

**COMMUNICATION**

**CONSULTANCY ANNOUNCEMENT  
CALL FOR  
APPLICATIONS BY 10 FEBRUARY 2014**

The Secretariat of the Basel Convention refers to Decision BC-11/8 whereby the Conference of the Parties to the Basel Convention requested the Committee for Administering the Mechanism for Promoting Implementation and Compliance with the Basel Convention, among other things, to:

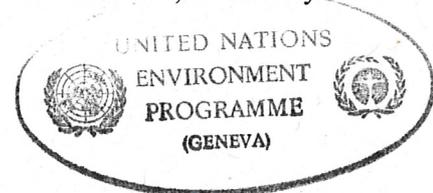
- improve implementation of and compliance with paragraph 4 of article 4 and paragraph 5 of article 9 of the Convention (national legislation); and
- improve the implementation of and compliance with the Convention by reviewing and updating the Manual for the implementation of the Basel Convention.

The Secretariat invites interested candidates to consult the attached terms of reference and to submit their candidature by 10 February 2014 to Ms Juliette Voinov Kohler ([juliette.kohler@brsmeas.org](mailto:juliette.kohler@brsmeas.org)), using the P11 form available in the announcement section of the homepage of the website of the Basel Convention at: [www.basel.int](http://www.basel.int)

The Secretariat would welcome the assistance of Parties, Signatories as well as the Basel Convention Regional Centres in making this information available to potential candidates.

Thank you in advance for your kind cooperation and assistance.

Secretariat of the Basel Convention  
Geneva, 3 February 2014



To: Focal Points and Competent Authorities of Parties and Signatories to the Basel Convention  
Basel Convention Regional and Coordinating Centres  
cc: Permanent Missions to the United Nations in Geneva

## Terms of reference

### **Consultant to assist the Basel Convention Implementation and Compliance Committee on legal and implementation matters**

1. By Decision BC-11/8, the eleventh meeting of the Conference of the Parties to the Basel Convention adopted the work programme 2014-2015 of the Committee for Administering the Mechanism for Promoting Implementation and Compliance with the Basel Convention (hereinafter "ICC") whereby it requested the ICC, among other things, to:
  - a) improve implementation of and compliance with paragraph 4 of article 4 and paragraph 5 of article 9 of the Convention by:
    - continuing the development of strategies to promote full legislative implementation of the Basel Convention among its parties and
    - by considering an expansion of the checklist for the legislator<sup>1</sup>; and
  - b) improve the implementation of and compliance with the Convention by reviewing and updating, including through consultations with the Open-ended Working Group, the manual for the implementation of the Basel Convention in a way to ensure consistency between the manual and the guide to the control system and, as far as possible, to avoid duplication between the two documents, for consideration and possible adoption by the Conference of the Parties at its twelfth meeting.
2. These activities were considered by the ICC during its tenth meeting on the basis of documents UNEP/CHW/CC.10/8 and UNEP/CHW/CC.10/13<sup>2</sup>. At that time, the ICC agreed on the following conclusions:
  - a) Strategies to promote full legislative implementation of the Basel Convention among its parties: The ICC requested the Secretariat to prepare, taking into account views expressed by Committee members during its tenth meeting and during the intersessional period, a report on strategies to promote full legislative implementation of the Basel Convention among its parties for its consideration during its eleventh meeting.
  - b) Manual for the implementation of the Basel Convention and checklist for the legislator: Given the link between them, the Committee considered jointly the expansion of the checklist for the legislator and the updating of the Manual for the Implementation of the Convention. With respect to the latter, the ICC agreed use as a basis the structure of the manual for the implementation of the Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and Their Disposal, which provides guidance on an article-by-article basis. With respect to the former, the ICC agreed that the expanded checklist for the legislator would build on the updated version of the manual.. The ICC therefore requested the Secretariat, subject to the availability of voluntary financial contributions, based on the outcome of the discussions during the tenth meeting of the Committee, taking into account progress achieved in updating the guide to the control system and bearing in mind the need to avoid duplication between the two documents, to develop an updated manual for the implementation of the Convention for the consideration of the Open-ended Working Group during its ninth meeting and the Committee during its eleventh meeting. Similarly, the expanded checklist would be prepared thereafter to provide a summary of the Manual in checklist form.
3. A consultant shall be retained to assist the ICC in these endeavours.

