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**Committee for Administering the Mechanism
for Promoting the Implementation and Compliance
of the Basel Convention**
Eighth session
Geneva, 21-23 March 2011

Report of the eighth session of the Basel Convention Implementation and Compliance Committee (Geneva, 21-23 March 2011)

I. Opening of the session (Item 1)

1. The eighth session of the Implementation and Compliance Committee ('the Committee') was held at the International Environment House/Maison Internationale de l'Environnement, Geneva, on 21-23 March 2011. Ms. Gillian Guthrie, Chair of the Committee, opened the meeting at 10:00am. She welcomed Committee members and reminded them that observers from Colombia, as host of the tenth meeting of the Conference of the Parties, as well as from the Secretariat of the Rotterdam Convention would attend the open parts of the session during which the review of general issues of implementation and compliance would be considered. She said the Committee had a very full agenda ahead of them which included the consideration, for the first time, of specific submissions. She commended Committee members for their work in the intersessional period and said that the Committee would deliver to the tenth meeting of the Conference of the Parties what was expected from it.

2. Ms. Katharina Kummer Peiry, Executive Secretary of the Secretariat of the Basel Convention, then delivered her opening remarks. The Executive Secretary noted that the duration of the eighth session of the Committee had been extended by one day to allow the Committee to complete consideration of its work programme, and expressed her appreciation to the members for their commitment to fulfil the tasks assigned by the Conference of the Parties. Mrs. Kummer Peiry noted that the eighth session provided the Committee with the first ever opportunity to consider individual submissions. She said that the fact that four out of the nine Parties concerned by a Secretariat submission expressed their willingness to attend the session was extremely encouraging. Determining the facts and root causes of the matter and assisting in its resolution was, as indicated in the terms of reference of the Committee, a "process", and this process might extend over several years. Cooperation by the Party concerned with the Committee during this process would surely increase the chances that any assistance provided by the Committee actually resolves the matter at hand. She expressed the hope that the Committee and the Parties concerned would work closely together and bring about concrete improvements in the way the Convention is implemented and complied with. Concerning general issues of implementation and compliance, the Executive Secretary welcomed the efforts of the Committee to appraise other Convention bodies of its progress and to receive information from other processes under the Convention. She encouraged the Committee to also reach out to the Facilitators of the group discussing the Strategic Framework so as to ensure that information is shared as needed. Increased communication among the subsidiary bodies or between the Committee and individual expert groups dealing with related issues would help ensure greater coherency and facilitate consideration, by the tenth meeting of the Conference of the Parties, of the recommendations put forward by the Committee. In conclusion, the Executive Secretary welcomed the wind of change she

had witnessed in the way the Committee was operating and expressed her conviction that the increased transparency and the efficient methods of work that had been developed would bear their fruits.

3. The following members were present:

Africa Group

Mr. Dessalegne Mesfin FANTA (Ethiopia), Vice Chair
Mr. Larsey MENSAH (Ghana)

Asia Pacific Group

Ms. Leela Padmini BATUWITAGE (Sri Lanka)
Mr. Suh-Yong CHUNG (Republic of Korea)

Central and Eastern European States

Ms. Zdenka BUBENIKOVA (Czech Republic)
Ms. Gordana PETKOVIC (Serbia), Vice Chair
Mr. Marek PORYCKI (Poland)

Latin American and Caribbean States

Mr. Osvaldo ALVAREZ (Chile)
Ms. Pauline DAVIES (Uruguay)
Ms. Gillian GUTHRIE (Jamaica), Chair

Western Europe and Others Group

Mr. Damien HALL (Australia), Rapporteur
Mr. Roy WATKINSON (United Kingdom)
Mr. Martin WIDSTAM (Sweden)

4. Representatives from Bhutan, Eritrea, Guinea Bissau and Togo, as Parties identified in submissions from the Secretariat to the Committee, participated in the Committee's consideration of the submission concerning their country. Representatives of Colombia, in its capacity as host of the tenth meeting of the Conference of the Parties, and of the Secretariat of the Rotterdam Convention attended the open parts of the session. In addition, representatives of the coordinators of the Country-Led Initiative (Switzerland and Indonesia) attended as observers discussions on the agenda item agenda "Report of the Committee to the tenth meeting of the Conference of the Parties and proposed work programme for the biennium 2012-2013", with a view to presenting the draft omnibus decision as it relates to the possible future work programme of the Committee.

II. Adoption of the agenda (Item 2)

5. The agenda proposed in document UNEP/CHW/CC/8/1 was adopted without amendment.

III. Implementation of the work programme for the biennium 2007-2008: Review of general issues of compliance and implementation under the Convention – Illegal traffic (Item 3)

6. In line with decision VIII/32 of the Conference of the Parties and building on discussions held during its seventh session (UNEP/CHW/CC/7/10), the Committee considered how it can work better with relevant organizations on improving information sharing and on capacity building activities aimed at preventing and combating illegal traffic, including the Chair's proposal for the establishment of a partnership. Committee members welcomed the proposal that a partnership be established and discussed elements of the options paper prepared by the Secretariat for the establishment of a partnership on preventing and combating illegal traffic, as contained in annex II to document UNEP/CHW/CC/8/2. The Committee agreed to recommend that the tenth meeting of the Conference of the Parties adopt the following draft decision:

The Conference of Parties,

Recalling decision VIII/32 of the eighth meeting of the Conference of the Parties whereby the Conference of the Parties mandated the Committee to work on the issue of illegal traffic, which could include identifying available existing resources from a number of institutions, working in collaboration with such institutions and the Basel Convention Regional and Coordinating Centres, and assisting Parties through training, taking into account that such work would assist in ensuring the environmentally sound management of wastes,

1. *Decides* to establish a partnership on preventing and combating illegal traffic (PPCIT) to bring together and improve coordination among relevant entities with a specific mandate to deliver capacity building activities on preventing and combating illegal traffic, such as WCO, Interpol, UNEP, individual Parties, the Basel Convention Regional Centres, informal networks and the Secretariat, with a focus on the development of tools and training materials, the hosting of workshops, as well as information exchange;

2. *Requests* the Committee, in the context of its 2012-2013 programme of work, to take the necessary steps to prepare, in cooperation with relevant entities and for the consideration of the Conference of the Parties at its eleventh session, detailed terms of reference for this partnership.

