological Guide for Undertaking National Inventories under the Basel Convention*: This was developed and published in a draft version in May 2000.

Sub-indicator 4:

511. *Waste Without Frontiers II*: WWFII collected data for the period 2007-2015, which is referenced under section b, below.

b. Latest Data from 2019 questionnaire and additional information sources

512. *Data from 2019 Questionnaire*: Five questions were used to address the indicator and four sub-indicators, with the results contained in section (c) below.

Indicator:

513. *Annual National Reports*: Of the 182 Parties required to report in 2017, 100 did so (55%).²⁹⁵

514. *Classification of Parties' compliance performance with regard to the annual reporting obligations*: The Implementation and Compliance Committee 2020 classification conclusions provide the overall reporting rate for 2016, status as at 26 August 2020 as 61% of Parties.

²⁹¹ These activities are reflecting in table 7: the first three are under the heading of "reporting/inventories"; the oily wastes were under "legislation" as this was identified as the outcome of the activity; the three recycling and separation activities related to e-waste were reflected under the technical guideline on e-waste. This illustrates the difficulty in trying to categorize multifaceted activities.

²⁹² UNEP/CHW.13/INF/20/Rev.1.

²⁹³ It would take substantial further research to determine whether legislation submitted for inclusion on the website requires this separation due to the volume of legislation that exists and linguistic and interpretation challenges in any review of such legislation.

²⁹⁴ Undertaken by the Committee Administering the Mechanism for Promoting Implementation and Compliance, for baseline year of 2011, see: UNEP/CHW.12/INF/19.

²⁹⁵ As of December 15, 2019. Four additional Parties reported since then, bringing the total to 57%.

515. For 2016, for table 6 (no longer mandatory) on total amount of generation of hazardous wastes and other wastes 12% of the 110 reporting Parties were incomplete.

516. The Committee's report also notes that the reporting format revised for use from 2016 and onwards has led to improvements in the overall rate of transmission of complete reports.²⁹⁶

Sub-indicator 1:

517. *Capacity-building and training activities conducted by the Secretariat:* The sub-indicator focuses on the number of training and awareness-raising activities undertaken to enhance and promote the sustainable use of resources, and to narrow the breadth of this, the topics in the sub-indicators have been further explored. Out of 46 activities, five addressed the topic of reporting and inventories, while two workshops on environmentally sound management examined strategies for disposal of lighting products in the GRULAC region, meaning roughly 15% of technical assistance activities were directed at indicator activities. As noted earlier, information in the Secretariat reports to the Conference of the Parties does not provide a precise number of Parties benefiting, but among the activities were those of both a regional and global nature.

518. The Secretariat's technical assistance plan for the implementation of the Basel, Rotterdam and Stockholm conventions for 2018-2021²⁹⁷ is intended to allow for improved impact assessment, monitoring and evaluation, while assisting Parties to address their needs in a strategic, systematic and forward-looking manner. It also identifies interventions for the implementation of the three conventions that are in line with the strategic directions and priorities set by Parties through their respective decisions and programmes of work, and builds on the results of the 2016 needs assessment. That needs assessment identified national reporting, with a focus on the collection of inventory data, as one of the priority areas for technical assistance activities. The plan therefore lists—of relevance to objective 2.5—an “output” that national inventories of hazardous and other wastes are available in an increased number of developing countries for the purpose of national reporting, and that there is an enhanced submission rate of national reports from Parties that participate in the technical assistance activities.

519. *Report of the activities of the Basel and Stockholm convention regional centres:* The Secretariat presented to the fourteenth meeting of the Conference of the Parties a lengthy compilation of activities of Basel Convention and Stockholm Convention regional centres. Focusing on the number of training and awareness-raising activities undertaken to enhance and promote the sustainable use of resources as illustrated by the indicators, the numbers are quite low. Because these activities involve workshops and other activities implemented by the regional centres, they are assumed to provide capacity-building to more than one Party at a time. However, the limitations of the data presented by the BCRCs as noted earlier must be kept in mind. Out of 187 listed activities,²⁹⁸ two activities related to POPs inventories, useful as these cover substances for which Basel hazardous waste obligations will apply should those chemicals become wastes that are moved transboundary. One activity was held on waste minimization. As regards the 95 plastics activities, seven activities were classified as addressing plastic waste recycling and recovery (sub-indicator 4), and although 16 were designated as relating to awareness-raising, from the information provided it is impossible to determine which of these might relate to objective 2.5.

520. The Methodological Guide for the Development of Inventories of Hazardous Wastes and Other Wastes under the Basel Convention,²⁹⁹ prepared by the Implementation and Compliance Committee and adopted at the twelfth meeting of the Conference of the Parties, provides general guidance on inventories, as well as focusing on priority waste streams, in order to help improve levels of national reporting. This Guide is relevant to the training and awareness-raising element of the sub-indicator and sub-indicator 3, which suggests that inventories are indicative of a Party's efforts towards better data collection that will enable the sustainable use of resources. The Guide is intended to be used with various documents on improving national reporting under the Convention.

521. As noted under objectives 2.3 and 2.4, the work programme adopted by the fourteenth meeting of the Conference of the Parties requested the Open-ended Working Group to consider as a high and medium priority the development of inventories for the waste streams set out in BC-14/10. Draft practical guidance on the development of inventories of plastic waste,³⁰⁰ of obsolete pesticides and

²⁹⁶ See the draft conclusions in UNEP/CHW/CC.14/3/Add.1/Rev.1, which were agreed by the Committee during the 21-25 September 2020 online sessions of its fourteenth meeting (UNEP/CHW/CC.14/8/Add.1).

²⁹⁷ UNEP/CH.13/INF/36-UNEP/FAO/RC/COP.8/INF/21-UNEP/POPS/COP.8/INF/25.

²⁹⁸ For the full categorization of all activities, please see the detailed reporting in this regard under objective 1.1.

²⁹⁹ UNEP/CHW.12/9/Add.1.

³⁰⁰ UNEP/CHW/OEWG.12/INF/15.

pesticide-container waste,³⁰¹ and of waste batteries containing lithium³⁰² are under development and will be considered by the Conference of the Parties at its fifteenth meeting.

522. *Basel Convention Reporting Manuals.*³⁰³ The manual for completing the format for national reporting supersedes the manual for the questionnaire on transmission of information which was adopted by the Conference of the Parties at its sixth meeting, and was taken note of at its thirteenth meeting to reflect changes made to the reporting format at that meeting. The manual is intended to assist Party focal points of the Basel Convention to meet the obligation to submit annual national reports in accordance with the Convention. This manual explains how the report is to be filled in, but reports are to be submitted through the electronic reporting system of the Convention contained in the user manual for the electronic reporting system,³⁰⁴ also taken note of at the thirteenth Conference of the Parties. Both documents can be said to provide recent awareness-raising to all Parties on the subject of national reporting, important as data collection is found in the indicator and inventories in the sub-indicator.

Sub-indicator 2:

523. *Number of Parties submitting texts of national legislation and other regulatory measures to the Secretariat for posting on Basel Convention website that require separation of hazardous and non-hazardous wastes:* The revised national reporting format for 2016 and years thereafter does not require that this separation be reported.³⁰⁵

Sub-indicator 3:

524. *Annual national reports:* For 2017, table 6 (generation): 67 of 100 reporting Parties (out of 182 required to report) reported on generation for at least one of Article 1.1 (a) wastes, 1.1.(b) wastes, or Annex II “other” wastes. This amounts to only 37% of Parties reporting hazardous waste generation data of any type.

525. *Classification of Parties’ compliance performance with regard to the annual reporting obligations:* For 2016, as noted above, for table 6 on total amount of generation of hazardous wastes and other wastes 12% of the reports from the 110 reporting Parties were incomplete, meaning that of all 182 Parties required to report, 53% did not report on waste generation.

526. The Methodological Guide for the Development of Inventories of Hazardous Wastes and Other Wastes under the Basel Convention,³⁰⁶ discussed above, notes the low reporting rate in general, but particularly with regard to data on generation of hazardous and other wastes. It recommends that the Guide be used in conjunction with the Guidance Document on Improving National Reporting, and explains that the Methodological Guide focuses on the undertaking of inventories to get information on the status of the generation, transboundary movements and management of hazardous wastes and other wastes in a country.

527. *Work of the Implementation and Compliance Committee on individual cases:* As noted under objective 2.3, above, except for cases where the matter was resolved by the Party transmitting its report (3 of 11 cases) 100% of the cases analyzed by the Committee resulted in actions involving inventories. Support from the Implementation Fund was provided in all cases. This means at least eight additional Parties have first generation inventories under development or recently developed over the lifetime of the strategic framework.

³⁰¹ UNEP/CHW/OEWG.12/INF/16.

³⁰² UNEP/CHW/OEWG.12/INF/17.

³⁰³ UNEP/CHW.13/INF/20/Rev.1.

³⁰⁴ UNEP/CHW.13/INF/21.

³⁰⁵ It would take substantial further research to determine whether legislation submitted for inclusion on the website requires this separation due to the volume of legislation that exists and linguistic and interpretation challenges in any review of such legislation.

³⁰⁶ UNEP/CHW.12/9/Add.1.

Sub-indicator 4:

528. *Waste Without Frontiers II: This report provides that 97% of all hazardous waste that is generated stays within the country where it is generated, and this percentage has remained stable over the years of the analysis (2007-2015).*³⁰⁷ High-income countries export nearly 6% of hazardous waste generated, while other categories of income export less than 0.5% of the hazardous waste generated.

529. For the period 2007-2015, for high income countries 75% of imported and exported wastes were subject to recovery operations. The report states: “This suggests that the main driver for transboundary movement in those countries is that Parties want to make sure that some of the value that is incorporated in hazardous waste gets recovered.”³⁰⁸ For middle income countries (lower and upper), imports are almost exclusively destined for recovery (99% and 98% respectively), while exports went to final disposal 10% and 15% of the time, respectively. For low income countries, almost half of the exports are destined for final disposal. “This suggests that the low income countries more often depend on other countries to ensure environmentally sound final disposal than is the case in the high-income or upper middle income countries.”³⁰⁹ The data on import for low income countries was not considered representative as it represented only 10 transboundary movements totaling only 1.800 metric tons of waste. Otherwise the data on transboundary movements is considered robust.

530. In general, WWFII provides that recovery operations in annex IVB represent 75% of the disposal operations that hazardous waste will undergo in the state of import, while recycling and reuse operations represent around 60% of the disposal operations and incineration (both recovery and final disposal operations) around 20%. Half of the exports of hazardous wastes for recovery are from low income countries.³¹⁰

531. As to data about domestic recycling and final disposal patterns, these are not requested under the Basel reporting requirements, and this was not therefore canvassed by WWFII.

c. Analysis of data applied to the indicator over time

Table 22: 2011 and 2019 responses to the five questions related to the indicator and sub-indicators for objective 2.5

Indicator	Topic	Questionnaire	2011 responses (from 36 respondents)	2019 responses (from 50 respondents)
Indicator	% Parties collecting data collection on generation, management and disposal	Question 7.3: If your country does have such an inventory, how is the data collected and with what frequency?	55.5% collected data annually or biennially	33 (66%) indicate a regular reporting requirement used; 28 indicated that they used a survey (56%). Of the 33, 24 (48%) indicated it is at least once a year, two indicated that it is once every three or more years, and seven indicated it is not regular Of the 28, 9 (18%) indicated it is at least once per year, two indicated it is once every three years or more, and 17 indicated it is not regularly
Sub-indicator 1	# of training/awareness-raising activities to promote sustainable use of resources	Question 7: has your country undertaken training and awareness-raising	30 (83%) have held activities, 5 have not, 1 in preparation	36 (72%) have held activities, 8 have not, 6 in preparation

³⁰⁷ Waste Without Frontiers II, page 21. As noted in the introduction, the waste generation statistics are those poorly reported on within the Basel Convention reporting system, and other sources were relied on to augment this data from Eurostat, UN Statistics Division and the OECD.

