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

Cartagena, Colombia, 17–21 October 2011

Item 3 (a) (i) of the provisional agenda*

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

New strategic framework for the implementation of the Basel Convention for 2012–2021

Note by the Secretariat

Introduction

1. By its decision IX/3, the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal requested the Secretariat to prepare a report on the continuing review of the Strategic Plan for the Implementation of the Basel Convention. By the same decision the Conference of the Parties also decided that a new strategic framework for the implementation of the Convention was required for a 10-year period so that the Convention would promote the environmentally sound management of waste and would play a decisive role in highlighting the links between waste management and the achievement of the Millennium Development Goals and human health and livelihood. It further decided that implementation of the current Strategic Plan for the Implementation of the Basel Convention should continue pending adoption of a new strategic framework at its tenth meeting. The Conference of the Parties thus agreed that the Secretariat should prepare a first draft of the new strategic framework and circulate it for comment by parties and others; that an open-ended coordination group reporting to the Open-ended Working Group should consider the Secretariat's draft and provide advice on and prepare elements of a new strategic framework; and that the Open-ended Working Group, on the basis of the work of the Secretariat and the open-ended coordination group, should prepare a draft strategic framework for adoption by the Conference of the Parties at its tenth meeting.

I. Implementation

2. Pursuant to paragraph 9 of decision IX/3, the Secretariat prepared a report on the review of the implementation of the current Strategic Plan and published it on the Convention website on 30 March 2009. In addition, a report on the outcome of the review was presented to the Open-ended Working Group at its seventh session, in May 2010 (UNEP/CHW/OEWG/7/3).

3. In accordance with paragraph 11 of decision IX/3, the Secretariat published a first draft of a new strategic framework on the Convention website in September 2009, taking into account comments from parties and others submitted in accordance with paragraphs 6–8 of decision IX/3. Further iterations followed, based on additional comments received and discussions at a consultative meeting

* UNEP/CHW.10/1.

in Geneva in December 2009. The latest draft of the new strategic framework was then reviewed by the open-ended coordination group, which met immediately before the seventh session of the Open-ended Working Group.

4. The Open-ended Working Group then considered the draft strategic framework at its seventh session (UNEP/CHW/OEWG/7/INF/3), taking into account the work of the Secretariat and the open-ended coordination group, and by decision OEWG-VII/1 agreed on the following elements of a new strategic framework:

- (a) Vision;
- (b) Guiding principles;
- (c) Strategic goals and objectives.

5. On the basis of paragraph 2 (b) of decision OEWG-VII/1, the Secretariat developed a draft document on the means of implementation of the strategic framework and a set of indicators, which were published on the Convention website on 9 July 2010 for comments by parties and other stakeholders. Based on those comments, a revised draft was published on the website in January 2011. A consultative meeting on the draft framework, attended by 40 experts representing all United Nations regions and the Basel Convention regional centres, was held on 8 and 9 February 2011 in Geneva. The report of the meeting was published on the Convention website for comments on 31 March 2011.

6. Based on the recommendations arising from the consultative meeting and further comments from parties, the Secretariat developed draft indicators for measuring achievement and performance, which were published on the Convention website in May 2011 for comments by 30 June 2011. Document UNEP/CHW.10/INF/33 contains a detailed proposal on the indicators.

7. Also in accordance with paragraph 2 (b) of decision OEWG-VII/1, the Secretariat drafted proposals on means of implementation, which can be found in document UNEP/CHW.10/INF/34.

8. The latest draft of the strategic framework, including means of implementation and indicators, is set out in the annex to the present note. A compilation of comments received by the Secretariat is presented in document UNEP/CHW.10/INF/35. The Conference of the Parties is invited to consider and adopt the strategic framework.

