

## COMMUNICATION

### IMPLEMENTATION AND COMPLIANCE COMMITTEE:

#### CONSULTANCY ANNOUNCEMENTS AND CALL FOR APPLICATIONS BY 10 DECEMBER 2010

The Secretariat of the Basel Convention hereby draws the attention of Parties and Signatories to the Basel Convention as well as that of the Basel Convention Regional and Coordinating Centres to the following two consultancy announcements.

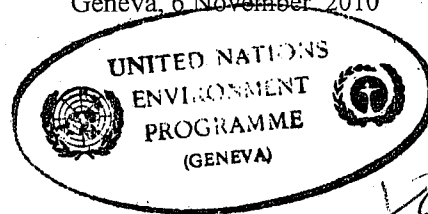
1. **Review of national legislation:** a consultant shall be retained to assist the Basel Convention Implementation and Compliance Committee review the status of existing national legislation and other legal or administrative measures, including implementation regulations adopted by Parties to implement the Convention, and to identify Parties' needs for assistance. This work is undertaken under the Committee's work programme 2009-2011 adopted by Decision IX/2 of the Conference of Parties, more specifically activity (g) of table II of the annex to that decision that mandates the Committee to "review the status of existing national legislation and other legal and administrative measures, including implementation regulations, and identify needs for assistance".
2. **National reporting:** A consultant shall be retained to assist the Basel Convention Implementation and Compliance Committee in undertaking specific tasks relating to monitoring, assessing and facilitating national reporting under Article 13 of the Basel Convention. This work is undertaken under the Committee's work programme 2009-2011 adopted by Decision IX/2 of the Conference of Parties, more specifically section I table I of the annex to that decision that specifies six specific activities aimed at ensuring and improving effective and complete national reporting. The assistance of the consultant is sought to assist the Committee in undertaking the two following activities:
  - (c) Assess the status of reporting, identifying the difficulties faced by Parties in fulfilling their national annual reporting obligations and their needs for assistance with respect to reporting.
  - (e) Develop further guidance documents on best practices in national reporting, including mechanisms for coordination among relevant governmental and other entities, procedures for the collection and exchange of information, data collection techniques and technical resources and relevant methods necessary to optimize the completion of national reports.

The Secretariat invites interested candidates to consult the two sets of attached terms of reference and to submit their candidature by **10 December 2010** to [juliette.kohler@unep.org](mailto:juliette.kohler@unep.org), using the P11 form available on the website of the Convention (<http://www.basel.int/legalmatters/index.html>).

The Secretariat would welcome the assistance of Parties, Signatories as well as the 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, 6 November 2010



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 Implementation and Compliance Committee review the status of existing national legislation and other legal or administrative measures, including implementation regulations, and identify needs for assistance.**

1. Under article 4.4 of the Convention, Parties shall take appropriate legal, administrative and other measures to implement and enforce the provisions of the Convention, including measures to prevent and punish conduct in contravention of the Convention.
2. A consultant shall be retained to assist the Basel Convention Implementation and Compliance Committee review the status of existing national legislation and other legal or administrative measures, including implementation regulations adopted by Parties to implement the Convention, and to identify Parties' needs for assistance. This work is undertaken under the Committee's work programme 2009-2011 adopted by Decision IX/2 of the Conference of Parties, more specifically activity (g) of table II of the annex to that decision that mandates the Committee to "review the status of existing national legislation and other legal and administrative measures, including implementation regulations, and identify needs for assistance".
3. The consultant, who shall report to the Basel Convention Implementation and Compliance Committee through the Secretariat of the Basel Convention, shall undertake the following tasks:
  - i. Prepare a comprehensive report assessing the status of existing national legislation and other legal or administrative measures, including implementation regulations, and identify Parties' needs for assistance. The document will comprise a one page executive summary, a half- page introduction, three parts, and a half-page conclusion.
  - ii. The consultant will base its work on the national legislation and the texts of other legal and administrative measures communicated by Parties to the Secretariat, as well as information submitted by Parties to the Secretariat in their national reports (2006, 2007 and 2008). The work of the consultant will build on work on the issue of national legislation undertaken by the Committee in the past, in particular document UNEP/CHW/CC/4/2, responses from Parties to a questionnaire sent by the Secretariat in 2010 (hereafter "the 2010 questionnaire"), as well as on the work undertaken by the Secretariat in this field (projects and other activities).
  - iii. The first part of the report will focus on reviewing the status of existing national legislation and other legal or administrative measures, including implementation regulations. This part will present:
    - a. an overview of the legislation/measures adopted by Parties (as reported to the Secretariat and communicated through the 2010 questionnaire) and actually received by the Secretariat;
    - b. the identification of discrepancies between information reported to the Secretariat, information communicated to the Secretariat in the 2010 questionnaire and legislation/measures actually received by the Secretariat;
    - c. the types and scope of legislation/measures adopted and received (Basel Convention-specific, environmental generic, synergized with Rotterdam and Stockholm Conventions);
    - d. the historical evolution between 2006 - the last time the Committee reviewed this issue - and 2010; and
    - e. an overview of information collected from Parties on the reasons why legislation/measures have not been adopted and, if legislation exists, challenges related to enforcement.