IV. Implementation of the work programme for the triennium 2009-2011: Specific submissions regarding Party implementation and compliance (Item 4)

A. Specific submissions

7. The Chair of the Committee declared the session closed.

1. Submission by Oman

8. The Committee considered the submission by Oman (CHW/CC/9a/2009/1, UNEP/CHW/CC/8/3) in accordance with the terms of reference of the mechanism for promoting implementation and compliance, in particular paragraph 19, and noted in this regard the general difficulties highlighted by Oman in its April 2006 response to the Committee's questionnaire aimed at identifying Parties difficulties related to national reporting under the Convention and in subsequent correspondence. Following its consideration of the submission, the Committee decided to proceed with the submission in accordance with the following decision and to communicate this decision, along with general guidance on national reporting available under the Convention, to Oman through the Chair of the Committee:

Decision 8/1

The Committee,

Welcoming the submission by Oman to the Committee in which it concludes that, despite its best efforts, it is unable to fully implement or comply with its obligations under article 13 paragraph 3 of the Convention (CHW/CC/9a/2009/1),

Noting the general difficulties highlighted by Oman in its April 2006 response to the Committee's questionnaire aimed at identifying Parties difficulties related to national reporting under the Convention and in subsequent correspondence with the Secretariat,

(a) Concludes that Oman is unable to comply with its reporting obligations under the Convention, and expresses its concern about this situation;

(b) Declares its commitment to assist Oman in addressing the difficulties that it experiences in complying with its reporting obligations under article 13 paragraph 3 of the Convention;

(c) Decides to provide Oman with information about the general guidance on national reporting available under the Convention as a means of providing general assistance in accordance with paragraph 19 of the terms of reference;

- (d) Decides that, to improve the effectiveness of its assistance to Oman in addressing the compliance difficulties, the Committee needs more precise information about the causes of the compliance difficulties and how the Committee may best assist Oman;
- (e) Invites Oman to communicate with the Committee, through the Secretariat, with a view to providing the Committee with such information;
- (e) Decides to keep this matter under review;
- (f) Requests the Secretariat to continue its communications with Oman to this effect and to report to the Committee as appropriate.

2. Submissions by the Secretariat

9. The Committee had before it nine submissions made by the Secretariat concerning Bhutan (CHW/CC/9c/2010/1), Cape Verde (CHW/CC/9c/2010/2), Eritrea (CHW/CC/9c/2010/3), Guinea Bissau (CHW/CC/9c/2010/4), Liberia (CHW/CC/9c/2010/5), Libyan Arab Jamahiriya (CHW/CC/9c/2010/6), Nicaragua (CHW/CC/9c/2010/7), Swaziland (CHW/CC/9c/2010/8) and Togo (CHW/CC/9c/2010/9). The Secretariat reminded the Committee that all nine submissions had been made based on the fact that the Parties concerned had never submitted a national report in accordance with article 13 paragraph 3 of the Convention and that consultations with these Parties, aimed at resolving their potential difficulties with their national reporting obligations, had not resolved the matter within three months. In line with paragraph 15 of the terms of reference, all nine Parties had been invited to participate in the consideration by the Committee of the submission concerning their country.

10. Before considering the specific submissions on an individual basis, the Committee exchanged views on how the Committee would proceed, as these were the first submissions received from the Secretariat. Committee members agreed that each submission would be considered on its own merit with a view to determining the facts and root causes of the matter of concern and for the Committee to assist in its resolution, in line with paragraph 19 of the terms of reference. Committee members highlighted the importance of a dialogue between the Committee and the Party identified in a submission in order for the Committee to understand the implementation and compliance difficulties faced by the Party as well as the possible ways in which the Committee may assist in overcoming these. This dialogue was also in line with paragraph 19 of the terms of reference that requires that advice, non-binding recommendations and information be provided by the Committee after coordination with the Party concerned.

(a) Bhutan

11. The Committee considered the submission by the Secretariat regarding Bhutan (UNEP/CHW/CC/8/4) in accordance with the terms of reference of the mechanism for promoting implementation and compliance, in particular paragraph 19. A representative of Bhutan participated by teleconference in the consideration of the submission. Following consideration of the submission, the Committee decided to proceed with the submission in accordance with the following decision.

Decision 8/2

The Committee,

Welcoming the submission by the Secretariat to the Committee regarding Bhutan concerning possible difficulties faced by this Party to comply with its reporting obligation under article 13 paragraph 3 of the Convention (CHW/CC/9c/2010/1),

Noting that the matter was not resolved within three months by consultation by the Secretariat with Bhutan,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

- (a) Expresses its appreciation for the cooperation of Bhutan with the Committee during its eighth session, which assisted the Committee in determining the facts and root causes of the matter of concern;
- (b) Concludes that Bhutan is facing difficulties in complying with its reporting obligations under article 13 paragraph 3 of the Convention, and expresses its concern about this situation;

- (c) Declares its commitment to assist Bhutan in addressing the difficulties that it experiences in complying with its reporting obligations under article 13 paragraph 3 of the Convention;
- (d) Decides to provide Bhutan with information about the general guidance on national reporting available under the Convention as a means of providing general assistance in accordance with paragraph 19 of the terms of reference;
- (e) Welcomes the willingness of Bhutan to submit to the Secretariat before the tenth meeting of the Conference of the Parties part I of the Revised Questionnaire on “Transmission of Information” (in accordance with Articles 13 & 16 of the Basel Convention) - National Report for 2009;
- (f) Decides to elaborate, in cooperation with Bhutan and with the assistance of the Secretariat, before the tenth meeting of the Conference of the Parties a voluntary compliance action plan to assist Bhutan in resolving the matter of concern;
- (g) Requests the Secretariat to prepare a first draft for a voluntary compliance action plan by 15 June 2011 for the Committee’s approval and subsequent coordination with Bhutan;
- (h) Requests the Secretariat to make every effort to invite Bhutan to a forthcoming workshop on national reporting;
- (i) Decides to keep this matter under review;
- (j) Requests the Secretariat to continue its communications with Bhutan and to report to the Committee as appropriate.