³⁰⁸ At page 15.

³⁰⁹ *Ibid.*

³¹⁰ *Ibid.*, at 21.

Indicator	Topic	Questionnaire	2011 responses (from 36 respondents)	2019 responses (from 50 respondents)
		activities to enhance and promote the sustainable use of resources?		
Sub-indicator 2	% of Parties requiring separation of hazardous waste from non-hazardous other wastes	Question 7.1: do your national waste management policies, regulations and programmes required separation of hazardous and non-hazardous wastes	83% require separation; 5 did not	44 (88%) require separation; 4 did not; 2 indicated the information was not available
Sub-indicator 3	% of Parties with national inventories of generation and disposal of hazardous waste and other waste	Question 7.2: does your country have a national inventory or inventories on the generation and disposal of hazardous and other wastes?	64% had inventories	27 (54%) had inventories; 10 did not and 13 indicated that they were in preparation.
Sub-indicator 4	% of selected BC waste streams reused, recycled, recovered	Question 7.4: does your country collect data or prepare estimates of the % of BC wastes that are reused, recycled and recovered	Only 16 respondents (44%) had data in this regard	Only 15 respondents (30%) had data in this regard; 22 (44%) did not; 13 (26%) indicated it was in preparation
Sub-indicator 4	% of selected BC waste streams reused, recycled, recovered	Question 7.5: if available, please provide examples of selected BC waste streams that are generated or estimated to be generated and the actual or estimated percentage of waste that is reused, recycled, recovered and/or finally disposed of?	Only 9 (25%) respondents provided any examples of selected BC waste streams with calculations, many of which were estimates	Only 13 (26%) countries responded in any way to this question, with 3 indicating no data was available. Of the remaining ten that responded, 7 provided some data on one selected one waste stream One Party provided data on two waste streams. Two Parties provided data on three waste streams.

532. One challenge with comparing the 2011 and 2019 questionnaire responses is that different Parties responded to each, albeit with 15 Parties responding to both. The 2019 questionnaire does not reveal a substantial increase in the areas queried, and in some cases, such as inventories, the percentage of respondents went down (64% to 54%). Few Parties responding appear to be in a position to indicate total amount of hazardous and other wastes destined for recycling and recovery, which is at the essence of this objective.

Indicator:

533. In 2011, 49% of Parties reported, whereas in 2016, 61% had reported. In 2011, 0.58% of Parties provided a complete report, with this increasing to 36% in 2016 against a target of 20%. For timeliness, in 2011, 17% of the reports were on time, and in 2016 37%, with a target of 30%. In 2016, 23% of the Parties have provided their reports complete and on time against a target of 25%. Thirty-six percent of the Parties have provided their reports complete and on time or late against a target of 50%.

534. Thus, the reporting rate over the lifetime of the strategic framework has improved from 51% to 61%. More reports are likely to be received for the year 2017 after the date of this report, but the statistics are sufficient to illustrate that lack of Party data remains an ongoing challenge for the Convention, not only for evaluating progress on this objective, but for measuring progress under the entire strategic framework. The work of the Implementation and Compliance Committee has also illustrated that Parties continue to have difficulty reporting on waste generation. Similarly, Waste Without Frontiers II, discussed under objective 2.2, has noted the shortfalls in Party data on generation, although they were able to use extrapolation for import and export data (because there are two Parties involved) to cover more ground for import and export statistics. They were cautious about some of their conclusions, given the stated data limitations.

Sub-indicator 1:

Years	Number of technical assistance activities total	Number of activities related to objective 2.5	Percentage related to objective 2.5
2011-2012	74	7	9%
2018-19	46	7	15%

Table 22: Technical Assistance activities related to Objective 2.5 compared between 2011-12 and 2018-19

535. The activities in this area have remained at a consistent level between the baseline year and the most recent data available up to and including 2019. Although these are not precise figures, it does not appear to have changed much over time, except that these activities appear to be a higher percentage because fewer activities were undertaken overall in the last biennium.

536. Nevertheless, the number of activities that were reported through the questionnaire—possibly including national level activities—is fairly high: 83% in 2011 and 72% in 2019, a drop more recently, but given that we have a limited number of Parties responding to these questionnaires, this may not be significant. Conversely, given the limited number of respondents, it could suggest that it is not possible to read too much into the figures.

537. Although the Secretariat’s technical assistance plan for the implementation of the Basel, Rotterdam and Stockholm conventions for 2018-2021³¹¹ contains useful objectives and indicators, the objective set out for the Basel Convention portion of the Plan, although not objectionable, is not quite as expressed as in the strategic framework. Further, the strategic framework is not mentioned at the outset, and is referred to in only one of the outcomes on waste streams.³¹²

538. Although the data presentation for activities organized by the Basel Convention Regional Centres has improved greatly since 2011, it is not presented in accordance with the strategic framework goals, objectives and indicators, and the information provided is not detailed enough for this work to be categorized from the outside in.³¹³ Similarly, while the Secretariat technical assistance activities are more clearly presented than those of the Centres, they too are not presented with linkages to the relevant strategic framework goals, objectives and indicators. Neither weight their activities in terms of relative complexity, as noted earlier.

539. Substantial efforts were made over the biennium to provide collective capacity through the work of the Implementation and Compliance Committee on general issues, to improve guidance on national inventories and reporting, and to update the reporting format as requested by the Conference of the Parties.

³¹¹ UNEP/CHW.13/INF/36-UNEP/FAO/RC/COP.8/INF/21-UNEP/POPS/COP.8/INF/25.

³¹² The report on technical assistance activities at the tenth meeting of the Conference of the Parties linked the report to items in the then strategic plan: UNEP/CHW.10/INF/28.

³¹³ Short of reviewing each and every project, and even then, there are different standards of reporting, depending on the regional centre.

Sub-indicator 2:

540. Parties are required to submit their legislation through their annual reports or separately. There is no question in the annual report on whether Parties require separation of hazardous wastes from other wastes. Those texts posted on the website have never been examined (111 in 2011 and 127 in 2019) to this end. It would take substantial further research to determine whether legislation and regulations implementing the Basel Convention (or other national laws) require the separation of hazardous wastes and non-hazardous other wastes.³¹⁴ The compilation had noted that unless another source of this information was found in the interim, the response from question 7.1 in the baseline questionnaire would be the best source of this information. In the interim, no other source of this information has been found, once again pointing to the challenge of assessing progress when the strategic framework was adopted without identifying for each indicator the existing source of information that would be relied on for its measurement. The results from the 2011 questionnaire shows that 83% of respondents required separation and in 2019 88% of respondents indicated that separation of such wastes is required. Whether this illustrates anything relevant to the objective is a different question.

Sub-indicator 3 (national inventories on generation and disposal):

541. As inventories are a crucial underpinning for national reporting, it is important that all Parties have inventories.

542. The rate of national reporting has been used to give an indication of national inventories on disposal. In 2011, of the 174 Parties required to report, 88 Parties reported, constituting 51%; in 2016, 110 Parties reported (61%) and in 2017, 100 Parties reported (55%)³¹⁵. As to inventories on generation, given that Parties had difficulties reporting on generation annually, the reporting format now makes this optional.

543. For 2011, the Implementation and Compliance Committee has reported that for the 85 Parties reporting in 2011, 64 of 85 reports were considered incomplete regarding the total amount of generation of hazardous wastes and other wastes to be reported in table 8A. 71 of 85 reports were considered incomplete with respect to the non-mandatory table 8B on the generation of hazardous wastes and other wastes by Y categories in that year. For 2016, only 13 of the 110 Parties reporting (12%) failed to report via table 6 on waste generation, although this means that overall data was obtained on waste generation only for 53% of the Parties required to report in that year. Of the 100 Parties reviewed for 2017 only 37% had provided data on generation.

544. As inventories have continued to affect compliance with reporting obligations under the Convention, the Implementation and Compliance Committee has developed The Methodological Guide for the Development of Inventories of Hazardous Wastes and Other Wastes under the Basel Convention as assistance to all Parties in this regard. The Open-ended Working Group is continuing to focus on priority waste streams in this regard.

545. The Implementation and Compliance Committee, in handling individual cases of non-reporting, has enabled the provision of financial support to eight Parties over the biennium with respect to inventory development or improvement.

546. The 2016 needs assessment identified national reporting, with a focus on the collection of inventory data, as one of the priority areas for technical assistance activities, and the technical assistance plan followed through with an “output” that national inventories of hazardous and other wastes are available in an increased number of developing countries for the purpose of national reporting, and that there is an enhanced submission rate of national reports from Parties that participate in the technical assistance activities.

547. In essence, there has been little increase in general reporting rates under the Convention over the life of the strategic framework, but it appears that there is an increased understanding about the importance inventories play in fulfilling the national reporting obligation. Information on hazardous waste generation continues to be even more problematic for Parties to provide.

³¹⁴ In addition, the online texts are published in the language received and could need translation, and if translated, would need verification of the translation from the national focal points. Legal interpretation of each law would then be required.

³¹⁵ Four additional Parties reported since the report’s cut-off of December 2019 for the 2017 reporting year, actually bringing the total at this time to 104 (57%).

Sub-indicator 4:

548. When asked directly through the questionnaire, both in 2011 and 2019 very few respondents were able to indicate that they collected data on the percentage of Convention wastes that were recycled (44% and 30% respectively) and even fewer were able to respond with data for selected waste streams (nine (25%) and ten (20%) respectively). Both numbers have gone down over time.

549. The Waste Without Frontier II report reports that 97% of all hazardous waste that is generated stays within the country where it is generated, and this percentage has remained stable over the years of the analysis (2007-2015).³¹⁶ For the period 2007-2015, for high income countries 75% of imported and exported wastes were subject to recovery operations. For middle income countries (lower and upper), imports are almost exclusively destined for recovery (99% and 98% respectively), while exports went to final disposal 10% and 15% of the time, respectively. For low income countries, almost half of the exports were destined for final disposal, although this data was not considered reliable due to the low amount of data reported.

550. The report notes that over 90% of the transboundary movement takes place between Annex VII countries,³¹⁷ and this is more or less stable, whereas the flow between non-Annex VII countries is at 4% and seems to be gaining in importance.³¹⁸

551. Overall, the lack of data in this regard will have an impact on the Convention's contribution to assessing the indicators under the Sustainable Development Goals, in particular target 12.5.1.

d. Main findings, conclusions and recommendations for objective 2.5

552. *Main findings:* The data necessary to determine whether the indicator and sub-indicators for objective 2.5 are being met are for the most part quite limited. The percentage of Parties reporting is known, but has only increased by 10% over the lifetime of the strategic framework (indicator). As to the number of training and awareness-raising activities undertaken to enhance and promote the sustainable use of resources (sub-indicator 1), it appears that while Convention technical assistance activities have in general gone down over time, activities in this area have remained constant, and responses to the questionnaire appear to indicate a substantial level of activity, which could be at the national or regional level. For the percentage of Parties that require the separation of hazardous wastes from non-hazardous other wastes, this appears to have gone up slightly over the life of the framework to 88% in 2019, based on 50 respondents, the only source of this information. For the percentage of Parties with national inventories, the reporting rates (a slight increase at 61% over 51%) are used as a surrogate, although notably generation data provided is less than that, with only 53% of Parties reporting some kind of generation data in 2016, and 37% of 100 reporting Parties in 2017. On the percentage of selected Convention waste streams reused, recycled or recovered, there was some general data on reuse, recycling and recovery based on Waste Without Frontiers II, and otherwise the responses to the two questionnaires are the only source of information. In 2011, 44% of respondents to the baseline questionnaire indicated that they collected data on the percentage of wastes recycled, while in 2019 it was down to 30%.

553. *Conclusion:* Basic data on national generation and recycling levels is quite limited. The reporting format does not request much of the information that would be required for purposes of the sub-indicators for objective 2.5.