II. Proposed action

9. The Conference of the Parties may wish to adopt a decision along the following lines:

The Conference of the Parties,

Recalling the strategic plan for the implementation of the Basel Convention to 2010¹ and the Basel Declaration on Environmentally Sound Management² and reaffirming the objectives stated therein,

Recalling also its decision IX/3,

Taking into account that building strategic partnerships is a key element in identifying and mobilizing support for the Basel Convention,

Noting with appreciation the contributions of parties and other stakeholders to the preparation of a draft strategic framework for the implementation of the Basel Convention for 2012–2021,

Having considered the draft strategic framework for the implementation of the Basel Convention for 2012–2021 prepared by the Secretariat,³

Aware of the need to concentrate efforts and resources to support activities in 2012–2013 to ensure the early implementation of the strategic framework,

Aware also of the need to take into account regional specificities, the synergies among the Basel Convention, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants, and the importance of the Basel Convention regional and coordinating centres in the implementation of the strategic framework,

1 UNEP/CHW.6/3.

2 UNEP/CHW.5/29, annex, decision V/1.

3 UNEP/CHW.10/3, annex.

1. *Adopts* the strategic framework set out in the annex to the present decision;
2. *Requests* the Open-ended Working Group at its eighth session to develop a plan of action, so as:
 - (a) To facilitate the work of and guide parties in the implementation of the strategic framework in an incremental manner and in a way that enables parties at varying levels of development to make progress together towards attaining the goals and objectives set forth in the framework;
 - (b) To agree on the steps for implementing the strategic framework;
 - (c) To identify means of implementation that are effective and easy to use;
 - (d) To identify the needs of and support required by parties, the Secretariat and the Basel Convention regional and coordinating centres to implement the Convention;
3. *Agrees* to take into account regional and national diversities and specificities, including those of developing countries, countries with economies in transition and small island developing States, in the implementation of the strategic framework;
4. *Also agrees* to mobilize resources to implement the strategic framework for 2012–2013 and to develop a financial strategy for the period 2014–2015;
5. *Requests* the Secretariat to cooperate with parties in undertaking actions to mobilize resources for the strategic framework, including through the United Nations Environment Programme consultative process on financing options for chemicals and wastes;
6. *Also requests* the Secretariat to cooperate closely with the parties, the Basel Convention regional and coordinating centres and other stakeholders to support the development and implementation of the activities set out in the strategic framework;
7. *Encourages* parties and other stakeholders to provide financial and other resources, including in kind support, for the implementation of the strategic framework;
8. *Appeals* to recipient parties and regions to consider including in their development assistance priorities projects aimed at implementation of the strategic framework;
9. *Encourages* parties and other stakeholders to promote the implementation of the strategic framework and to cooperate among themselves in that regard;
10. *Requests* the Secretariat to report to the Conference of the Parties at its eleventh meeting on progress in the implementation of the strategic framework and, as appropriate, to the subsidiary bodies of the Convention on a regular basis.

Annex

Strategic framework for the implementation of the Basel Convention for 2012–2021

I. Vision

1. The aim of the strategic framework is to protect human health and the environment by controlling transboundary movements of hazardous and other wastes and by ensuring and strengthening the environmentally sound management of such wastes as a contribution to promoting sustainable livelihoods and attaining the Millennium Development Goals.

II. Guiding principles

2. The principles set out below are not listed in order of importance. They can be applied proactively in response to emerging issues provided that compliance with the provisions of the Basel Convention is ensured.

3. The following guiding principles will be applied:

(a) Recognize the waste management hierarchy (prevention, minimization, reuse, recycling, other recovery including energy recovery, and final disposal) and, in so doing, encourage treatment options that deliver the best overall environmental outcome, taking into account life-cycle thinking;

(b) Use waste management policy tools, such as:

- (i) Sustainable use of resources;
- (ii) Recognition of wastes as a resource, where appropriate;
- (iii) Integrated waste management;
- (iv) Life-cycle approach;
- (v) Polluter-pays principle;
- (vi) Extended producer responsibility;
- (vii) Precautionary principle;
- (viii) Proximity principle;
- (ix) Partnerships, cooperation and synergies;
- (x) Sustainable consumption and production;

(c) Respect legislation governing waste management, including the principle of ensuring that every party has national legislation and regulation in place, in addition to enforcement mechanisms, to control transboundary movements of hazardous and other wastes and to prevent and combat illegal traffic;

(d) Respect each party's national legislation and regulations regarding the control of the transboundary movements of hazardous and other wastes.