(b) Cape Verde

12. The Committee considered the submission by the Secretariat regarding Cape Verde (UNEP/CHW/CC/8/5) in accordance with the terms of reference of the mechanism for promoting implementation and compliance, in particular paragraph 19. No representative of Cape Verde participated in the consideration of the submission. Following consideration of the submission, the Committee decided to proceed with the submission in accordance with the following decision.

Decision 8/3

The Committee,

Welcoming the submission by the Secretariat to the Committee regarding Cape Verde concerning possible difficulties faced by this Party to comply with its reporting obligation under article 13 paragraph 3 of the Convention (CHW/CC/9c/2010/2),

Noting that the matter was not resolved within three months by consultation by the Secretariat with Cape Verde,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

- (a) Concludes that Cape Verde is facing difficulties in complying with its reporting obligations under article 13 paragraph 3 of the Convention, and expresses its concern about this situation;
- (b) Declares its commitment to assist Cape Verde in addressing the difficulties that it experiences in complying with its reporting obligations under article 13 paragraph 3 of the Convention;
- (c) Decides to provide Cap Verde with information about the general guidance on national reporting available under the Convention as a means of providing general assistance in accordance with paragraph 19 of the terms of reference;
- (d) Extends an invitation to Cape Verde to communicate with the Committee, through the Secretariat, before the tenth meeting of the Conference of the Parties;
- (e) Welcomes the effort by the Secretariat to invite Cape Verde to a forthcoming workshop on national reporting;
- (f) Decides to keep this matter under review;

(g) Requests the Secretariat to continue its communications with Cape Verde and to report to the Committee as appropriate.

(c) Eritrea

13. The Committee considered the submission by the Secretariat regarding Eritrea (UNEP/CHW/CC/8/6) in accordance with the terms of reference of the mechanism for promoting implementation and compliance, in particular paragraph 19. A representative of Eritrea participated by teleconference in the consideration of the submission. Following consideration of the submission, the Committee decided to proceed with the submission in accordance with the following decision.

Decision 8/4

The Committee,

Welcoming the submission by the Secretariat to the Committee regarding Eritrea concerning possible difficulties faced by this Party to comply with its reporting obligation under article 13 paragraph 3 of the Convention (CHW/CC/9c/2010/3),

Noting that the matter was not resolved within three months by consultation by the Secretariat with Eritrea,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

(a) Expresses its appreciation for the cooperation of Eritrea with the Committee during its eighth session, which assisted the Committee in determining the facts and root causes of the matter of concern;

(b) Concludes that Eritrea is facing difficulties in complying with its reporting obligations under article 13 paragraph 3 of the Convention, and expresses its concern about this situation;

(c) Declares its commitment to assist Eritrea in addressing the difficulties that it experiences in complying with its reporting obligations under article 13 paragraph 3 of the Convention;

(d) Decides to provide Eritrea with information about the general guidance on national reporting available under the Convention as a means of providing general assistance in accordance with paragraph 19 of the terms of reference;

(e) Welcomes the willingness of Eritrea to submit to the Secretariat before the tenth meeting of the Conference of the Parties part I of the Revised Questionnaire on "Transmission of Information" (in accordance with Articles 13 & 16 of the Basel Convention) - National Report for 2009;

(f) Decides to elaborate, in cooperation with Eritrea and with the assistance of the Secretariat, before the tenth meeting of the Conference of the Parties a voluntary compliance action plan to assist Eritrea in resolving the matter of concern;

(g) Requests the Secretariat to prepare a first draft for a voluntary compliance action plan by 15 June 2011 for the Committee's approval and subsequent coordination with Eritrea;

(h) Welcomes the effort by the Secretariat to invite Eritrea to a forthcoming workshop on national reporting;

(i) Decides to keep this matter under review;

(j) Requests the Secretariat to continue its communications with Eritrea and to report to the Committee as appropriate.

(d) Guinea Bissau

14. The Committee considered the submission by the Secretariat regarding Guinea Bissau (UNEP/CHW/CC/8/7) in accordance with the terms of reference of the mechanism for promoting implementation and compliance, in particular paragraph 19. A representative of Guinea Bissau participated in person in the consideration of the submission. Following consideration of the submission, the Committee decided to proceed with the submission in accordance with the following decision.

Decision 8/5

The Committee,

Welcoming the submission by the Secretariat to the Committee regarding Guinea Bissau concerning possible difficulties faced by this Party to comply with its reporting obligation under article 13 paragraph 3 of the Convention (CHW/CC/9c/2010/4),

Noting that the matter was not resolved within three months by consultation by the Secretariat with Guinea Bissau,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

(a) Expresses its appreciation for the cooperation of Guinea Bissau with the Committee during its eighth session, which assisted the Committee in determining the facts and root causes of the matter of concern;

(b) Concludes that Guinea Bissau is facing difficulties in complying with its reporting obligations under article 13 paragraph 3 of the Convention, and expresses its concern about this situation;

(c) Declares its commitment to assist Guinea Bissau in addressing the difficulties that it experiences in complying with its reporting obligations under article 13 paragraph 3 of the Convention;

(d) Decides to provide Guinea Bissau with information about the general guidance on national reporting available under the Convention as a means of providing general assistance in accordance with paragraph 19 of the terms of reference;

(e) Welcomes the willingness of Guinea Bissau to submit to the Secretariat before the tenth meeting of the Conference of the Parties part I of the Revised Questionnaire on "Transmission of Information" (in accordance with Articles 13 & 16 of the Basel Convention) - National Report for 2009;

(f) Decides to elaborate, in cooperation with Guinea Bissau and with the assistance of the Secretariat, before the tenth meeting of the Conference of the Parties, a voluntary compliance action plan to assist Guinea Bissau in resolving the matter of concern;

(g) Requests the Secretariat to prepare a first draft for a voluntary compliance action plan by 15 June 2011 for the Committee's approval and subsequent coordination with Guinea Bissau;

(h) Welcomes the effort by the Secretariat to invite Guinea Bissau to a forthcoming workshop on national reporting;

(i) Decides to keep this matter under review;

(j) Requests the Secretariat to continue its communications with Guinea Bissau and to report to the Committee as appropriate.