554. *Recommendation:* Should the Conference of the Parties wish to have such information for purpose of a similar objective on sustainable use under the next strategic framework, it would be useful to have an associated source of the information at the time the indicator is agreed.

³¹⁶ Waste Without Frontiers II, page 21. As noted in the introduction, the waste generation statistics are those poorly reported on within the Basel Convention reporting system, and other sources were relied on to augment this data from Eurostat, UN Statistics Division and the OECD.

³¹⁷ Those Parties to the Convention who ratify the ban amendment and are members of the OECD, EC, Liechtenstein would be Annex VII Parties.

³¹⁸ *Waste Without Frontiers II*, at 21.

C. Strategic Goal 3

1. Objective 3.1

Goal 3: Promoting the implementation of ESM of hazardous and other wastes as an essential contribution to the attainment of sustainable livelihood, the Millennium Development Goals and the protection of human health and the environment

Objective 3.1: To develop national and regional capacity, particularly through the Basel Convention regional and coordinating centres, by integrating waste management issues into national sustainable development strategies and plans for sustainable livelihood

Indicator: Number of Parties reporting, through the Secretariat, to the Conference of Parties on the integration of waste and hazardous waste issues into their national development plans or strategies

555. Although the indicator refers to “national development plans or strategies”, the objective refers to “national **sustainable** development strategies and plans for sustainable livelihood”, as does the request from the thirteenth meeting of the Conference of the Parties. For purposes of this report it is assumed that it is national **sustainable** development strategies and plans that are intended.

556. When the strategic framework was adopted, the Millennium Development Goals (MDGs) were reflected in this Goal. Because the Sustainable Development Goals have superseded these, the report focuses on the MDGs for 2011, and on the SDGs for more recent data.

557. In addition to the results from the 2011 baseline questionnaire and the 2019 questionnaire, this section of the report also canvasses annual national reports, the Millennium Development Goals, the Sustainable Development Goals, the activity reports of the Basel Convention Regional Centres, follow-up to decision BC-14/21 on international cooperation and coordination, and voluntary reports submitted by governments to the high-level political forum on the SDGs.

a. Data from 2011 baseline questionnaire and additional information sources

558. *Baseline Questionnaire:* Of 36 Party respondents, 27 indicated that they had a national sustainable development plan or strategy, four said no and five said it was in preparation. Thus 89% either had a plan in place or were in the process of preparing one.³¹⁹ Thirty-two indicated that hazardous and other wastes were integrated or would be integrated into these national sustainable development plans or strategies. With the exception of one Party, all countries with sustainable development plans had included hazardous and other wastes in it.

559. *Annual national reports for the years 2011:* Question 5 asks Parties to describe five possible categories of measures that could be taken to achieve reduction and/or elimination of the generation of hazardous and other wastes, one of which is national strategies/policies.³²⁰ All responses received to this question for 2011 were reviewed to see if there was mention of the integration of hazardous wastes into national sustainable development strategies, even though this was not asked. As might be expected, since the question on policies and strategies was focused on the reduction and/or elimination of hazardous wastes, although many of the 83 Parties responding to the question indicated that there were national waste strategies and policies of various types, only one Party mentioned an overarching national vision for 2030 that had environment as a component.³²¹

560. *Millennium Development Goals (MDG) reporting:* The eight MDGs formed a blueprint agreed by all countries and leading development institutions, with a target date of 2015. Goal 7 (“ensure environmental sustainability”) had no targets related to hazardous wastes or other wastes.³²² Further,

³¹⁹ UNEP/CHW.12/INF/5, at p. 11.

³²⁰ Similarly, question 6 asks for categories of measures taken to reduce the amount of hazardous wastes and other wastes subject to transboundary movement, including the category of national strategies/policies. Since neither asked directly whether hazardous wastes were integrated into national policies and strategies, and all reports had to be reviewed manually, only answers to question 5 were considered here.

³²¹ This was Qatar.

³²² The four targets were: 7A: integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources; 7B: reduce biodiversity loss, achieving, by 2010, a significant reduction in the rate of loss; 7C: halve, by 2015, the proportion of the population without sustainable access to safe drinking water and basic sanitation; 7D: by 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers.

The Millennium Development Goals Report 2015³²³ does not even contain the word “wastes”. However, one of the conclusions under Goal 7 was that environmental sustainability is a core pillar of the post-2015 development agenda.³²⁴

561. *Report to the Conference of the Parties on the activities of the Basel and Stockholm conventions regional centres:* As noted in the discussion of the Basel Centres under objective 1.1, reports of the type provided today by the Secretariat through its current compilation of Basel and Stockholm Centre reports, did not then exist. The report that did exist at the time was simply a collation of activities reported by Parties and others to implement the synergies arrangements between the Basel, Rotterdam and Stockholm Conventions, and contained a wide range of information.³²⁵ Only a handful of submissions mentioned the MDGs, and this was not addressed by any of the three regional centres that made a submission.

b. Latest data from 2019 questionnaire and additional information sources

562. *2019 Questionnaire:* Out of 50 Parties responding to this question, 34 (68%) indicated that they had a national sustainable development plan or strategy, three said no, and 13 (26%) indicated it was in preparation. Interestingly, when asked whether the country has integrated waste and hazardous waste issues into the plan or strategy, 34 said yes, five said no, and 11 were in preparation. That means two of the plans or strategies under development do not forecast having hazardous wastes issues included.

563. *Annual national reports for 2017:* Question 5, which is primarily about reduction and/or elimination of the generation of hazardous and other wastes, asks Parties to describe five possible categories of measures that could be taken to achieve this end, one of which is national strategies/policies.³²⁶ All responses to this question for 2017 were reviewed to see if there was mention of the integration of hazardous wastes into national sustainable development strategies. As might be expected, since the question on policies and strategies was focused on those directly related to reduction and/or elimination of the generation of hazardous wastes, although many of the 94 Parties responding to the question indicated that there were national waste strategies and policies of various types, only five Parties mentioned national plans, visions or sustainable development strategies in this context.³²⁷

564. *The voluntary reports by countries being submitted to the high level political forum on sustainable development:*³²⁸ The voluntary national reviews (VNRs) aim to facilitate the sharing of experiences, including successes, challenges and lessons learned, with a view to accelerating the implementation of the 2030 Agenda. Goal 12 of the Sustainable Development Goals is responsible consumption and production by 2030. Within that, targets 12.4 and 12.5 are most relevant to the work of the Basel Convention and this goal, objective and indicator.

12.4: By 2020, achieve the environmentally sound management of chemicals and all wastes throughout their life cycle, in accordance with agreed international frameworks, and significantly reduce their release to air, water and soil in order to minimize their adverse impacts on human health and the environment.

12.5: By 2030, substantially reduce waste generation through prevention, reduction, recycling and reuse.

565. As part of its follow-up and review mechanisms, the 2030 Agenda for Sustainable Development encourages member states to conduct regular and inclusive reviews of progress at the national and sub-national levels, which are country-led and country-driven. These national reviews are expected to serve as a basis for the regular reviews by the high-level political forum (HLPF), meeting under the auspices of the United Nations Economic and Social Council (ECOSOC). The guidelines for these

³²³ [https://www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20\(July%2015\).pdf](https://www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20(July%2015).pdf).

³²⁴ *Ibid.*, p. 62.

³²⁵ UNEP/CHW.10/INF/39.

³²⁶ Similarly, Question 6 asks for categories of measures taken to reduce the amount of hazardous wastes and other wastes subject to transboundary movement, including the category of national strategies/policies. Since neither asked directly whether hazardous wastes were integrated into national policies and strategies, and all reports had to be reviewed manually, only answers to Question 5 were considered here.

³²⁷ Canada (federal sustainable development strategy); Cuba (national plan of economic and social development); Czech Republic (sustainable development strategy); Qatar (national vision for 2030, including the environmental sector).

³²⁸ These are found at: <https://sustainabledevelopment.un.org/vnrs/>, along with voluntary common reporting guidelines for voluntary national reviews, and a synthesis of the national reports by SDG goal.

reports request reporting on incorporation of the SDGs into national sustainable development strategies and other national legislation, policies, plans and programmes. Between 2016 and 2019, 142 countries have submitted voluntary national reports, with another 27 projected for 2020 and 2021.

566. While at first glance this appears to have the possibility of some useful data on the number of countries that have integrated hazardous waste issues into their national sustainable development strategies, a review of the annual synthesis reports indicates that, while in general reporting countries have tried to integrate the SDGs into national plans, strategies and programmes, specific mention of how this was done under SDG 12, targets 12.4 and 12.5 is not found in the synthesis reports. A review of the 2019 synthesis report, available since the preparation of the compilation, reveals no change in this pattern. Despite the guidelines, there is variability in what has been reported and how, and the narrative under SDG 12 in the annual synthesis reports is qualitative in nature. The Sustainable Development Goals Report 2019 indicates that nearly 100 countries are actively adopting policies and measures to promote sustainable consumption and production, although this is only one possible component of national sustainable development strategies.³²⁹

567. *Report of the activities of the Basel and Stockholm convention regional centres:* While many activities of the centres would relate to one or more of the SDGs, only one centre had an activity specifically identified as relating to the SDGs and the 2030 Agenda (“building capacity in sustainable development goals follow-up and review in developing countries for Project activities in Costa Rica”), while one Stockholm Convention Centre held a series of activities related to sustainable consumption and production, which is Goal 12 of the SDGs. To try to review the reports of the Basel Convention Regional Centres retroactively through this lens would be extremely difficult to do, given that this report provides little beyond the title of the project or workshop.

568. There were no activities specifically related to the integration of waste and hazardous waste issues into national development plans or strategies.

569. *International Cooperation and Coordination:* In decision BC-13/16, the Conference of the Parties welcomed the 2030 Agenda for Sustainable Development, which included the sound management of chemicals and wastes as an essential and integral cross-cutting element of sustainable development, emphasized the important contributions of the Basel, Rotterdam and Stockholm conventions in supporting Parties to those conventions in implementing the 2030 Agenda for Sustainable Development and the achievement of the relevant SDGs and associated targets, and requested the Secretariat, subject to the availability of resources, to assist Parties upon request in their efforts to integrate relevant elements of the conventions into their national sustainable development plans³³⁰ and strategies, and, as appropriate, legislation. Decision BC-14/21, para 6(c) continued to request the Secretariat to do so. As of December 31, 2019, no requests had been made to the Secretariat. No funding was made available for this purpose.

570. As mentioned under objective 1.4, the work programme for 2020-2021 of the Implementation and Compliance includes the following activity: “With a view to increasing the completeness and timeliness of national reporting under paragraph 3 of Article 13, explore how individual Parties can integrate *national* reporting needs under the Basel Convention into the United Nations Development Assistance Framework”. This mandate will provide an opportunity for the Committee to identify options for the implementation of the Convention to be integrated into these Frameworks (now called Sustainable Development Cooperation Frameworks).³³¹

c. Analysis of data applied to the indicator over time

571. Objective 3.1 illustrates the challenges for measuring progress when sources of data are not identified for an indicator when it is agreed. For this indicator and objective, there is very little data available except for the 2011 baseline questionnaire and the 2019 questionnaire responses. Unfortunately, only a small percentage of Parties responded to the questionnaires, making the results difficult to assess.

³²⁹ Page 15.

³³⁰ Although the indicator refers to “national development plans or strategies”, the objective refers to “national sustainable development strategies and plans for sustainable livelihood”, as does the request from the thirteenth meeting of the Conference of the Parties.

³³¹ These frameworks are now called the United Nations Sustainable Development Cooperation Frameworks: <https://unsdg.un.org/2030-agenda/cooperation-framework>.