The information will be presented at the global level and broken down into the five United Nations groups. In addition, the information will be synthesized in a table annexed to the report.

- iv. The second part of the report will focus on identifying Parties' needs for assistance in adopting and enforcing legislation/measures. The consultant will work on the basis of the needs for assistance communicated to the Secretariat in document UNEP/CHW/CC/4/2 and subsequent communications with individual Parties in 2010, as well as on the work undertaken by the Secretariat in this field (projects and other activities). Parties' needs for assistance will be presented at the global and regional levels.
- v. The third part of the report will put forward conclusions and recommendations for the Committee's consideration. The conclusions and recommendations will be directed as appropriate to the Conference of the Parties, the Committee, BCRCs, the Secretariat (operating individually or jointly with the Secretariats of the Rotterdam Convention, Stockholm Convention and Montreal Protocol), individual Parties or other entities. This part will cluster, on one hand, needs that may be addressed on a global or regional level by the development of tools or the delivery of training for instance, and those that require individual assistance to specific Parties on the other hand. This part of the report will also explore what mechanisms/procedures could be put in place or better utilized under the Convention to provide a more systemic, coherent and less superficial approach to reviewing the implementation of article 4.4 of the Convention and identifying Parties' needs for assistance.

#### Qualifications and experience

The consultant must have at least 10 years' work experience in the field of MEAs, including 5 years working on the Basel Convention and/or MEA implementation and compliance mechanisms/procedures. Legal experience with the development of national legislation under the Basel Convention is highly desirable. The consultant must have excellent English reading and writing skills.

#### Time frame

The contract will require 30 days of work, to be executed between 1 January 2011 and 30 June 2011.

The consultant shall transmit the first draft of the report to the Secretariat of the Basel Convention by 28 January 2011 for onward transmittal to the Implementation and Compliance Committee. The consultant will finalize the draft, taking into account the comments by the Committee and the Secretariat, by 1 March 2011 and shall provide an electronic version of the document to the Secretariat for the Implementation and Compliance Committee. The final document shall be completed by 30 June 2011, following the eighth session of the Committee.

## Terms of reference

### **Consultant to assist the Implementation and Compliance Committee monitor, assess and facilitate national reporting under Article 13 of the Basel Convention**

1. A consultant shall be retained to assist the Basel Convention Implementation and Compliance Committee in undertaking specific tasks relating to monitoring, assessing and facilitating national reporting under Article 13 of the Basel Convention. This work is undertaken under the Committee's work programme 2009-2011 adopted by Decision IX/2 of the Conference of Parties, more specifically section I table I of the annex to that decision that specifies six specific activities aimed at ensuring and improving effective and complete national reporting. The assistance of the consultant is sought to assist the Committee in undertaking the two following activities:

- (c) Assess the status of reporting, identifying the difficulties faced by Parties in fulfilling their national annual reporting obligations and their needs for assistance with respect to reporting.
- (e) Develop further guidance documents on best practices in national reporting, including mechanisms for coordination among relevant governmental and other entities, procedures for the collection and exchange of information, data collection techniques and technical resources and relevant methods necessary to optimize the completion of national reports.

2. The consultant, who shall report to the Basel Convention Implementation and Compliance Committee through the Secretariat of the Basel Convention, shall undertake the following tasks:

- (c) *Assess the status of reporting, identifying the difficulties faced by Parties in fulfilling their national annual reporting obligations and their needs for assistance with respect to reporting.*
  - i. Prepare a report of approximately 20 pages (excluding annexes) assessing the status of reporting, identifying the difficulties faced by Parties in fulfilling their national annual reporting obligations and their needs for assistance with respect to reporting. The document will comprise (approximately for guidance) a one page executive summary, a half a page introduction and four parts
  - ii. The consultant will base the work on the national reports submitted by Parties to the Secretariat for the years 2006, 2007 and 2008. It will build on work on the issue of national reporting undertaken by the Committee in the past, in particular documents UNEP/CHW/CC/3/2 and UNEP/CHW/CC/4/2, and under its current work programme, in particular document UNEP/CHW/CC/7/6/Rev.1, as well as on information collected otherwise by the Secretariat.
  - iii. The first part of the report will focus on assessing the status of reporting (5 pages). This part will be twofold. Firstly information will be collated and presented about the number of reports received, and on their timeliness and secondly on the completeness of the reports. It will present an analysis – at a global and United Nations regional group level of the responses to the 7 questions and 11 tables of the questionnaire. This is intended to inform the Committee so that it may assess to what degree individual questions and tables are reported upon, distinguishing those questions/tables which are reported upon from those which are not, and to compare the status of reporting within and between regions. In undertaking this task, the consultant will work on the basis of the Secretariat's current procedures in terms of quality control of the reports as well as some examples of most complete reports the Secretariat has on hand. In the assessment, the consultant will specify whether answers have substantive content (ie actually provide the information sought) or whether the answers do not provide the information sought (for instance: "no data", "no information available", "not applicable" or answer that does not relate to the question).