(e) Liberia

15. The Committee considered the submission by the Secretariat regarding Liberia (UNEP/CHW/CC/8/8) in accordance with the terms of reference of the mechanism for promoting implementation and compliance, in particular paragraph 19. No representative of Liberia participated in the consideration of the submission. Following consideration of the submission, the Committee decided to proceed with the submission in accordance with the following decision.

Decision 8/6

The Committee,

Welcoming the submission by the Secretariat to the Committee regarding Liberia concerning possible difficulties faced by this Party to comply with its reporting obligation under article 13 paragraph 3 of the Convention (CHW/CC/9c/2010/5),

Noting that the matter was not resolved within three months by consultation by the Secretariat with Liberia,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

(a) Concludes that Liberia is facing difficulties in complying with its reporting obligations under article 13 paragraph 3 of the Convention, and expresses its concern about this situation;

(b) Declares its commitment to assist Liberia in addressing the difficulties that it experiences in complying with its reporting obligations under article 13 paragraph 3 of the Convention;

(c) Decides to provide Liberia with information about the general guidance on national reporting available under the Convention as a means of providing general assistance in accordance with paragraph 19 of the terms of reference;

(d) Extends an invitation to Liberia to communicate with the Committee, through the Secretariat, before the tenth meeting of the Conference of the Parties;

(e) Welcomes the effort by the Secretariat to invite Liberia to a forthcoming workshop on national reporting;

(f) Decides to keep this matter under review;

(g) Requests the Secretariat to continue its communications with Liberia and to report to the Committee as appropriate.

(f) Libyan Arab Jamahiriya

16. The Committee considered the submission by the Secretariat regarding Libyan Arab Jamahiriya (UNEP/CHW/CC/8/9) in accordance with the terms of reference of the mechanism for promoting implementation and compliance, in particular paragraph 19. No representative of Libyan Arab Jamahiriya participated in the consideration of the submission. Following consideration of the submission, the Committee decided to proceed with the submission in accordance with the following decision.

Decision 8/7

The Committee,

Welcoming the submission by the Secretariat to the Committee regarding Libyan Arab Jamahiriya concerning possible difficulties faced by this Party to comply with its reporting obligation under article 13 paragraph 3 of the Convention (CHW/CC/9c/2010/6),

Noting that the matter was not resolved within three months by consultation by the Secretariat with Libyan Arab Jamahiriya,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

(a) Concludes that Libyan Arab Jamahiriya is facing difficulties in complying with its reporting obligations under article 13 paragraph 3 of the Convention, and expresses its concern about this situation;

(b) Declares its commitment to assist Libyan Arab Jamahiriya in addressing the difficulties that it experiences in complying with its reporting obligations under article 13 paragraph 3 of the Convention;

(c) Decides to provide Libyan Arab Jamahiriya with information about the general guidance on national reporting available under the Convention as a means of providing general assistance in accordance with paragraph 19 of the terms of reference;

(d) Extends an invitation to Libyan Arab Jamahiriya to communicate with the Committee, through the Secretariat, before the tenth meeting of the Conference of the Parties;

(e) Requests the Secretariat to make every effort to invite Libyan Arab Jamahiriya to a forthcoming workshop on national reporting;

(f) Decides to keep this matter under review;

(g) Requests the Secretariat to continue its communications with Libyan Arab Jamahiriya and to report to the Committee as appropriate.

(g) Nicaragua

17. The Committee considered the submission by the Secretariat regarding Nicaragua (UNEP/CHW/CC/8/10) in accordance with the terms of reference of the mechanism for promoting implementation and compliance, in particular paragraph 19. The Secretariat informed the Committee that it had received from Nicaragua on 28 January 2011 its national report for the year 2009 and that, as a consequence, the Secretariat had withdrawn its submission regarding Nicaragua in a letter to the Committee dated 3 February 2011. No representative of Nicaragua participated in the consideration of the submission. Following consideration of the submission, the Committee decided to proceed with the following decision.

Decision 8/8

The Committee,

Welcoming the submission by the Secretariat to the Committee regarding Nicaragua concerning possible difficulties faced by this Party to comply with its reporting obligation under article 13 paragraph 3 of the Convention (CHW/CC/9c/2010/7),

Welcomes the submission, by Nicaragua, of its national report for 2009,

Concludes that the matter of concern as set out in the submission has been resolved and, consequently, agrees to not consider the submission further.

(h) Swaziland

18. The Committee considered the submission by the Secretariat regarding Swaziland (UNEP/CHW/CC/8/11) in accordance with the terms of reference of the mechanism for promoting implementation and compliance, in particular paragraph 19. No representative of Swaziland participated in the consideration of the submission. Following consideration of the submission, the Committee decided to proceed with the submission in accordance with the following decision.