	Number of respondents to the question	Have a national sustainable development plan or strategy	In preparation	Hazardous and other wastes are or will be integrated into national sustainable development plans/strategies
2011 questionnaire	36 (out of 175 Parties)	27	5	32 (89%)
2019 questionnaire	50 (out of 187 Parties)	34	13	45 (90%)

Table 24: 2011 and 2019 Data on whether hazardous and other wastes are/will be integrated into national sustainable development plans/strategies

572. National reports were not a useful source of information for this objective. Question 5, for example, asks about national policies and strategies in the context of reduction and/or elimination of the amount of hazardous wastes and other wastes generated and not whether these were incorporated into larger national sustainable development frameworks. The fact that only one country mentioned this in 2011 and a handful in 2017 provides no indication of whether there is a greater consciousness in this regard.

573. It is interesting that Convention Parties included the Millenium Development Goals in the strategic framework in 2011 even though there was no specific target for hazardous and other wastes under Goal 7. Since that time, SDG 12 was developed with targets specific to hazardous and other wastes, although the data collected for measuring progress under the SDGs is not relevant for this objective as expressed.

d. Main findings, conclusions and recommendations for objective 3.1

574. *Main findings:* (i) Despite a mandate by the Conference of the Parties to assist Parties upon request to integrate waste management issues into their national sustainable development plans, no funding has been provided for this and no Parties have requested such assistance. When asked through the two questionnaires, a substantial number of Parties indicated having already done so. (ii) The data currently available under the Convention, as set out in this report, in particular the low levels of reporting and legislative implementation, appears sufficient to conclude that target 12.4 under SDG 12 (the environmentally sound management of all wastes throughout their life cycle by 2020) has not been achieved with respect to waste covered by the Basel Convention; (iii) If current reporting levels persist in 2030, the data available under the Convention from annual national reports will not likely be sufficient to contribute towards an assessment in 2030 of whether SDG target 12.5 (by 2030, substantially reduce waste generation through prevention, reduction, recycling and reuse) has been met; (iv) Data for the SDG global indicator 12.4.2 (hazardous waste generated per capita and proportion of hazardous waste treated, by type of treatment) and 12.5.1 (national recycling rate, tons of material recycled) is not yet available as the methodology for gathering it is still under development.

575. *Conclusion:* (i) There is currently little activity under the Basel Convention related to assisting Parties to integrate waste management issues into national sustainable development strategies. However, a first mandate has been given to the Implementation and Compliance Committee with respect to national reporting and the Development Frameworks. (ii-iv) An improved methodology is necessary to provide data which is critical to measuring progress under the Convention and for the SDGs.

576. *Recommendation:* With a view to improving the implementation of the Convention and taking into account the outcome of the work of the Implementation and Compliance Committee under its work programme on improving national reporting, the Conference of the Parties could provide guidance on how individual Parties can integrate their needs under the Basel Convention into their Sustainable Development Cooperation Frameworks.

577. *Recommendation:* See above recommendation for objective 1.4 on reporting.

578. *Recommendation:* A next iteration of Waste Without Frontiers II could be used as the baseline data for the next strategic framework, and if such a framework (including on reporting targets) were aligned with the 2030 SDG target date, increases in reporting internal to the Convention could contribute to assessing the global situation under the SDGs.

2. Objective 3.2

Goal 3: Promoting the implementation of ESM of hazardous and other wastes as an essential contribution to the attainment of sustainable livelihood, the Millennium Development Goals and the protection of human health and the environment

Objective 3.2: To promote cooperation with national, regional and international bodies, in particular cooperation and coordination between the Basel, Rotterdam and Stockholm conventions, to improve environmental and working conditions through the environmentally sound management of hazardous and other wastes

Indicator: Number of activities on common issues undertaken by the bodies under the three Conventions.

579. For purposes of this report, the objective to promote cooperation with national, regional and international bodies is interpreted to be with the aim of improving environmental and working conditions through the environmentally sound management of hazardous and other wastes. In other words, this is not two separate objectives of promoting cooperation and improving environmental and working conditions. This approach is supported by the single indicator, which relates to the number of activities on common issues undertaken by the bodies under the three Conventions.

580. One of the challenges with the indicator is that it is extremely broad. For purposes of this section of the report, the reference in the indicator to “bodies” under the three Conventions was considered to include: the conferences of the Parties, their subsidiary bodies, small intersessional working groups, the joint meetings of the bureaux, the BCRCs and the Secretariat. Some information is included about the GEF due to it serving as the financial mechanism to the Stockholm and Minamata conventions, resulting in indirect benefits for Basel Convention Parties as regards POPs and mercury wastes.

581. In addition to the results of the 2011 baseline questionnaire and the 2019 questionnaire, this section of the report also draws on: reports on implementation of convention programme of work, technical assistance activities of the Secretariat, activities of the BCRCs (or SCRCs where relevant), relevant decisions of the Conference of the Parties, and the report on the synergies review. These were chosen as joint cooperation activities between the conventions that act to enhance the environmentally sound management of hazardous and other wastes.

a. Data from 2011 baseline questionnaire and additional information sources

582. *Baseline questionnaire:* Question 9 asked Parties about whether they had participated in or anticipated participating in any joint activities on common issues undertaken through the synergies process of the Basel, Rotterdam and Stockholm conventions.³³² Of the 36 respondents, 29 (81%) responded that they did so participate or anticipate participating, and specific types of engagement were listed such as synergies workshops, technical meetings and joint meetings and workshops on waste programs.

583. *Reports on implementation of the Conventions’ programmes of work and budgets:* In a report to the Expanded Bureau of the Convention dated February 22, 2011 for purposes of the tenth meeting of the Conference of the Parties later in the year, two activities were reported on.³³³ On enhancing cooperation and coordination with other MEAs and intergovernmental organizations on issues of common concern, the Secretariat reported on a number of common issues it had worked on with other organizations. On the activity described as “implement COP decisions based upon the recommendations of the Ad Hoc Joint Working Group on enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm Conventions”, it was reported that a Synergies Oversight Team had been established to support the implementation of the synergies decisions and in preparing for the extraordinary meetings of the conferences of the Parties, which had been held earlier in the biennium (February 2010).

584. *Decisions of the Conference of the Parties:* The tenth meeting of the Conference of the Parties decided on a number of joint activities (based on identical decisions earlier in the year by the Rotterdam and Stockholm conferences of the Parties), which included: developing tools to support

³³² According to the question, a joint activity was one involving at least two of the three conventions and could include synergies workshops.

³³³ See UNEP/SBC/BUREAU/9/2/2, Report on the implementation of programme of work adopted at the ninth meeting of the Conference of the Parties to the Basel Convention (2009-2011).

countries in implementing the conventions; capacity-building programmes at the regional level; support for sound chemicals and wastes management at the national level; supporting the work of and coordination between the scientific bodies of the conventions and identify common issues and linkages between the conventions, and supporting Parties' implementation of the life-cycle approach to chemicals management (update the general technical guidelines on the environmentally sound management of persistent organic pollutant wastes to include the new persistent organic pollutants).³³⁴ It should be noted that this decision by the three conferences of the Parties also comprehensively covered the areas of joint managerial functions, joint services, synchronization of budget cycles, joint audits, and review arrangements.

585. *Joint meetings of the bureaux of the Basel, Rotterdam and Stockholm conventions:* Starting in 2011, the bureaux of the three conventions began meeting together to prepare for the meetings of the conferences of the Parties. Since the first back-to-back meetings of conferences were not held until 2013, the first joint meeting the bureaux considered how to ensure at the three final standalone meetings of each of the conferences of the Parties were organized so that synergies issues would be handled in a consistent manner. Subsequent joint bureaux meetings focused on the orderly and coordinated running of the upcoming back-to-back meetings of the conferences of the Parties.

586. *Linkages between the Basel and Stockholm agendas on POPs waste issues:* The tenth meeting of the Conference of the Parties approved an extensive decision on technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants, by putting on the work programme of the Open-ended Working Group, with regard to chemicals addressed by the fourth and fifth meetings of the Stockholm Convention Conference of the Parties: updating the general technical guidelines on POPs wastes and the preparation or updating of specific technical guidelines developed under Basel; establishment of levels of destruction and irreversible transformation for the chemicals necessary to ensure that when disposed of they do not exhibit characteristics of POPs specified in the Stockholm Convention; determination of which disposal methods constitute environmentally sound disposal as referred to in the Stockholm Convention; establishment of low POP content as per the Stockholm Convention, and consideration of the amendment of some entries in Annex VIII of the Basel Convention involved POPs.³³⁵

587. The small intersessional working group established by the Basel Open-ended Working Group had its mandate extended by the Conference of the Parties, which invited Parties and stakeholders to nominate experts, including experts working under the Stockholm Convention, such as members and observers of the Persistent Organic Pollutants Review Committee.³³⁶ At this point in time it was clear that work on wastes necessary to the Stockholm Convention would be taking place at and adopted by the Basel Convention Conference of the Parties, providing for a key programme efficiency. As noted earlier in this report, since 2013 this has also been reflected in the order of the individual conferences of the Parties, with Stockholm going first to enable decisions amending the Convention to add new POPs to be taken into account in the subsequent Basel Conference of the Parties.

588. *Report to the Conference of the Parties on technical assistance activities conducted by the Secretariat:* Seven of the nine activities of a general nature related to synergies, including a number of activities related to joint implementation of the three conventions.³³⁷

589. *Report of the activities of the Basel and Stockholm convention regional centres:* The document available at the baseline year contained submissions from Parties, regional centres and other stakeholders on activities carried out to implement the synergies decisions.³³⁸ At that time only three regional centres responded: BCRC China, BCRC Central America and Mexico, and the Stockholm Regional Centre for Central and Eastern Europe. As regards the Stockholm Centre, most of the lengthy list of activities appear to address purely Stockholm issues. Among those activities reported by BCRC China, of interest under objective 3.2 are: regional capacity-building for the

³³⁴ This was adopted via decision BC-10/29, Annex I.

³³⁵ Decision BC-10/9, paragraph 1.

³³⁶ Decision BC-10/9, paragraph 4. At COP-3, decision SC-3/7 (2007), the Conference of the Parties to the Stockholm Convention took note that the POPs general technical guidelines established provisional definitions of low POP content; that it established a provisional definition for levels of destruction and irreversible transformation; and that it determined methods that are considered to constitute environmentally sound disposal—all matters set out in the Stockholm Convention. The decision then welcomed the continuing work of the relevant bodies of the Basel Convention related to reviewing and updating POPs technical guidelines, and encouraged Parties to Stockholm to ensure the participation of experts in such ongoing work under the Basel Convention.

³³⁷ UNEP/CHW.11/INF/31.

³³⁸ UNEP/CHW.10/INF/39.

environmentally sound management of POPs wastes and PCBs, and for raising awareness on enhancing cooperation and coordination for the implementation of the Basel, Rotterdam and Stockholm Conventions. For the Central America and Mexico Centre, projects of interest for objective 3.2 are: improving both national government and regional cooperation on implementation of the various chemicals agreements (including Basel), destruction of ozone-depleting substances and POPs wastes, preparations at the sub-regional level for the tenth Conference of the Parties, and working with the Green Customs Initiative.

b. Latest data from 2019 questionnaire and additional information sources

590. *2019 questionnaire*: Out of 50 respondents, 42 (84%) indicated that they or a representative of their country had participated or anticipated participating in joint activities under the three conventions (e.g. synergies workshops, training on two or more of the conventions, etc.). Examples of answers given were the back-to-back meetings of the conferences of the Parties and preparations therefor, regional workshops on implementation, chairing training under the Basel, Rotterdam and Stockholm conventions, and workshops relating to POPs, mercury and other waste streams.