III. Strategic goals and objectives

4. Responsibility for the attainment of the goals and objectives within the framework of the Convention lies primarily with each party with the involvement of relevant stakeholders. The support of the Convention Secretariat and the regional and coordinating centres will be crucial in the attainment of these goals and objectives by developing countries and countries with economies in transition, in the light of their respective capacities and particular requirements. Attainment also hinges upon the availability of means of implementation. In this regard, full consideration should be given to Article 10 of the Convention.

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

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

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

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

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

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

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

Objective 2.2: To support and promote capacity-building for parties, including technological capability, through technology needs assessments and technology transfer, so as to reduce the generation and hazard potential of hazardous and other wastes.

Objective 2.3: To facilitate national, regional and international commitment with regard to the management of priority waste streams, as identified in the programme of work of the Convention, taking into consideration the priorities of developing countries and countries with economies in transition and in accordance with the requirements of the Convention.

Objective 2.4: To enhance and promote the sustainable use of resources by improving the management of hazardous and other wastes and to encourage the recognition of wastes as a resource, where appropriate.

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

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

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

IV. Means of implementation

5. Attaining the goals and objectives of the strategic framework requires adequate capacity and resources, recognition of the needs of developing countries and countries with economies in transition and special attention to the situation of small island developing States. Implementation of the goals and objectives requires recognition of the fact that the parties to the Convention are at varying levels of development.

6. The activities to implement the strategic framework will be agreed upon at each meeting of the Conference of the Parties during the 10-year period covered by the framework. These activities must, however, be organized, streamlined and programmed. To do this, there is a need to identify the means by which to conceive, develop and execute these activities in ways that respond to parties' needs and their individual capacities to implement the work in question. The implementation of the strategic framework will require increased individual and collective efforts, including the mobilization of resources from within parties and through international cooperation. The means of implementation are

to be considered in the wider context of existing national development efforts, which include poverty reduction strategies.

7. There are various sources of means of implementation, as described below.

A. Consultative process on financing options for chemicals and wastes

8. The Executive Director of the United Nations Environment Programme (UNEP) has launched an initiative to consider financing options for chemicals and wastes that is relevant to the implementation of the strategic framework. At the initial meeting in July 2009, participants called upon UNEP to explore the funding and support needs of developing countries and countries with economies in transition, relevant ways to support compliance with the multilateral environmental agreements related to chemicals and wastes, and capacity-building, including institutional strengthening and technical assistance for promoting the sound management of chemicals and wastes in broader terms. The strategic framework could benefit from the potential sources of funds that are being discussed in the consultative process.

9. The consultative process, if successfully pursued, offers the advantage of forging synergies in the financing realm that are likely to mirror and reinforce synergies on the technical and policy side between the multilateral environmental agreements related to chemicals and wastes.

10. At the fourth meeting in the consultative process, the following four financing options, or tracks, were considered:

(a) **Track 1: Mainstreaming sound management of chemicals and hazardous wastes:** Mainstreaming is not a source of funding in itself but a process that can catalyse efforts to secure complementary funding for the chemicals and wastes agenda, allowing access to funds not previously assigned to chemicals and wastes to support the other tracks and overall longer-term sustainability;

(b) **Track 2: Industry involvement, including public-private partnerships and the use of economic instruments at the national and international levels:** Industry involvement can yield significant financing for the implementation of a sound chemicals and wastes agenda through the internalization of costs resulting from regulatory and voluntary initiatives. Fair, transparent and proportionate fees could be raised. Significant untapped resources through public-private partnerships and economic instruments should be explored;

(c) **Track 3: New trust fund similar to the Multilateral Fund for the Implementation of the Montreal Protocol:** A new fund could enable more direct governance, allowing for direct accountability to the conferences of the parties to the various multilateral environmental agreements. It could be directly linked to performance indicators and targets. Direct accountability to the conferences of the parties would strengthen constituency ownership;

(d) **Track 4: Introducing safe chemicals and wastes management as a new focal area under the Global Environment Facility (GEF), expanding the existing persistent organic pollutants focal area, or establishing a new trust fund under GEF:** A strengthened GEF for chemicals and wastes, operating under the guidance of the conferences of the parties, could support compliance by parties upon request. GEF has the ability to accommodate various types of funds within one large window. New and additional funds could be made available through a new focal area on chemicals and wastes, an expanded persistent organic pollutants window or the creation of a new trust fund akin to the Adaptation Fund or the Least Developed Countries Fund.