Decision 8/9

The Committee,

Welcoming the submission by the Secretariat to the Committee regarding Swaziland concerning possible difficulties faced by this Party to comply with its reporting obligation under article 13 paragraph 3 of the Convention (CHW/CC/9c/2010/8),

Noting that the matter was not resolved within three months by consultation by the Secretariat with Swaziland,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

(a) Concludes that Swaziland is facing difficulties in complying with its reporting obligations under article 13 paragraph 3 of the Convention, and expresses its concern about this situation;

(b) Declares its commitment to assist Swaziland in addressing the difficulties that it experiences in complying with its reporting obligations under article 13 paragraph 3 of the Convention;

(c) Decides to provide Swaziland with information about the general guidance on national reporting available under the Convention as a means of providing general assistance in accordance with paragraph 19 of the terms of reference;

(d) Extends an invitation to Swaziland to communicate with the Committee, through the Secretariat, before the tenth meeting of the Conference of the Parties;

(e) Welcomes the efforts of the Secretariat invite Swaziland to a forthcoming workshop on national reporting;

(f) Decides to keep this matter under review;

(g) Requests the Secretariat to continue its communications with Swaziland and to report to the Committee as appropriate.

(i) **Togo**

19. The Committee considered the submission by the Secretariat regarding Togo (UNEP/CHW/CC/8/12) in accordance with the terms of reference of the mechanism for promoting implementation and compliance, in particular paragraph 19. A representative of Togo participated in person in the consideration of the submission. Following consideration of the submission, the Committee decided to proceed with the submission in accordance with the following decision.

Decision 8/10

The Committee,

Welcoming the submission by the Secretariat to the Committee regarding Togo concerning possible difficulties faced by this Party to comply with its reporting obligation under article 13 paragraph 3 of the Convention (CHW/CC/9c/2010/9),

Noting that the matter was not resolved within three months by consultation by the Secretariat with Togo,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

(a) Expresses its appreciation for the cooperation of Togo with the Committee during its eighth session, which assisted the Committee in determining the facts and root causes of the matter of concern;

(b) Concludes that Togo is facing difficulties in complying with its reporting obligations under article 13 paragraph 3 of the Convention, and expresses its concern about this situation;

(c) Declares its commitment to assist Togo in addressing the difficulties that it experiences in complying with its reporting obligations under article 13 paragraph 13 of the Convention;

(d) Decides to provide Togo with information about the general guidance on national reporting available under the Convention as a means of providing general assistance in accordance with paragraph 19 of the terms of reference;

(e) Welcomes the willingness of Togo to submit to the Secretariat before the tenth meeting of the Conference of the Parties part I of the Revised Questionnaire on "Transmission of Information" (in accordance with Articles 13 & 16 of the Basel Convention) - National Report for 2009;

(f) Decides to elaborate, in cooperation with Togo and with the assistance of the Secretariat, before the tenth meeting of the Conference of the Parties, a voluntary compliance action plan to assist Togo in resolving the matter of concern;

(g) Requests the Secretariat to prepare a first draft for a voluntary compliance action plan by 15 June 2011 for the Committee's approval and subsequent coordination with Togo;

(h) Welcomes the effort by the Secretariat to invite Togo to a forthcoming workshop on national reporting;

(i) Decides to keep this matter under review;

(j) Requests the Secretariat to continue its communications with Togo and to report to the Committee as appropriate.

B. Shortcomings and limitations in relation to the lack of specific submissions

20. The Committee considered the document on the issue of the shortcomings and limitations in relation to the lack of specific submissions (UNEP/CHW/CC/8/13), including its two annexes: a draft strategy for generating resources for the Technical Cooperation Trust Fund's implementation fund (hereafter the "implementation fund" issue, annex I), and a report on ways to address the shortcomings and limitations in relation to the possibilities for making submissions to the Compliance Committee (hereafter the "trigger" issue, annex II).

21. The Lead Committee member on the trigger issue gave a presentation of his report and his suggested recommendations on the way forward. He reminded the Committee that the ninth meeting of the Conference of the Parties had requested the Committee to address limitations and shortcomings in relation to the possibilities for making submissions to the Committee, with a view to developing recommendations to the tenth meeting of the Conference of the Parties on appropriate action. He also explained the rationale for suggesting that the Committee recommend to the Conference of the Parties that the terms of reference of the mechanism for promoting implementation and compliance be amended in a twofold manner: on one hand, that the current restrictions on the Secretariat's possibility for making submissions to the Committee are removed, and on the other hand, that the Committee is given the possibility to initiate consideration of individual Parties' compliance difficulties in certain situations. The Lead Committee member clarified that this possibility for the Committee would be subordinate to the other means for making submissions and would only apply if the other means were not used and not likely to be used.

22. Committee members welcomed the report and discussed extensively the two proposals.

23. Following the discussion, the Committee agreed to recommend, to the tenth Conference of the Parties, the two means of addressing the current shortcomings and limitations suggested in the report by the Lead Committee member, i.e. to amend the Terms of Reference of the Committee by broadening the Secretariat trigger and providing the Committee with the possibility to initiate consideration of individual Parties' compliance difficulties in certain situations. The Committee also agreed that it was important to provide the Conference of the Parties with an informative and objective analysis of the issue and thus agreed that a shorter version of the report prepared by the Lead Committee member would be submitted as an information document to the tenth meeting of the Conference of the Parties.

24. Committee members were invited to review the report prepared by the Lead Committee member and provide comments within a one week deadline, including on the draft amendment to the terms of reference pertaining to the addition of a Committee trigger. The Lead Committee member was also entrusted with the task of preparing a shorter version of his report, taking into account the comments received by Committee members.

25. The Lead Committee member on the implementation fund issue introduced the report prepared by a consultant and contained in Annex I to document UNEP/CHW/CC/8/13. She indicated that part A of the report suggested that the Committee recommend to be entrusted with the task of elaborating the policy direction of the implementation fund and of developing guidelines pertaining to the fund. Part B of the report made some recommendations on a strategy to encourage contributions to the fund and to generate specific submissions. She also highlighted three additional issues: the link between this issue and the synergies process among the Basel, Rotterdam and Stockholm conventions in particular with respect to the joint resource mobilization service in the secretariats; the role of the Basel Convention regional centres; and the importance for the Committee to raise awareness about the implementation fund, including with other subsidiary bodies of the Convention and in the context of the current negotiating processes such as on the Strategic Framework.