591. *Report on the overall review of the synergies arrangements*: The Conference of the Parties at its thirteenth meeting welcomed a report on the further review of the synergies arrangements as well as on the matrix-based management approach and organization.³³⁹ The report included a review of the implementation and impact at all levels of categories of joint activities, which included technical assistance; scientific and technical activities; regional centres; the clearing house mechanism; public awareness, outreach and publications; and reporting.³⁴⁰ The decision also requested the Secretariat to continue to seek opportunities for enhanced coordination and cooperation among the three conventions in order to ensure policy coherence and enhance efficiency with a view to reducing the administrative burden and maximizing the effective and efficient use of resources at all levels, and invited Parties to submit further suggestions in this regard and to inform the Conference of the Parties of these under relevant agenda items for its fourteenth meeting.

592. The review report found that synergies arrangements had realized a range of benefits and have been effective in supporting various aspects of implementation of the three Conventions. The quality and quantity of technical and scientific support provided to Parties was found to have improved, and “good progress towards joined-up policy-making and a ‘lifecycle’ approach to hazardous chemicals and waste management among the Parties.”³⁴¹ The report concluded that joint management arrangements, including the joint Basel, Rotterdam and Stockholm Secretariat, had generally been operating efficiently and effectively, and there has been progress in raising the visibility of the three conventions. Nevertheless, the report noted that there were several aspects of the synergies arrangements where further improvement were needed, such as improving the quality of work at some regional centres, and improving stakeholder awareness and uptake of the Clearing House Mechanism, including improving processes and procedures for generating content. It was suggested that more needed to be done to meet the needs of developing country Parties and countries with economies in transition, where online technical assistance webinars need to address time differences and linguistic barriers, and be pitched at an appropriate technical level for the national/regional context.³⁴²

593. *Decisions of the Conference of the Parties*: In 2019, several decisions were adopted by each conference on cooperation and coordination among the Basel, Rotterdam and Stockholm conventions, including on gender, the clearing house mechanism for information exchange, preventing and combating illegal traffic and trade in hazardous chemicals and wastes, and from science to action.³⁴³

594. Cooperation continues with the Minamata Convention on Mercury on both programmatic and secretariat support activities as described in document UNEP/MC/COP.3/INF/6. At its third meeting, the Conference of the Parties to the Minamata Conventions, in its decision MC-3/11 requested the Executive Director of the United Nations Environment Programme, in the performance of secretariat functions for the Minamata Convention and mindful of the legal autonomy of the respective secretariats, to support the secretariat of the Minamata Convention in its efforts to enhance cooperation with the Secretariat of the Basel, Rotterdam and Stockholm conventions, including through the regular use of the task force comprising the two secretariats and the United Nations

³³⁹ Decision BC-13/18, paragraphs 1 and 2. The report was contained in UNEP/CHW.13/INF/43, annex.

³⁴⁰ For purposes of that review, joint managerial functions were considered different from “joint activities” and the same interpretation was therefore given to the word “activities” in the indicator. See pp 3-12 regarding the joint activities.

³⁴¹ UNEP/CHW.13/INF/43, annex, p. 1.

³⁴² *Ibid.*

³⁴³ Decisions BC-14/22, BC-14/23, BC-14/24 and BC-14/25, respectively.

Environment Programme Chemicals and Health Branch as a stable framework of cooperation and sharing of relevant secretariat services, in accordance with decision MC-2/7. It requested the Executive Secretary of the Minamata Convention, among other things to: set up, with the Secretariat of the Basel, Rotterdam and Stockholm conventions and under the overall steering of the task force, inter-secretariat working groups, as appropriate, to cooperate on relevant administrative, programmatic, technical assistance and technical matters, in accordance with the programme of work and budget; and continue to implement shared services and the purchase of relevant services from the Secretariat of the Basel, Rotterdam and Stockholm conventions on a cost recovery basis, as appropriate and in accordance with the programme of work and budget for each biennium. The Basel, Rotterdam and Stockholm conventions' conferences of the Parties will consider this further at their 2021 meetings.

595. *Joint meetings of the bureaux of the Basel, Rotterdam and Stockholm conventions:* The previous joint meeting of the bureaux held in November 2018 finalized the organization of work of the meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions taking place in April/May 2019, including discussions about elections, credentials, the tentative schedule of work and the draft schedule of possible contact and other groups. As the Rotterdam Bureau has only five members, the Basel and Stockholm Conferences of the Parties decided in 2013³⁴⁴ that only five members of their respective bureaux would attend the joint bureaux meetings.

596. *Linkages between the Basel and Stockholm agendas on POPs waste issues:* As noted for the baseline year, these linkages have been ongoing throughout the period of the strategic framework. However, as the discussion under objective 2.4 noted, not only have the back-to-back conferences of the Parties been organized to facilitate step-wise consideration of new POPs and their waste implications, but after adoption, the Basel SIWG on POPs is subsequently requested by the Conference of the Parties to prepare a draft analysis anticipating whether proposed new listings will need new or updated technical guidelines for a particular waste stream. The SIWG on POPs is also given a mandate to monitor and assist in the review, updating and preparation, as appropriate, of technical guidelines on POPs wastes.

597. *Reports to the Conference of the Parties on technical assistance activities conducted by the Secretariat:* While the Secretariat has continued to provide substantive technical assistance on cross-cutting issues (e.g. workshops on illegal traffic, reporting and linkages with the Minamata Convention), it has also been providing webinars and workshops to help Parties better prepare for meetings of the Conference of the Parties and its subsidiary bodies. This includes webinars before and after the conferences of the Parties and meetings of subsidiary bodies, regional preparatory meetings for the conferences of the Parties, and gender training. In the 2018-2019 biennium, the Secretariat once again offered chairing training, which it has been doing since 2014, and completed several gender-related activities, including a half-day training on integrating a gender perspective in the sound management of chemicals and waste for directors of the BCRCs.

598. The review of the synergies arrangements used data from 2015-16, which it indicated should be used with caution due to the data covering a limited time-span and number of activities, as well as being assessed during a busy year with the conferences of the Parties. The data illustrated that technical assistance activities had been in general increasing during that short time period under review, although in Africa and the Middle East there was a feeling that the quantity has decreased—possibly due to fewer field-based workshops and more on-line technical assistance such as webinars.³⁴⁵ However, most of the data reported was interview results asking for Parties' impressions, and very limited measuring of actual activities at that point in time compared with a baseline from the pre-synergies era, nor did it ask whether Parties thought, nor did it measure, whether the technical assistance activities on specific conventions had been reduced.

599. *Report of the activities of the Basel and Stockholm conventions regional centres:* The Secretariat report³⁴⁶ of the Basel and Stockholm centres' activities: Annex II sets out a list of training and capacity-building activities, Annex III on technology transfer (defined as per Agenda 21), and Annex IV on plastics.³⁴⁷ Out of 187 activities listed, excluding the plastics annex, approximately 54 were related to hazardous and other wastes in some way and 36 of those were related to waste streams the subject of technical guidelines.³⁴⁸ A number of these appear to involve both the management and

³⁴⁴ Decisions BC-11/25 and SC-6/29 respectively.

³⁴⁵ UNEP/CHW.13/INF/43, annex, p. 3.

³⁴⁶ UNEP/CHW.14/INF/29.

³⁴⁷ PACE follow-up activities outlined in Annex V were not listed for this chart, as rather than capacity-building activities, they were to discuss a possible follow-up to PACE.

³⁴⁸ At COP-14, it was decided to update the technical guidelines on plastic wastes: decision BC-14/13, para. 18.

disposal of waste consisting of, containing or contaminated with a POPs chemical, thus linking both Stockholm and Basel Convention issues. Of the remaining 18, only a handful could be characterized as cutting across at least two of the conventions, or across Basel and Minamata.

600. *Global Environment Facility funded projects:* As noted earlier under objective 2.4, while not the financial mechanism for the Basel Convention, in its role as the financial mechanism of the Stockholm and Minamata conventions, the GEF now has a Chemicals and Waste Focal Area that includes POPs, ODS and mercury. To the extent that the Basel Convention addresses priority waste streams such as POPs and mercury, which are funded by the GEF, Basel Convention Parties can benefit from funding. To the extent that Basel Convention Parties can link their Basel Convention needs with needs under either the Stockholm or Minamata conventions, then funding could be available. The destruction of the POP content in POPs wastes is a good example, where projects have funded both the management of POPs wastes and destruction of new POPs such as lindane, endosulfan and PFOS, but also longstanding problems such as PCBs.

c. Analysis of data applied to the indicator over time

601. The indicator is very broad: even if limited to those activities falling under the scope of the review prepared for the thirteenth meeting of the Conference of the Parties (see paragraphs immediately above), there is no single source of information from which to draw information about whether there has been an increase over the period of the strategic framework in this regard, making it very difficult to assess.

602. *Baseline and 2019 questionnaire results:* There was only a slight increase in the percentage of Parties who said that they had participated in joint activities—84% in 2019, up from 81% in 2011. It is difficult to assess whether non-responding Parties could substantially affect the results.

603. *Decisions of the Conference of the Parties:* There was no general decision on cooperation and coordination between the Basel, Rotterdam and Stockholm conventions at the fourteenth meeting of the Conference of the Parties, but rather several individual decisions related to cross-cutting issues such as gender, science and illegal trade and traffic. Over the biennium the synergies arrangements following from the three 2010 extraordinary meetings of the conferences of the Parties for the three conventions was launched, and according to a report welcomed by the thirteenth meeting of the Conference of the Parties, was in general a success, although with the possibility of improvement in select areas. The key result is that the efforts made to synergize between the three conventions have solidified and are anticipated to continue in the future, guided by the conferences of the Parties.

604. *Linkages between Basel and Stockholm Convention agendas on POPs wastes:* What began as a practical approach to handling decisions of the Conference of the Parties on POPs wastes under the Basel Convention has become an efficient and streamlined approach to monitoring and anticipating needs for the Basel Open-ended Working Group's work programme based on activities approved under the Stockholm Convention.

605. *Reports to the Conference of the Parties on technical assistance activities by the Secretariat:* A significant change over the biennium has been the number of technical assistance activities directed to preparations before meetings of the Conference of the Parties and subsidiary bodies, as well as the debriefing thereafter of what transpired. According to the synergies review, there has been an increase in the use of webinars, which makes sense given the evolution of technology. Webinars and meetings on preparations have included donor funding for regional preparations. Cross-cutting areas such as gender, and chairing training, has begun to be offered.

606. *Report of the activities of the Basel and Stockholm conventions regional centres:* It is difficult to assess how many of the BCRC activities are "joint activities", due to the style in which the reports are presented to COP.

607. *Global Environment Facility funded projects:* Recent developments within the GEF have resulted in a Chemicals and Waste Focal area, with an integrated approach being taken to project funding. Although the Basel Convention does not have the GEF as its financial mechanism, it does benefit from the financing available for the environmentally sound disposal of POPs wastes, and mercury wastes due to the Minamata Convention on Mercury.

608. It is likely that the level of activity and intensity of activities were greater during the baseline year than currently. That was the year of the last standalone conferences of the Parties of the Basel, Rotterdam and Stockholm Conventions, and the period during which the most active work occurred towards bringing the three secretariats administered by UNEP under joint management. Preparing for the first back-to-back conferences of the Parties was also a preoccupation during the biennium immediately after the baseline year.

d. Main findings, conclusions and recommendation for objective 3.2

609. *Main finding:* Over the period of the strategic framework, cooperation and coordination between the Basel, Rotterdam and Stockholm Convention, mindful of the legal autonomy of the three conventions, has resulted in a joint Secretariat, (for the UNEP-administered secretariats), joint bureaux meetings, and back-to-back meetings of the conferences of the Parties where administrative, legal, technical and programmatic cooperation and coordination takes place wherever feasible. At the most recent back-to-back conferences of the Parties, for the first time there was no specific decision on cooperation and coordination between the Conventions, with separate decisions on the specific areas of cooperation and coordination noted above.

610. *Conclusion:* Cooperation and coordination among the three conventions, a focus of activity over the lifetime of the strategic framework, has become a standard manner of conducting business under the three conventions.