- iv. The second part of the report will focus on determining the difficulties faced by Parties in fulfilling their national annual reporting obligations (5 pages). The report will distinguish between difficulties that are due to the questionnaire (for instance, any lack or perceived lack of clarity of the questions or of the information that is sought, lack of clarity as to whether only new information must be reported, and need to streamline the format as required under the synergies decision), to the reporting requirement (lack of guidance on what answer is required for a Party to qualify or not as having "reported") or to the Party. Concerning the latter, the report will distinguish between difficulties in implementing underlying Convention obligations which must be reported upon and difficulties pertaining to the preparation and submission of the report itself. It will group the difficulties in a logical manner (for instance legal, technical, institutional, or financial difficulties). The compilation of the difficulties as assessed will be presented at the global and regional levels.
- v. The third part of the document will focus on Parties' needs for assistance with respect to national reporting (3 pages). It will build on the latter part of the second part of the report and present the needs at the global and regional levels, drawing out any common themes or systematic issues as well as describing the range of difficulties encountered or expressed.
- vi. The fourth part of the report will put forward conclusions and recommendations for the Committee's consideration (4 pages). These will seek to address Parties' difficulties in relation to the reporting format and requirements (institutional aspects) and in relation to Parties' needs for assistance. They will be directed as appropriate to the Conference of the Parties, the Committee, Basel Convention Regional Centres, individual Parties or other entities.

(e) *Develop further two guidance documents on best practices in national reporting, including mechanisms for coordination among relevant governmental and other entities, procedures for the collection and exchange of information, data collection techniques and technical resources and relevant methods necessary to optimize the completion of national reports.*

- i. The consultant shall draft two guidance documents. The first guidance document will be an annotated "benchmark" or "model" national report reflecting best practices in national reporting and intended to guide Parties on the *content* of the information to be reported under the Convention. The model report will include concrete examples, from reports selected by the Secretariat, of the type of information to be provided in the Revised Questionnaire along with annotations, or explanations, about the required depth and level of the information to be provided.

The "model" national report will be built on the assessment report elaborated under activity (c) and aim at lifting potential unclarity Parties have with respect to the requirements of the Revised Questionnaire. It will also build on and not duplicate the "Manual: Questionnaire on Transmission of Information"

- ii. The consultant shall briefly review current guidance documents available globally and regionally to identify any gaps or shortcomings. This will be followed up with the preparation of one guidance document on best practices on the *process* of preparing national reports, on *inter alia* mechanisms for coordination among relevant governmental and other entities, procedures for the collection and exchange of information, data collection techniques and technical resources and relevant methods necessary to optimize the completion of national reports.

The second guidance document will build on and enhance existing guidance documents on national reporting. It will bring together model examples from Parties to the Basel Convention on how best to fulfill the reporting obligation under the Convention, as communicated to the Secretariat. For comparison the consultant may also briefly outline other examples of reporting under other MEAs, in particular the Stockholm Convention, to the extent that they are readily applicable to the Basel Convention, to identify successful measures adopted for reporting.

- iii. Following initial examination of the existing documentation the consultant shall propose the format of the two guidance documents to be drafted and their overall length and the content headings.

Following agreement by the Committee of the two proposals, the consultant shall prepare a draft of each guide, each to be no more than 10 pages long, and submit to the Committee for comments. A final version of each guide shall be prepared taking into account comments received from the Committee.

#### Qualifications and experience

The consultant must have at least 10 years' work experience in the field of MEAs, including 5 years working on the Basel Convention and/or MEA implementation and compliance mechanisms/procedures. Experience with national reporting under the Basel Convention is highly desirable. The consultant must have excellent English reading and writing skills.

#### Time frame

The contract will require 55 days of work, to be executed between 1 January 2011 and 30 June 2011.

#### Activity (c):

The consultant shall transmit the first drafts of the report to the Secretariat of the Basel Convention by 28 January 2011 for onward transmittal to the Implementation and Compliance Committee. The consultant will finalize the drafts, taking into account the comments by the Committee and the Secretariat by 10 March 2011 and shall provide an electronic version of the documents to the Secretariat for the Implementation and Compliance Committee. Final documents shall be completed by 30 June 2011, following the eighth session of the Committee.

#### Activity (e):

The consultant shall transmit the proposal for the two guidance documents to the Secretariat of the Basel Convention by 15 February 2011 for onward transmittal to the Implementation and Compliance Committee. The consultant shall transmit the first drafts of the guidance manuals to the Secretariat of the Basel Convention by 10 March 2011 for onward transmittal to the Implementation and Compliance Committee. The consultant will finalize the drafts, taking into account the comments by the Committee and the Secretariat by 30 June 2011, following the eighth session of the Committee, and shall provide an electronic version of the documents to the Secretariat for the Implementation and Compliance Committee.