26. The Lead Committee member also provided an update on the UNEP-led Consultative Process on Financing Options for Chemicals and Wastes, and expressed the view that the implementation should be one element of the discussions in this process. One Committee member shared with Committee members the Pretoria Road Map resulting from the Third meeting of the consultative process on financing options for chemicals and wastes, held in Pretoria, South Africa, from 10 to 11 January 2011.

27. In the ensuing discussions, Committee members agreed that the Committee's consideration of the ten specific submissions had already highlighted a need for access to financial resources to address Parties' compliance difficulties, in accordance with paragraph 20 of the terms of reference. Some Committee members also saw value in the Conference of the Parties elaborating simple guidelines as these would provide clarity to donors as to how contributions would be allocated and might thus encourage such contributions to be made to the implementation fund.

28. The Committee agreed to recommend that the tenth meeting of the Conference of the Parties adopt a decision including the following elements:

The Conference of the Parties

1. *Adopts* direction on how the implementation fund may be used in the intersessional period between COP 10 and COP 11 to assist Parties in the context of the facilitation procedure set out in paragraphs 19 and 20 of the terms of reference of the Mechanism for Promoting Implementation and Compliance;
2. *Authorizes* the Committee to direct the use of the implementation fund in this intersessional period in the context of the facilitation procedure as set out in paragraphs 19 and 20 of the terms of reference of the Mechanism for Promoting Implementation and Compliance and in accordance with the directions given by the Conference of the Parties.

The Committee further agreed that a proposal for what should be set out in such directions would be developed by the Committee between the eighth session of the Committee and the tenth meeting of the Conference of the Parties and presented to the tenth meeting of the Conference of the Parties for its consideration.

V. Implementation of the work programme for the triennium 2009-2011: Review of general issues of compliance and implementation under the Convention – National reporting (Item 5)

29. The Chair of the Committee declared the meeting open.

A. Assess the status of reporting, identifying the difficulties faced by Parties in fulfilling their national reporting obligations and their needs for assistance with respect to reporting (activity (c) of Table 1)

30. The Secretariat reminded Committee members that work on this activity had been initiated in 2011 and that a first draft of a report, prepared by a consultant, had only recently been made available to Committee members (annex to document UNEP/CHW/CC/8/14). The Lead Committee member on this issue presented the report prepared by a consultant. Committee members agreed that they would be given a one week deadline following the eighth session of the Committee to make comments on the draft, including the recommendations contained therein. Finalization of the report and agreement on specific recommendations would be reached by Committee members in the intersessional period.

B. Develop further guidance documents on best practices in national reporting, including mechanisms for coordination among relevant governmental and relevant 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 (activity (e) of Table 1)

31. The Secretariat reminded Committee members that work on this activity had been initiated in 2011 and that a draft report prepared by a consultant had only been made available recently. She explained that the consultant had been retained to elaborate a “benchmark” or “model” national report intended to guide Parties on the *content* of the information to be reported under the Convention. Following a review of guidance documents available to identify any gaps and shortcomings, it was suggested that the elaboration of further guidance documents on the *process* of elaborating national reports should be postponed. The lead Committee member on this issue presented the report prepared by the consultant and contained in the annex to document UNEP/CHW/CC/8/15. He noted that part II of the questionnaire needed to be completed.

32. Committee members agreed that they would be given a two week deadline following the eighth session of the Committee to make comments on the draft. Finalization of the “benchmark” or “model” report would take place in time for the report to be submitted to the tenth meeting of the Conference of the Parties, for its information.

C. Classify and publish Parties' compliance performance with respect to the annual reporting obligations (activity (d) of Table 1)

33. The Secretariat reminded Committee members of the work already undertaken on this issue by the Committee during its seventh session and developments that had occurred in the intersessional period. The Committee was invited to consider the proposal prepared by the two lead Committee members and to agree on possible recommendations for the consideration by the Conference of the Parties at its tenth meeting (UNEP/CHW/CC/8/16).

34. Committee members exchanged views on the opportunity of a regional as opposed to individual classification of Parties's compliance performance with respect to national reporting, and on the need to acknowledge the lack of capacity faced by some Parties in fulfilling their national reporting obligation. The recommendations contained in paragraphs 11 to 13 of document UNEP/CHW/CC/8/16 were adopted with one amendment to paragraph 12 (a) aimed at reflecting the lack of capacity and lack of capacity building activities to support developing countries and countries with economies in transition.

D. Promote and facilitate the exchange of information on best available practices between developed countries and developing countries, including countries with economies in transition, on development of national reporting (activity (f) of Table 1)

35. The Secretariat reported that it had been requested, during the intersessional period, to prepare options on how to organize workshops on improving national reporting, with information on the proposed targeted regions and countries, as well as the content and format of the workshops. The Secretariat's proposal was contained in document UNEP/CHW/CC/8/17.

36. Committee members welcomed the Scenario note on the organization of national reporting workshops prepared by the Secretariat, in particular: the preparatory work undertaken in advance of the workshop to identify Parties' needs, the invitation of one participant from the subregion and one participant from a developed country to share their good practices, the involvement of the Basel Convention Regional Centres in the planning and delivery of the workshop, the invitation of two participants per country so as to promote the sustainability of the training, the importance of inviting those individuals that, at the national, have the responsibility of elaborating the national report, the provision of guidance on the elaboration of inventories in the subregions where inventories are lacking (for instance in the Caribbean subregion), the use of all available guidance documents on national reporting, and the proposed follow up mechanism to the workshops.

37. In addition to the workshops, Committee members recommended that training on national reporting be delivered through other means, for instance the development of electronic tools or training through the web (webinars).