11. The next step in the process would be for the Executive Director, as requested in decision SS.XI/8 of the UNEP Governing Council, to report on the progress and direction of the consultative process to relevant intergovernmental processes with the aim of providing a final report for consideration by the Governing Council at its twelfth special session, in 2012, and the possible adoption of decisions at the third session of the International Conference on Chemicals Management, in 2012, and at the twenty-seventh session of the Governing Council, in 2013. The outcome of the fourth and fifth meetings in the consultative process would feed into the Executive Director's report. More information on the consultative process can be found at www.unep.org/dec/Chemical_Financing/index.asp.

B. Traditional means of implementation

12. Separate from but under discussion in the UNEP consultative process are a number of more traditional means of implementation that have been identified by parties specifically for the Basel

Convention. The following options relevant to the Convention are described in detail in document UNEP/CHW.10/INF/34:

- (a) Domestic resources;
- (b) External resources;
- (c) Private sector;
- (d) Regional cooperation;
- (e) Capacity-building involving human resources, organizational and institutional development;
- (f) Mechanism for promoting implementation and compliance;
- (g) Partnerships;
- (h) Financial mechanism.

C. Carry-over

13. Parties may wish to consider whether limited resources might be available from the carry-over from the Basel Convention Technical Cooperation Trust Fund to Assist Developing Countries.

14. Considering the complexity of parties' needs, it might prove useful to develop a plan of action to assist parties and their partners to implement the strategic framework in an incremental manner and in such a way as to enable parties at various level of development to progress together towards attaining the goals and objectives of the framework.

V. Indicators for measuring achievement and performance

15. Based on the strategic goals and objectives listed in chapter III, the following are indicators for measuring achievement and performance:

Goal 1

Objective 1.1

Indicator: Parties have reached a common understanding of the definition, interpretation and terminologies of waste covered by the Convention.

Goal 1

Objective 1.2

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

Sub-indicators:

- Number of parties being trained;
- Number of controls and inspections carried out.

Goal 1

Objective 1.3

Indicator: Percentage of parties submitting notifications under Article 6 or responding rapidly to notifications in a concise and clear manner.

Sub-indicator: Percentage of parties providing for sanctions for infringement of the notification procedure under Article 6.

Goal 1

Objective 1.4

Indicator: Number of parties receiving support, facilitated by the Secretariat or the Convention regional or coordinating centres, for their efforts to generate, provide, collect, transmit or use information and data required under Article 13.

Goal 2

Objective 2.1

Indicator: Number of projects or activities carried out by parties over a set time frame (bilaterally or through international cooperation or partnerships) or facilitated by the Secretariat or the Convention regional or coordinating centres, to assist parties to use or integrate technical guidelines for the environmentally sound management of hazardous and other wastes.

Sub-indicators:

- Percentage of parties that have integrated guidelines on environmentally sound management into their national legislation or policies;
- Number of guidelines on environmentally sound management of wastes developed.

Goal 2

Objective 2.2

Indicator: Number of parties, having received capacity-building support, that have developed national strategies, plans or programmes for implementing hazardous waste minimization projects.

Sub-indicator: Number of parties obtaining direct foreign investment.

Goal 2

Objective 2.3

Indicator: Number of programmes, projects or activities carried out by parties, jointly with other parties or together with other stakeholders (regional and international organizations, conventions, industry bodies, etc.), aimed at the environmentally sound management of priority waste streams.

Goal 2

Objective 2.4

Indicator: Percentage of selected Convention waste streams reused, recycled or recovered.

Sub-indicators:

- Number of training and awareness-raising activities undertaken to enhance and promote the sustainable use of resources;
- Percentage of parties that require the separation of hazardous wastes from other waste streams.

Goal 3

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