611. *Recommendation:* With cooperation and coordination among the three conventions having become the standard manner of conducting business under the three conventions, a possible future strategic framework and/or effectiveness evaluation should not have as a specific objective the promotion of cooperation and coordination between the Basel, Rotterdam and Stockholm conventions.

III. Overarching main findings, conclusions and recommendations

Process of developing the next strategic framework and/or effectiveness evaluation

612. *Main finding:* The fourteenth meeting of the Conference of the Parties provided the terms of reference for completing this report, but did not decide on a possible next strategic framework. The Conference of the Parties could consider whether there would be merit in developing a new strategic framework and/or effectiveness evaluation, building upon the main findings, conclusions and recommendations of this report, as well as lessons learned in its preparation³⁴⁹.

613. Moreover, it may be timely for the Conference of the Parties to revisit paragraph 7 of Article 15 of the Convention which asks for an evaluation of the effectiveness of the Convention to take place every 6 years. Since its third meeting in 1995, no such evaluation has taken place. The Conference of the Parties instead developed a strategic plan and subsequently a strategic framework. The review of the implementation of the Convention is entrusted to an existing subsidiary body, the Implementation and Compliance Committee, but it would be worthwhile exploring completing this with an evaluation of the effectiveness of the Convention. Recent developments in relation to plastic wastes illustrate that the Conference of the Parties sees merit in assessing the effectiveness of measures under the Convention, as demonstrated in decision BC-14/13 on further actions to address plastic waste under the Basel Convention. In this decision, the Conference of the Parties decided to include in the work programme of the Open-ended Working Group for 2020–2021 the consideration of whether, how and when the Conference of the Parties should assess the effectiveness of the measures taken under the Convention to address the plastic waste contributing to marine plastic litter and microplastics. In this specific sub-set of work on plastic waste, a consideration of the assessment of the effectiveness of measures taken is ongoing. Such consideration could be part of a bigger evaluation of the effectiveness of the Convention.

614. *Conclusion:* The development of a strategic framework and/or an evaluation of the effectiveness of the Convention could be launched by the Conference of the Parties, building on the results of this review.³⁵⁰ Until the next strategic framework is developed, activities and budget allocation could be prioritized according to the main conclusions and recommendations of the current report.

615. *Recommendation:* The Conference of the Parties may wish to consider whether to start work on a future strategic framework and/or effectiveness evaluation of the Convention, building upon the main findings, conclusions and recommendations of this report, and making the necessary budgetary allocation. Should the Conference of the Parties wish to commence such work, it could usefully be aligned with the 2030 Sustainable Development Goals, in particular targets 12.4 and 12.5, and a general 2030 timing to be in synch with that cycle and contribute towards an assessment of whether those targets are met.³⁵¹ In doing so, it would allow the Conference of the Parties to consider how the Basel Convention can add value to more sustainable patterns of consumption and production at the global level, including, but not limited to, the idea of a circular economy. Until the next strategic framework is developed, activities and budget allocation should be prioritized according to the main conclusions and recommendations of the current report.

³⁴⁹ For example, reports of meetings of the small intersessional working group or submissions from Parties: <http://www.basel.int/tabid/3807/>.

³⁵⁰ Other multilateral environmental agreements which have or are undertaking similar exercises from which lessons can also be learned: the Strategic Plan adopted by the Parties to both the 1996 Protocol to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, and the 1972 Convention, by the meetings of their 11th and 38th governing bodies, http://www.imo.org/en/OurWork/Environment/LCLP/Documents/Strategic%20Plan%20leaflet_final_web.pdf; the ongoing process under the Convention on Biological Diversity to develop its Post-2020 Global Biodiversity Framework, Report of the Second meeting of the Open-ended Working Group on the Post-2020 Global Biodiversity Framework, <https://www.cbd.int/conferences/post2020/wg2020-02/documents>; for an outline of various processes on effectiveness evaluation, see: Information on effectiveness evaluation practices under other conventions, UNEP/FAO/RC/COP.9/INF/22.

³⁵¹ See the Strategic Plan adopted by the Parties to both the 1996 Protocol to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 and the Convention, where targets were staged to be achieved from the date of adoption in 2016 to 2030. For reporting the targets are: “By 2022 75% of Parties report; by 2026: 85% of Parties report; by 2030: 100% of Parties report.”

Process of developing a next strategic framework and/or effectiveness evaluation: sources of information underpinning indicators should be agreed at the same time as the indicators

616. *Main finding:* The failure to identify sources of information at the time of adopting indicators hampered the process of evaluating progress under this strategic framework, as in many cases there were non-existent or poor sources of relevant information by which to measure progress.

617. *Conclusion:* In the process of developing a next strategic framework and/or effectiveness evaluation, sources of information underpinning an indicator should be agreed by Parties at the same time as the indicator.

618. *Recommendation:* The Conference of the Parties should consider, in the development of the next strategic framework and/or effectiveness evaluation, that relevant information sources underpinning the indicators and sub-indicators should be agreed at the same time as the indicators and sub-indicators, focusing on existing information sources, and taking decisions in this respect.

Process of developing a next strategic framework and/or effectiveness evaluation: development of indicators

619. *Main finding:* This strategic framework did not differentiate between process and outcome indicators,³⁵² and there were insufficient outcome indicators. Other indicators were too broad to provide a measurable or meaningful outcome.³⁵³

620. *Conclusion:* More outcome indicators and more measurable indicators in general would have benefited this strategic framework.

621. *Recommendation:* In a next strategic framework and/or effectiveness evaluation, the Conference of the Parties could consider augmenting the number of outcome indicators, drafted in a manner that is measurable.

Process of developing a next strategic framework and/or effectiveness evaluation: clarity of goals, objectives and indicators

622. *Main finding:* Throughout this review of progress, it became evident that some of the objectives and indicators could have been more precise, along with greater interconnectivity between each other and with the goals. For example, inconsistent and undefined terminology was used in objectives 2.2 and 2.3, with substantial overlap between them. The indicator under objective 3.1 related only to part of objective 3.1, and that objective did not link very effectively with goal 1 on effective implementation of Parties' obligations on transboundary movements of hazardous and other wastes. As a result, additional informal "indicators" were provided and assessed to provide a better snapshot of progress.

623. *Conclusion:* Lessons learned in this review of progress can benefit the development of a next strategic framework and/or effectiveness evaluation.

624. *Recommendation:* This report should be referenced as a background document and inform the development of a next strategic framework and/or effectiveness evaluation.

Decisions of the Conference of the Parties

625. *Main findings:* The strategic framework has not been an explicit rallying point for the Basel Convention and decisions of the Conference of the Parties over the last ten years have not been regularly linked to the strategic framework, nor have major documents, such as the Secretariat's technical assistance plan, the work programme of the Open-ended Working Group, and the work programme of the Implementation and Compliance Committee. For example, a review of the decisions of the eleventh meeting of the Conference of the Parties—the first one after the strategic framework was adopted—reveals only two decisions mentioning the strategic framework (the

³⁵² "Process indicators measure what happens during implementation...and outcome indicators measure the desired impact of the measures adopted to implement the treaty." See: UNEP/FAO/RC/COP.9/INF/22, at paragraph 30. The Stockholm Convention effectiveness evaluation framework uses process and outcome indicators. However titled, there is a need to have the two types of indicators.

³⁵³ For example, the indicator for objective 2.4 ("To facilitate national, regional and international commitment with regard to the management of priority waste streams, as identified in the programme of work of the Convention, taking into consideration the priorities of developing countries and countries with economies in transition and in accordance with the requirements of the Convention") is: "Number of programmes, projects or activities carried out by parties, jointly with other parties or together with other stakeholders (regional and international organizations, convention, industry bodies, etc.), aimed at the environmentally sound management of priority waste streams that have been monitored and assessed to achieve this goal."

decision on the strategic framework, and that on the work programme of the Open-ended Working Group). Decisions of the fourteenth meeting of the Conference of the Parties mention it in only three of twenty-nine decisions:³⁵⁴ BC-14/1 on the strategic framework itself; decision BC-14/15 on compliance related to the importance of reporting information for conducting the review of the strategic framework; decision 14/20 on the work programme of the Open-ended Working Group, where it was assigned the task of reviewing a draft of this report. There was no mention of the strategic framework in the latest decision on the programme of work and budget.

626. *Conclusions:* A more strategic approach to the work of the Conference of the Parties could be enabled if the Secretariat were requested to frame each proposed decision within the context of a revised strategic framework and/or effectiveness evaluation, with a related tracking tool. This would also promote linkages in the programme of work and budget, thus focusing on the means of implementation for the achievement of the goals and objectives of the framework at each Conference of the Parties.

627. *Recommendation:* The Conference of the Parties should consider, should a new strategic framework and/or effectiveness evaluation be developed, whether having each decision and key document reference that framework will provide for a better overall strategic approach to achieving the objectives of the Convention as well as the goals and objectives of a new strategic framework, considering the means of implementation, and tracking progress.

Gender

628. *Main finding:* There is no reference to gender in the strategic framework. The fourteenth meeting of the Conference of the Parties took note of the updated Gender Action Plan, the second part of which considers what can be done to mainstream gender issues into the programme of work of the Basel, Rotterdam and Stockholm conventions.³⁵⁵

629. *Conclusion:* A strategic framework provides a vehicle for tracking the mainstreaming of gender issues into the programme of work of the Basel Convention.

630. *Recommendation:* Should the Conference of the Parties wish to track gender issues over time, the next strategic framework and/or effectiveness evaluation provides that opportunity.

Improving data sources

631. *Main finding:* The most recent confirmed reporting rate by Parties in 2016 has improved to 61%, which is still not ideal to inform refined conclusions and recommendations in many areas of the strategic framework and the work of the Convention, as well as insufficient to provide important data for purposes of the Sustainable Development Goals. Responses to the questionnaire specifically developed for the evaluation of the strategic framework could have been higher.

632. *Conclusion:* Under the Basel Convention improved sources of data are urgently needed in order to enable an improved assessment of progress under the Convention under any future strategic framework and/or effectiveness evaluation.

633. *Recommendation:* Special care must be given to have solid and verifiable baseline data. The Secretariat should be requested to work with the UN Sustainable Development Group³⁵⁶ and relevant Custodian Agencies to ensure that appropriate linkages are made between the reporting system under the Convention and the one for the Sustainable Development Goals, including commonalities in terminology, to enable data sharing.

Legislation implementing the Convention

634. *Main finding:* As mentioned above, the existence of legislation implementing the Convention is still lacking among a significant number of Parties, impacting, among others, the capacity to prevent illegal traffic, develop inventories, and provide national reports.

635. *Conclusions:* Recent documents developed by the Implementation and Compliance Committee can assist Parties in the development of national legislation. There is currently no mandate for the

³⁵⁴ By comparison, at the ninth meeting of the Conference of the Parties, the meeting before the current strategic framework took over from the previous strategic plan, that plan was referenced in five decisions out of thirty-three, including on the strategic plan and new strategic framework; on the BCRCs; on the Partnership Programme, 2009-2011; on the programme of work and budget (multiple references, including in the decision and the budget documents related to objectives); and the work programme of the Open-ended Working Group.

³⁵⁵ <http://www.brsmeas.org/Gender/BRSGenderActionPlan/Overview/tabid/7998/language/en-US/Default.aspx>.

³⁵⁶ Strategic Results Group 1 is responsible for SDG implementation through the UN Department of Economic and Social Affairs (DESA) and the UN Development Programme (UNDP).

Implementation and Compliance Committee to undertake a comprehensive approach to identifying Parties without legislation implementing the Convention.