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<sup>1</sup> The checklists is available at:

<http://www.basel.int/Implementation/LegalMatters/LegalFrameworks/Tools/tabid/2750/Default.aspx>

<sup>2</sup> ICC-10 documents are available at :

<http://www.basel.int/TheConvention/ImplementationComplianceCommittee/Meetings/ICC10/MeetingDocuments/tabid/3396/Default.aspx>

4. The consultant, who shall report to the ICC through the Secretariat of the Basel Convention, shall undertake the following tasks:
- a) Strategies to promote full legislative implementation of the Basel Convention among its parties
    - i. Prepare a report on strategies to promote full legislative implementation of the Basel Convention among its parties. The document will comprise a one page executive summary, a half- page introduction, two parts, and a half-page conclusion. It will be about 10 pages long (excluding annexes).
    - ii. The development of the report will require the consultant to be familiar with the range of activities undertaken over the years in the framework of the Basel Convention to promote full legislative implementation. The consultant will also be expected to take his/her initiative to seek from relevant stakeholders the information needed to prepare the report.
    - iii. The first part of the report will:
      - a. present the extent of Parties' obligations to legislatively implement the Basel Convention as required under paragraph 4 of article 4 and paragraph 5 of article 9 of the Convention;
      - b. present steps that have already been taken by Parties in the framework of the Basel Convention and, as appropriate at the regional and national levels, to promote full legislative implementation of the Basel Convention. This will include in particular a review and assessment of decisions adopted by the COP as well as activities undertaken over the years by the ICC, BCRCs and the Secretariat to promote full legislative implementation (eg. guidance, financial and technical assistance, monitoring/reporting, review of general issues and of specific issues of implementation and compliance);
      - c. map succinctly strategies developed under other MEAs (eg. Rotterdam Convention, Stockholm Convention, CITES, Convention on Biological Diversity and UNFCCC) to promote full legislative implementation of the relevant MEA among its parties. Lessons learned and best practices from other MEAs which may be of use under the Basel Convention will be summarized as well.
    - iv. The second part of the report will build on the first part of the report and outline strategies to promote full legislative implementation of the Basel Convention among its parties. These strategies will identify the actors concerned (eg. COP, ICC, individual Parties, Secretariat, BCRCs, UNEP, other partners), the type of policies and measures to be undertaken, the challenges in undertaking these and ways to overcome them, and proposed timeframes. In developing the strategies, the consultant will explore ways to overcome the fact that many developing countries lack capacity to develop Convention-specific legislation, and make recommendations as to the type of measures, such as the development of template-legislative provisions, that would be of use in that regard.
  - b) Manual for the implementation of the Basel Convention and checklist for the legislator
    - Review and update the Manual for the implementation of the Basel Convention in a way to ensure consistency between the Manual and the Guide to the control system and, as far as possible, to avoid duplication between the two documents, with the former being aimed at Parties' obligations, and the latter at private actors; and in line with the updated Manual, develop an expanded version of the checklist for the legislator, to be set out in an annex to the Manual, to ensure full coverage and summary of Parties' obligations under the Basel Convention
    - In updating the Manual, the consultant will take into account all relevant developments that took place in the framework of the Basel Convention since the adoption of the Manual in 1995 (eg. amendments to the Convention and its annexes, development of guidance/technical guidelines, adoption of strategic decisions). Links to such relevant developments will be included in the updated Manual to ensure comprehensiveness of the Manual and consistency with existing guidance, while avoiding duplication.

- The consultant will use as a basis for the structure of the Manual the structure of the Manual for the implementation of the Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and Their Disposal, which provides guidance on an article-by-article basis.

## 5. Qualifications and experience

The consultant shall have:

- At least ten years' work experience in the field of MEAs, including the Basel Convention.
- At least seven years experience with the implementation of and compliance with the Basel Convention
- Legal qualification (master's degree or equivalent)
- Excellent English reading and writing skills.

## 6. Time frame

The contract will require 50 days of work, to be executed between 15 February 2014 and 30 June 2014.

- a) Strategies to promote full legislative implementation of the Basel Convention among its parties

The consultant shall transmit to the ICC, through the Secretariat:

- First draft of the report by 15 March 2014
- Final draft, taking into account the comments by the Committee and the Secretariat (received by 15 April 2014), by 30 April 2014.

- b) Manual for the implementation of the Basel Convention and checklist for the legislator

The consultant shall transmit to the ICC, through the Secretariat:

- Proposed structure for the Manual for the implementation of the Basel Convention and explanatory note setting out 1) resulting expected changes to the 1995 version of the manual (updates, amendments, deletions) 2) indication of how the updated manual will relate to existing guidance documents/technical guidelines (eg. the revised guide to the control system), and 3) list of obligations that will be covered in the expanded checklist for the legislator.
- by 1 March 2014
- First draft of the Manual for the implementation of the Basel Convention, including the expanded checklist for the legislator, taking into account the comments by the lead ICC members and the Secretariat on the proposed structure of the updated Manual (received by 22 March 2014), by 4 April 2014. The first draft will be accompanied by an explanatory note on the updates made and the changes brought to the 1995 version of the Manual and to the checklist for the legislator.
- Second draft of the Manual for the implementation of the Basel Convention and expanded checklist for the legislator, taking into account the comments by the Committee and the Secretariat (received by 30 April 2014), by 15 May 2014.