38. The Committee also recommended that the existing draft Methodological Guide for Undertaking National Inventories under the Basel Convention be updated. It agreed to recommend that the tenth meeting of the Conference of the Parties decide to include in the 2012-2013 work programme of the Committee the development of technical guidelines on inventories, based on the draft Methodological Guide for Undertaking National Inventories under the Basel Convention, for consideration and possible adoption by the Conference of the Parties at its eleventh meeting.

VI. Implementation of the work programme for the triennium 2009-2011: Review of general issues of compliance and implementation under the Convention – Specified obligations under Articles 3, 4, 5 and 6 of the Convention (Item 6)

A. Review notifications transmitted by Parties to the Secretariat on national definitions of hazardous wastes under article 3 of the Convention (activity (a) of Table 2)

39. The Secretariat introduced document UNEP/CHW/CC/8/18* and reported back on the steps it had taken in line with the request from the seventh session of the Committee to update its record of notifications transmitted by Parties to the Secretariat on national definitions of hazardous wastes under article 3 of the Convention. The Secretariat indicated that 33 Parties had been contacted on a bilateral basis and that two new notifications had been received as a result.

40. Committee members saw value in harmonizing the formats currently existing for Parties to notify, pursuant to articles 3 and 13.2 (b) of the Convention, and to report, pursuant to article 13.3 of the Convention, national definitions of hazardous wastes. They also welcomed any effort to ease the burden on Parties to communicate information to other Parties through the Secretariat. Committee members thus agreed to recommend to the tenth meeting of the Conference of the Parties that harmonized formats for notifying and reporting national definitions be adopted, and that information on a national definition reported to the Secretariat pursuant to article 13.3 of the Convention and received by the Secretariat through the designated focal point is considered as notified pursuant to articles 3 and 13.2 of the Convention. The Secretariat was requested to elaborate, in coordination with the lead Committee member and the Chair of the Committee, a draft harmonized format for national definitions and a draft decision for consideration by the tenth meeting of the Conference of the Parties.

B. Review notifications transmitted by Parties which prohibit the import of hazardous wastes or other wastes for disposal, and those which prohibit or do not permit the export of hazardous wastes and other wastes, under paragraphs 1 (a) and (b) of article 4 of the Convention (activity (b) of Table 2)

41. The Secretariat introduced document UNEP/CHW/CC/8/19 and reported on the steps it had taken in line with the request from the seventh session of the Committee to update its record of notifications transmitted by Parties to the Secretariat on import and export prohibitions under article 4 paragraphs 1 (a) and (b) and article 13 paragraph 2 (c) and (d) of the Convention. The Secretariat indicated that 36 Parties had been contacted on a bilateral basis and that 19 notifications had, all in all, been received. Annexed to the document prepared by the Secretariat was a draft standardized reporting format for the notification of import, transit and export prohibitions, based on the requirements currently included in the question 3 (a) – (f) of the Questionnaire on “transmission of information” so as to ensure that both processes are harmonized.

42. As with the issue of national definitions, Committee members saw value in harmonizing the formats for Parties to notify and to report import and export prohibitions. They welcomed any effort to ease the burden on Parties to communicate information to other Parties through the Secretariat. Committee members also agreed that should harmonized formats for notifying, respectively reporting, such prohibitions be adopted by the tenth meeting of the Conference of the Parties, then information reported pursuant to question 3 (a) – (f) of the Questionnaire on “transmission of information” under article 13.3 of the Convention and transmitted to the Secretariat through the designated focal point should be considered as notified pursuant to article 4 paragraphs 1 (a) and (b) and article 13 paragraph 2 (c) and (d) of the Convention. The Secretariat was requested to elaborate, in coordination with the lead Committee member and the Chair of the Committee, a draft decision based on these conclusions for consideration by the tenth meeting of the Conference of the Parties.

C. Review Parties’ compliance with the duty to designate competent authorities and focal points under article 5 of the Convention (activity (c) of Table 2); Compile: a list of Parties which have designated competent authorities and focal points; and a list of Parties which have not designated competent authorities or focal points (activity (d) of Table 2); and Identify difficulties faced by Parties in designating Competent Authorities and Focal Points and their needs for assistance to meet this requirement (activity (e) of Table 2)

43. The Secretariat introduced document UNEP/CHW/CC/8/20 and reported on the steps it had taken in line with the request from the seventh session of the Committee to update its record of designated competent authorities or focal points and to identify difficulties faced by Parties in implementing article 5 of the Convention. Secretariat indicated that it had contacted 76 Parties on an individual basis to request designation of and provision of up-to-date contact details for competent authorities and focal points and that, as of 10 December 2010, out of 175 Parties, 18 Parties have not

designated a competent authority, and 10 Parties have designated neither a focal point nor a competent authority. The Secretariat was requested to elaborate, in coordination with the lead Committee member and the Chair of the Committee, a draft decision based on the proposed action contained in document UNEP/CHW/CC/8/20, for consideration by the tenth meeting of the Conference of the Parties.

D. Review and assess the application of the control system for the transboundary movement of wastes (notification document and movement document) and the difficulties that parties face in implementing this system (activity (f) of table 2).

44. The lead Committee member on the review of the application of the control system for the transboundary movement of wastes introduced the report prepared by a consultant and annexed to document UNEP/CHW/CC/8/21*. She highlighted that 45 Parties had answered the questionnaire aimed at collecting information on Parties' views and experiences with the application of the control system, which, she felt, was a small number of Parties. She however expressed her support for all the recommendations put forward by the consultant. Committee members were less concerned about the number of responses, which was considered a good level of response, than by the imbalance in the geographical distribution of the responses, with only six countries from the African Region and three countries from the Asia and Pacific Region having provided an input.

45. Committee members discussed one element of the report evidencing that the revised forms adopted during the eighth meeting of the Conference of the Parties are not used in some countries and expressed concern with this finding. The Secretariat was requested to verify the accuracy of this information. Committee members also highlighted the importance of finalizing the current work of the harmonization of Basel Convention codes with the World Customs Organization HS codes.