636. **Recommendation:** Given the broad range of areas of the Convention impacted through the lack of legislation, including illegal traffic, inventories, and national reporting, the existence of legislation implementing the Convention should appear more prominent in the objectives, and any further work within such a strategic framework context should have an indicator related to Parties with legislation implementing the Convention, including performance in legislative implementation as a keystone objective. (same recommendation as in paragraph 350 of objective 2.1)

637. **Recommendation:** To address this significant problem, the Conference of the Parties at its fifteenth meeting could entrust the Implementation and Compliance Committee to review, within available resources and in accordance with COP priorities established for each biennium, Parties' implementation of the Basel Convention into national law, for consideration of the Conference of the Parties at its sixteenth and subsequent meetings. Appropriate budgetary allocations to provide support for the Implementation and Compliance Committee to undertake this work, along with allocations in the technical assistance budget specifically for implementation of the Basel Convention to help individual Parties, are recommended. (same recommendation as in paragraph 353 of objective 2.1)

Appendix I

Strategic framework for the implementation of the Basel Convention for 2012–2021

I. Vision

1. The aim of the strategic framework is to protect human health and the environment by controlling transboundary movements of hazardous and other wastes and by ensuring and strengthening the environmentally sound management of such wastes as a contribution to promoting sustainable livelihoods and attaining the Millennium Development Goals.

II. Guiding principles

2. The principles set out below are not listed in order of importance. They can be applied proactively in response to emerging issues provided that compliance with the provisions of the Basel Convention is ensured.

3. The following guiding principles will be applied:

- (a) Recognize the waste management hierarchy (prevention, minimization, reuse, recycling, other recovery including energy recovery, and final disposal) and, in so doing, encourage treatment options that deliver the best overall environmental outcome, taking into account life-cycle thinking;
- (b) Use waste management policy tools, such as:
 - (i) Sustainable use of resources;
 - (ii) Recognition of wastes as a resource, where appropriate;
 - (iii) Integrated waste management;
 - (iv) Life-cycle approach;
 - (v) Polluter-pays principle;
 - (vi) Extended producer responsibility;
 - (vii) Precautionary principle;
 - (viii) Proximity principle;
 - (ix) Partnerships, cooperation and synergies;
 - (x) Sustainable consumption and production;
- (c) Respect legislation governing waste management, including the principle of ensuring that every party has national legislation and regulations in place, in addition to enforcement mechanisms, to control transboundary movements of hazardous and other wastes and to prevent and combat illegal traffic;
- (d) Respect each party's national legislation and regulations regarding the control of the transboundary movements of hazardous and other wastes.

III. Strategic goals and objectives

4. Responsibility for the attainment of the goals and objectives within the framework of the Convention lies primarily with each party with the involvement of relevant stakeholders. The support of the Convention Secretariat and the regional and coordinating centres will be crucial in the attainment of these goals and objectives by developing countries and countries with economies in transition, in the light of their respective capacities and particular requirements. Attainment also hinges upon the availability of means of implementation. In this regard, full consideration should be given to Article 10 of the Convention.

A. Goal 1: Effective implementation of parties' obligations on transboundary movements of hazardous and other wastes

Objective 1.1: To reach a common understanding among parties of the definition, interpretation and terminology of wastes covered by the Convention, including the distinction between wastes and non-wastes.

Objective 1.2: To prevent and combat illegal traffic in hazardous and other wastes.

Objective 1.3: To improve performance in meeting requirements pertaining to, among other things, notifications of national definitions of hazardous and other wastes, prohibitions and other control measures.

Objective 1.4: To generate, provide, collect, transmit and use reliable qualitative and quantitative information and data regarding export, import and generation as required under Article 13 of the Convention.

B. Goal 2: Strengthening the environmentally sound management of hazardous and other wastes

Objective 2.1: To pursue the development of environmentally sound management of hazardous and other wastes, especially through the preparation of technical guidelines, and to promote its implementation in national legislation.

Objective 2.2: To pursue the prevention and minimization of hazardous waste and other waste generation at source, especially through supporting and promoting activities designed to reduce at the national level the generation and hazard potential of hazardous and other wastes.

Objective 2.3: To support and promote capacity-building for parties, including technological capability, through technology needs assessments and technology transfer, so as to reduce the generation and hazard potential of hazardous and other wastes.

Objective 2.4: To facilitate national, regional and international commitment with regard to the management of priority waste streams, as identified in the programme of work of the Convention, taking into consideration the priorities of developing countries and countries with economies in transition and in accordance with the requirements of the Convention.

Objective 2.5: To enhance and promote the sustainable use of resources by improving the management of hazardous and other wastes and to encourage the recognition of wastes as a resource, where appropriate.

C. Goal 3: Promoting the implementation of the environmentally sound management of hazardous and other wastes as an essential contribution to the attainment of sustainable livelihood, the Millennium Development Goals and the protection of human health and the environment

Objective 3.1: To develop national and regional capacity, particularly through the Basel Convention regional and coordinating centres, by integrating waste management issues into national sustainable development strategies and plans for sustainable livelihood.

Objective 3.2: To promote cooperation with national, regional and international bodies, in particular cooperation and coordination between the Basel, Rotterdam and Stockholm conventions, to improve environmental and working conditions through the environmentally sound management of hazardous and other wastes.

IV. Means of implementation

5. Attaining the goals and objectives of the strategic framework requires adequate capacity and resources, recognition of the needs of developing countries and countries with economies in transition and special attention to the situation of small island developing States. Implementation of the goals and objectives requires recognition of the fact that the parties to the Convention are at varying levels of development.

6. The activities to implement the strategic framework will be agreed upon at each meeting of the Conference of the Parties during the 10-year period covered by the framework. These activities must, however, be organized, streamlined and programmed. To do this, there is a need to identify the means by which to conceive, develop and execute these activities in ways that respond to parties' needs and their individual capacities to implement the work in question. The implementation of the strategic

framework will require increased individual and collective efforts, including the mobilization of resources from within parties and through international cooperation.

7. The following means of implementation have been identified as some possible options for implementing the Basel Convention, in accordance with the strategic framework:

- (a) Domestic resources;
- (b) External resources and funding;
- (c) Private sector;
- (d) Regional cooperation;
- (e) Capacity-building involving human resources, organizational and institutional development;
- (f) Mechanism for promoting implementation and compliance;
- (g) Partnerships;
- (h) Financial mechanism.

These options are described in detail in document UNEP/CHW.10/INF/34.

8. Furthermore, in recognition of the increased need for sustainable, predictable, adequate and accessible financing for the chemicals and wastes cluster, the Executive Director of the United Nations Environment Programme (UNEP) launched an initiative to consider financing options for chemicals and wastes that is relevant to the implementation of the strategic framework. At the initial meeting in the process, in July 2009, participants called upon UNEP to explore the funding and support needs of developing countries and countries with economies in transition, relevant ways to support compliance with the multilateral environmental agreements related to chemicals and wastes, and capacity-building, including institutional strengthening and technical assistance for promoting the sound management of chemicals and wastes in broader terms.

9. The outcome of the fifth meeting in the consultative process (UNEP/CHW.10/INF/54) presents an integrated approach to financing the sound management of chemicals and wastes. The integrated approach is a strategic and synergistic proposal to improve the sound management of chemicals and wastes at all levels. It incorporates the key components of four tracks identified through the consultative process, namely:

- (a) Mainstreaming sound management of chemicals and hazardous wastes;
- (b) Industry involvement, including public-private partnerships and the use of economic instruments at the national and international levels;
- (c) New trust fund similar to the Multilateral Fund for the Implementation of the Montreal Protocol;
- (d) Introducing safe chemicals and wastes management as a new focal area under the Global Environment Facility (GEF), expanding the existing persistent organic pollutants GEF focal area, or establishing a new trust fund under GEF.

10. The integrated approach seeks to make the best possible use of the added value of each track and to maximize impact at all levels. It seeks to use all four tracks in a coordinated manner in contrast to the current fragmented approach in the chemicals and wastes cluster. The integrated approach further seeks to respond to the challenges posed by chemicals and waste management, including those of the Basel Convention, and build upon the opportunities for each track to respond to the varying needs under the conventions related to chemicals and wastes and relevant international policy frameworks.

11. Recognizing the ongoing nature of the consultative process, the next step is for the Executive Director, as requested in decision SS.XI/8 of the UNEP Governing Council, to submit his final report for consideration by the Governing Council/Global Ministerial Environment Forum at its twelfth special session in 2012, and of achieving possible decisions at the third session of the International Conference on Chemicals Management, in 2012, and at the twenty-seventh session of the Governing Council, in 2013.

12. All information on the consultative process can be found at: <http://www.unep.org/delc>.

13. Donors that have made contributions to the Basel Convention Technical Cooperation Trust Fund to Assist Developing Countries may wish to consider whether limited resources might be available from the carry-over from the Trust Fund.

14. The biennial programme of work should be guided by the goals and objectives of the strategic framework.

V. Indicators for measuring achievement and performance

15. Based on the strategic goals and objectives listed in chapter III, the following are indicators for measuring achievement and performance:

Goal 1

Objective 1.1

Indicator: The number of agreed technical guidelines that assist Parties in reaching a common understanding on definitions, interpretations and terminologies covered by the Basel Convention.

Goal 1

Objective 1.2

Indicator: Parties have reached an adequate level of administrative and technical capacity (in the form of Customs, police, environmental enforcement and port authorities, among others) to prevent and combat illegal traffic and judicial capacity to deal with cases of illegal traffic.

Sub-indicators:

- Number of parties that develop and execute training programmes for the staff involved;
- Number of controls and inspections carried out.

Goal 1

Objective 1.3

Indicator: Percentage of parties that have notified national definitions of hazardous wastes to the Secretariat in accordance with Article 3 of the Basel Convention.

Goal 1

Objective 1.4

Indicator: percentage of parties reporting information to the Secretariat under Article 13.

Goal 2

Objective 2.1

Indicator: number of parties with national hazardous waste management strategies or plans in place.

Sub-indicator:

- Number of guidelines on environmentally sound management of wastes developed.

Goal 2

Objective 2.2

Indicator: Number of parties that have developed and implemented national strategies, plans or programmes for reducing the generation and hazard potential of hazardous and other wastes.

Sub-indicator:

- Number of parties that have implemented systems for measuring hazardous waste generation in order to assess progress in selected hazardous waste streams and to reduce the generation and hazard potential of hazardous wastes and other wastes.

Goal 2**Objective 2.3**

Indicator: Number of parties that have developed and implemented national strategies, plans or programmes for hazardous waste minimization.

Sub-indicator:

- Number of parties receiving capacity-building support that report reductions in hazardous waste generation;
- Number of parties receiving capacity-building support for hazardous waste minimization.

Goal 2**Objective 2.4**

Indicator: Number of programmes, projects or activities carried out by parties, jointly with other parties or together with other stakeholders (regional and international organizations, conventions, industry bodies, etc.), aimed at the environmentally sound management of priority waste streams that have been monitored and assessed to achieve this goal.

Goal 2**Objective 2.5**

Indicator: percentage of parties that collect information on the generation, management and disposal of hazardous and other wastes.

Sub-indicators:

- Number of training and awareness-raising activities undertaken to enhance and promote the sustainable use of resources;
- Percentage of parties that require the separation of hazardous wastes from non hazardous other wastes;
- Percentage of parties that have national inventories on the generation and disposal of hazardous wastes and other wastes;
- Percentage of selected Convention waste streams reused, recycled or recovered.

Goal 3**Objective 3.1**

Indicator: number of parties reporting, through the Secretariat, to the Conference of Parties on the integration of waste and hazardous waste issues into their national development plans or strategies.

Objective 3.2

Indicator: number of activities on common issues undertaken by the bodies under the three conventions.

VI. Evaluation

16. The Secretariat, assisted by parties, will prepare reports on the continued relevance of and progress in relation to the strategic framework for the implementation of the Basel Convention, for the purpose of:

- (a) A mid-term evaluation of the strategic framework to be considered by the Conference of the Parties at its thirteenth meeting;
- (b) A final evaluation of the strategic framework to be considered by the Conference of the Parties at its fifteenth meeting.

17. Parties are invited to provide information relevant to the indicators contained in section V above to the Secretariat by 31 December 2012 for the year 2011 in order to create a baseline for the above-mentioned evaluations of the strategic framework.