46. Committee members agreed to recommend that the tenth meeting of the Conference of the Parties consider adopting a decision endorsing all the recommendations put forward by the consultant. The draft decision would highlight the imbalance in the geographical distribution of the responses received from Parties, in particular from Africa and Asia and the Pacific.

E. Review the status of existing legislation and other legal or administrative measures, including regulations and identify needs for assistance (activity (g) of Table 2)

47. The Secretariat reminded Committee members that work on this activity had been initiated in 2011 and that a draft report prepared by a consultant had only been made available recently (UNEP/CHW/CC/8/22). The lead Committee member on this issue introduced the report prepared by the consultant. The Committee agreed that Committee members would be given a three week deadline following the eighth session of the Committee to make comments on the draft. Finalization of the report would take place by mid-April, and the Committee would then be invited to agree by mid-May on recommendation to be submitted to the tenth meeting of the Conference of the Parties, for its consideration.

F. Assess the compliance and implementation status of specified obligations of the Parties under articles 3, 4, 5 and 6 of the Basel Convention (activity (h) of Table 2)

48. In considering this activity, Committee members agreed that the Committee would report back to the tenth meeting of the Conference of the Parties that its implementation of the activities included in the 2009-2011 work programme of the Committee reflects its fulfilment of the mandate contained in activity (h) of the table 2 of the 2009-2011 work programme. Committee members also agreed to submit to tenth meeting of the Conference of the Parties, for information purposes, the table annexed to document UNEP/CHW/CC/8/23, with one amendment.

* Reissued for technical reasons on 24 March 2011.

G. Provide general information and guidance on the Basel Convention website, or through publications, to facilitate, promote, and aim to secure the implementation of Parties' obligations under articles 3, 4, 5 and 6 of the Convention (activity (i) of Table 2)

49. The Secretariat presented an oral report on this issue, suggesting that the Committee consider producing a leaflet explaining the control procedure under article 6, in particular the *mutatis mutandis* provision. In addition, the Secretariat suggests that a leaflet be produced, following the tenth meeting of the Conference of the Parties, with information on the implementation of the Committee's 2009-2011 work programme. The Committee agreed to these two recommendations.

VII. Other matters (item 7)

A. Financial matters: report from the Secretariat

50. The Secretariat introduced its report on status of contributions received for the purposes of the implementation of the Committee's work programme, and any expenditures incurred (UNEP/CHW/CC/8/24). The Secretariat invited the Committee to provide guidance on the proposed budget for the Committee's activities under its 2012-2013 work programme.

51. Committee members discussed how many meetings they thought would be needed during the next biennium to allow the Committee to fulfil its mandate, especially in light of the current nine submissions under consideration and taking into that additional submissions may be received. The Committee agreed to propose that up to three meetings of three days each be included in the 2012-2013 work programme. The Committee also agreed to recommend that a budget line be established for the purposes of the implementation fund and that the tenth meeting of the Conference of the Parties adopt a programme budget for 2012-2013 that maintains the average annual operational budget for the activities of the Committee at the 2009-2011 level in real terms.

B. Report of the Committee to the tenth meeting of the Conference of the Parties and proposed work programme for the biennium for 2012-2013

52. The Chair of the Committee welcomed two representatives of the coordinators of the Country-Led Initiative (Switzerland and Indonesia) and invited them to present the draft omnibus decision as it relates to the possible future work programme of the Committee. Following the presentation, Committee members suggested that any proposal put forward to the consideration of the tenth meeting of the Parties with regards to activities to be undertaken by the Committee should be in line with paragraph 21 of the terms of reference of the Committee (general review mandate). Committee members also highlighted the difficulties of some of the proposed activities, in particular with regards to clarifying the Convention's terminology, and the need for resources to undertake any activity under the Committee's work programme. The Chair thanked both representatives of the Initiative for their contribution.

53. The Secretariat was invited to present an oral report on the negotiations of the 2012-2021 Strategic Framework for the implementation of the Basel Convention, in particular the Elements agreed by the Seventh Session of the Open-Ended Working Group of the Basel Convention (10-14 May 2010). The Secretariat indicated that most of the goals were relevant to the mandate of the Committee, in particular Goal 1, entitled "Effective implementation of Parties' obligations on transboundary movements of hazardous wastes and other wastes" that could provide the basis for some activities to be included in the 2012-2013 work programme of the Committee.

54. Committee members exchanged view on possible elements of a draft 2012-2013 work programme of the Committee to be submitted to the tenth meeting of the Conference of the Parties for its considerations. Members suggested the following headings:

- National reporting: electronic training, monitor feedback of workshops and evolution
- Illegal traffic – focus on prevention - Training of customs and other personnel (para 21b) – train the trainers – harmonization of customs codes
- Specific submissions: give priority, refine criteria for selection

- Terminology of the Convention
- Lacunae document (refining)
- Guidance on liability (article 12)

55. Committee members were invited to make suggestions for activities under these headings within two weeks following the closure of the session and agreed that a draft 2012-2013 work programme could be elaborated and submitted to the tenth meeting of the Conference of the Parties for its consideration.

C. Any other business

56. No other business was considered.

VIII. Adoption of the report of the eighth session (Item 8)

57. The Committee agreed that the report would be prepared within two weeks following the closure of the session with a two week deadline to provide comments. The report of the session would be finalized by the Secretariat and adopted by the Committee by electronic means.

IX. Closure of the session (Item 9)

58. The Chair noted that ten Committee members, including herself, would end their tenure at the tenth meeting of the Conference of the Parties. She thanked Committee members and the Secretariat for their work. She said she had very much enjoyed working with all Committee members and that the profile of the Committee had been raised over the triennium 2009-2011. Committee members also thanked the Chair for her leadership. The Chair closed the meeting at 5:30pm on Wednesday, 23 March 2011.