Appendix II

Baseline and 2019 questionnaire

The below version is the one used for the 2019 questionnaire. It is substantially identical to the one used for the baseline evaluation, with minor updates being down on the introductory part and question 2.4.1 to reflect the fact that the questionnaire was distributed in 2019.

Basel Convention Strategic Framework Evaluation

Introduction

At its tenth meeting in October 2011, the Conference of the Parties to the Basel Convention adopted decision BC-10/2 on the Strategic Framework for the implementation of the Basel Convention for 2012 – 2021, the annex of which contains the Strategic Framework. Section VI of the annex makes provision for mid-term and final evaluations of the Strategic Framework by the Conference of the Parties and reports by the Secretariat. Decision OEWG-8/1 adopted by the eighth meeting of the Open-ended Working Group subsequently mandated the Secretariat to develop a format to enable it to prepare a report for the creation of a baseline for the evaluations.

This questionnaire was developed by the Secretariat to assist Parties in providing information relevant to the indicators contained in section V of the annex to decision BC – 10/2 (see also paragraph 2 of decision OEWG-8/1). It has been used for the creation of the baseline and will be used equally for the final evaluation of the strategic framework.

By decision BC-14/1, the Conference of the Parties requests the Secretariat, in consultation with the small intersessional working group, to prepare, using as a basis the compilation of information prepared for the fourteenth meeting of the Conference of the Parties (UNEP/CHW.14/INF/5), and taking into account the discussions held during that meeting, the information provided by Parties relevant to the indicators through the present questionnaire and Parties' annual national reports, a draft report on the final evaluation of the strategic framework for consideration by the Open-ended Working Group at its twelfth meeting. A final version of the report is to be submitted for consideration by the fifteenth meeting of the Conference of the Parties.

In preparing the report for the final evaluation, additional information will be drawn from a variety of sources, including information already available within annual reports submitted by Parties in accordance with article 13 of the Convention (see paragraph 3 of decision OEWG-8/1). All efforts have been made to streamline data collection as far as possible, however please be aware that there may be some duplication of information between that submitted in annual reports and information requested for submission in this questionnaire.

In completing this questionnaire, Parties are invited to provide information for the year 2019 to the Secretariat. The questions are organised by relevance to the objectives and indicators in section V of decision BC-10/2. For those objectives for which there is no related question, information will be collected through the other available information e.g. national reports.

Basel Convention Strategic Framework Final Evaluation

Instructions for completing and submitting the questionnaire

Parties are requested to complete the questionnaire using data for the year 2019 and to submit it to the Secretariat by 31 January 2010. This will enable the Secretariat to prepare a draft report on the final evaluation of the Strategic Framework for consideration by the twelfth meeting of the Open-ended Working Group and a final report for consideration by the fifteenth meeting of the Conference of the Parties.

To allow access to the questionnaire, the Secretariat has provided a user name and password to each party's Focal Point, designated in accordance with Articles 2 and 5 of the Basel Convention. It is recognised that various entities may be involved in the implementation and enforcement of the Basel Convention at the national level. Please note, however, that only the Party's Focal Point, has been provided with access to submit the questionnaire to the Secretariat. As such, the Focal Point may wish to ensure coordination with and compile input from relevant stakeholders in completing the questionnaire.

How to save and submit the questionnaire:

Click "Save progress" at the top or at the bottom of each page to save the information at any time. You can log out by closing the browser and return later to make changes or complete the questionnaire. To be able to "Save progress" your browser must accept cookies.

Once you have completed the questionnaire, click "Review and submit" button at the top or at the bottom of the last page. Review the answers. If necessary, click "Back to survey" to modify or complete the answers. Finally, submit the questionnaire by clicking "Submit form" at the top or at the bottom of the last page. On the next page that will be displayed you will be able to download a Word document containing a copy of your answers by clicking on "download answers" hyperlink.

Technical support and questions:

Please contact the Secretariat of the Basel Convention should you require any assistance:

E-mail: andrea.lechner@brsmeas.org

Tel.: +41-22-917-88-53

Contact information:

First Name: _____
 Last Name: _____
 Job Title _____
 Email: _____
 Phone Number: _____
 Institution Name: _____

Goal 1: Effective implementation of Parties' obligations on transboundary movements of hazardous and other wastes

Objective 1.1

1. Has your country used or referred to Basel Convention technical guidelines?

- Yes
- No

Objective 1.2

2. Does your country have an adequate level of administrative and technical capacity (in the form of customs, police, environmental enforcement and port authorities, among others) to prevent and combat illegal traffic?

- Yes
- No
- In progress

2.1. Does your country have an adequate judicial capacity to deal with cases of illegal traffic?

- Yes
- No
- In progress

2.2. Has your country developed and executed or contributed to the development and execution of training programmes for customs, police, environmental enforcement, port authorities or other officials to prevent and combat illegal traffic of hazardous wastes or other wastes?

- Yes
- No
- In preparation

2.3 Please identify specific training programmes your country has developed and executed or to which it has contributed.

For administrative, technical and judicial [] _____
staff:

For customs, police, environmental [] _____
enforcement, port authorities or other
officials:

2.4. Does your country carry out controls and inspections on hazardous waste and other waste facilities?

- Yes
- No

2.4.1. If yes, how many such controls and inspections were carried out, or do you estimate were carried out, in your country in 2019 for which there are records?

Number/Estimate of controls and _____
inspections:

Goal 2: Strengthening the environmentally sound management of hazardous and other

wastes

Objective 2.1

3. Does your country have a national hazardous waste management strategy or plan in place?

- Yes
- No
- In preparation

3.1. Has your country developed guidelines or carried out programmes, projects or activities aimed at the environmentally sound management of wastes?

- Yes
- No

3.1.1. If yes, please provide an example:

Example _____

Objective 2.2

4. Has your country developed and implemented national strategies, plans, programmes or other systems and actions for:

	Yes	No	In preparation
(i) measuring hazardous waste generation?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(ii) reducing the generation and hazard potential of hazardous and other wastes?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

4.1. Does your country survey or otherwise collect information on:

	Yes	No	In preparation
(i) Generation of hazardous and other wastes?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(ii) Management of hazardous and other wastes?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(iii) Disposal of hazardous and other wastes?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Objective 2.3**5. Has your country developed and implemented national strategies, plans or programmes for hazardous waste minimization?**

- Yes
- No
- In preparation

5.1. Has your country received capacity-building support for reducing hazardous waste generation?

- Yes
- No

5.1.1. If your country has received capacity-building support, have you identified any reductions in hazardous waste generation?

- Yes
- No

5.2. Has your country received capacity-building support for hazardous waste minimization?

- Yes
- No

Objective 2.4**6. Has your country jointly with other Parties or with other stakeholders (regional and international organizations, conventions, industry bodies, etc.) engaged in programmes, projects or activities aimed at the environmentally sound management of priority waste streams (e.g. persistent organic pollutants waste, used oils, used lead acid batteries, e-waste, clinical and medical waste, etc.)?**

- Yes
- No
- In preparation

6.1. Have these programmes been monitored and assessed?

- Yes
- No
- In preparation

Objective 2.5

7. Has your country undertaken training and awareness-raising activities to enhance and promote the sustainable use of resources?

- Yes
- No
- In preparation

7.1. Do your national waste management policies, regulations and programmes require the separation of hazardous wastes from non-hazardous other wastes?

- Yes
- No

7.2. Does your country have a national inventory or inventories on the generation and disposal of hazardous wastes and other wastes?

- Yes
- No
- In preparation

7.3. If your country does have such an inventory or inventories, how is the data collected (e.g. from generators through a regular reporting requirement or through a survey) and with what frequency?

	At least once a year	Once every two years	Once every three or more years	Not regularly
Regular reporting requirement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Survey	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

7.4. Does your country collect data or prepare estimates of the percentage of Basel Convention wastes that are reused, recycled and recovered (i.e. the quantities of wastes reused, recycled and recovered expressed as a percentage of total wastes generated)?

- Yes
- No
- In preparation

7.5. If available, please provide examples of selected Basel Convention waste streams (e.g. e-waste, used lead-acid batteries, used oils, obsolete stocks of pesticides, PCBs, biomedical and healthcare wastes) that are generated or estimated to be generated and the actual or estimated percentage of waste that is reused, recycled, recovered (including energy recovery) and/or finally disposed of.

How to add a waste stream:

1. Enter the waste stream name on the box "Selected waste stream"
2. Enter the corresponding percentage number in each of the four waste treatment options (% reuse, % recycling, % recovery, % final disposal).
3. Click "Add waste stream" button to register the waste stream and its treatment distribution.
4. To add a new waste stream click on the "Add waste stream" hyperlink at the right of the waste stream row added through step 3.
5. You can edit, delete or add any waste stream before submitting the questionnaire, up to six waste streams.

Selected waste stream:	_____
% of reuse	_____
% of recycling	_____
% of recovery	_____
% of final disposal	_____

Goal 3: Promoting the implementation of the environmentally sound management of hazardous and other wastes as an essential contribution to the attainment of sustainable livelihood, the Millennium Development Goals and the protection of human health and the environment

Objective 3.1**8. Does your country have a national sustainable development plan or strategy?**

Yes	<input type="radio"/>
No	<input type="radio"/>
In preparation	<input type="radio"/>

8.1. Has your country integrated waste and hazardous waste issues into this plan or strategy?

Yes	<input type="radio"/>
No	<input type="radio"/>
In preparation	<input type="radio"/>

Objective 3.2**9. Have you or a representative of your country participated or do you anticipate participating in any joint activities on common issues undertaken by the bodies under the Basel, Rotterdam and Stockholm conventions e.g. synergies workshops, training on two or more of the conventions, etc.?**

Yes	<input type="radio"/>
No	<input type="radio"/>

If yes, please identify which activities:

Activities

Concluding questions

10. Please provide any other information that you consider relevant for the environmentally sound management of hazardous and other wastes during the period of the strategic framework (2012 – 2021), including information on significant initiatives that are in preparation or being considered so as to meet obligations under the Convention.

Additional information

11. Please provide any additional comments on steps that you believe are important and could be useful for the successful achievement of the strategic framework principles, strategic goals and objectives.

Additional comments

12. Should you wish to submit information in support of the answers provided in the questionnaire (e.g. examples of national hazardous waste management strategies or plans, details of programmes, projects or activities aimed at promoting the environmentally sound management of priority waste streams), please upload the relevant files. You are allowed to upload up to three files of 10 MB each.

The Secretariat shall, with the permission of the Party concerned, make such information available on the Basel Convention website.

Press button to choose the file:

End of the questionnaire

Appendix III**Basel Convention: Years of meetings of the Conference of the Parties**

COP-1	1992
COP-2	1994
COP-3	1995
COP-4	1998
COP-5	1999
COP-6	2002
COP-7	2004
COP-8	2006
COP-9	2008
First Extraordinary COP (Ex-COP)	2010
COP-10	2011
COP-11 and 2 nd Ex-COP	2013
COP-12	2015
COP-13	2017
COP-14	2019
COP-15	2021

Appendix IV

Relevant Sustainable Development Goals

Sustainable Development Goal 12: Ensure sustainable consumption and production patterns

Target 12.4

By 2020, achieve the environmentally sound management of chemicals and all wastes throughout their life cycle, in accordance with agreed international frameworks, and significantly reduce their release to air, water and soil in order to minimize their adverse impacts on human health and the environment

Indicators:

12.4.1

Number of parties to international multilateral environmental agreements on hazardous waste, and other chemicals that meet their commitments and obligations in transmitting information as required by each relevant agreement

12.4.2

Hazardous waste generated per capita and proportion of hazardous waste treated, by type of treatment

Target 12.5

By 2030, substantially reduce waste generation through prevention, reduction, recycling and reuse

Indicator:

National recycling rate, tons of material recycled
