

## Appendix II

# General Policies and Legislation

Basel  
Convention

## **I. Introduction**

1. This manual seeks to practically outline what should be in place to ensure a Party has the information and tools necessary to implement the Basel Convention and ensure ESM at a national level. It builds on currently available information and guidance on implementation and enforcement of the Convention.<sup>1</sup>
2. This manual is geared towards policy makers; legislators; focal points and competent authorities.

## **II. Policy principles and approaches related to ESM**

3. When establishing general policies and legislation for the promotion of environmentally sound management of wastes, the following principles and approaches related to ESM should be taken into consideration. These are detailed in the Strategic Framework,<sup>2</sup> the ESM Framework<sup>3</sup> and the Rio Declaration.<sup>4</sup> Short references as to how these relate to ESM are included below.

### **A. Precautionary**

4. This approach means that where there are threats of serious or irreversible environmental damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.
5. In the context of ESM, this generally means that if we are uncertain about the potential environmental damage that may be caused by waste-related activities, we should take precautions to prevent damage occurring.

### **B. Prevention**

6. This principle means that practical actions should be taken to reduce the waste quantity and/or the hazard potential and/or the hazardous content of products and materials prior to them becoming wastes.

### **C. Sustainability: principle of intergenerational equity**

7. This principle means that the current generation should make sure that the health, diversity and productivity of the environment continues for the benefit of future generations.

### **D. Polluter pays**

8. The “polluter pays” principle means that the costs of pollution and waste should be borne by those who cause the pollution or generate waste. National authorities should endeavor to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the costs of pollution, with due regard to the public interest and without distorting international trade and investment. For example, by promoting improved valuation, pricing and incentive mechanisms or by making sure that the price of products reflects the true costs of both production and disposal when a product becomes waste.

### **E. Public participation in decision-making**

9. This principle means individuals should have the opportunity to participate in environmental decision-making processes. There are different opportunities to participate in decision-making, depending on the rights given to the public under different laws.

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<sup>1</sup> A tool developed in the Basel Convention context for the development of legal frameworks is the Manual for the implementation of the Basel Convention (available in document UNEP/CHW.12/9/Add.4/Rev.1 (annex) and at: <http://www.basel.int/Implementation/LegalMatters/LegalFrameworks/Tools/tabid/2750/Default.aspx>).

<sup>2</sup> Strategic framework for the implementation of the Basel Convention for 2012 – 2021 (Strategic Framework) (available in document UNEP/CHW.10/3 (annex)).

<sup>3</sup> Framework for the environmentally sound management of hazardous wastes and other wastes (ESM Framework) (available in document UNEP/CHW.11/3/Add.1/Rev.1 (annex)).

<sup>4</sup> Rio Declaration on Environment and Development (1992).

**F. Access to information and to justice**

10. This means providing individuals appropriate access to information concerning the environment that is held by public authorities. Effective access to judicial and administrative proceedings, including redress and remedy, should be provided.

**G. Environmental justice**

11. The goal of environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income, with respect to the development, implementation and enforcement of environmental laws, regulations, and policies.

**H. Proximity/Least transboundary movement**

12. Waste should be treated or disposed of as near as possible to the point where it is generated. This principle is derived from:

(a) Article 4, paragraph 2 (b) of the Basel Convention, which states that each Party shall take appropriate measures to ensure the availability of adequate disposal facilities, for the environmentally sound management of hazardous wastes and other wastes, that shall be located, to the extent possible, within it, whatever the place of their disposal;

(b) Article 4, paragraph 2 (d), which states that each Party shall take appropriate measures to ensure that the transboundary movement of hazardous wastes and other wastes is reduced to a minimum consistent with the environmentally sound and efficient management of such wastes and is conducted in a manner which will protect human health and the environment against the adverse effects which may result from such movement.

**I. Responsibility for ESM**

13. This principle, based on Article 4 paragraph 10 of the Basel Convention, means that the responsibility for ESM of hazardous waste and other waste generated within a state cannot be transferred to another state.

**J. Waste management hierarchy**

14. The hierarchy provides a framework for waste management practices. Stakeholders should respect the waste management hierarchy (prevention, minimization, reuse, recycling, other recovery including energy recovery, and final disposal).

15. The Strategic Framework for the implementation of the Basel Convention for 2012-2021<sup>5</sup> recognizes the waste management hierarchy and, in applying this hierarchy, encourages treatment options that deliver the best overall environmental outcome, taking into account life-cycle thinking.

**III. Establishment of a framework for ESM (legal and policy)**

16. The importance of establishing a comprehensive legal framework and policies, consistent with the above principles, has been highlighted on numerous occasions in relation to the Basel Convention.<sup>6</sup>

**A. Legal framework**

17. Each Party should establish a legal framework, regulations and other measures to meet its obligations under the Convention to ensure ESM is implemented. Additionally, each Party should designate one focal point and one or more competent authorities.<sup>7</sup>

18. Each Party should provide a sufficient mandate and sufficient resources to enable the focal point and competent authority or competent authorities to fulfil their responsibilities under the Convention. This could be provided for in national legislation, for example.

19. Each Party should determine what regulatory infrastructure and enforcement framework already exists, as well as review the country's capacity to manage hazardous wastes and other wastes

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<sup>5</sup> ESM Framework, part II, paragraph 3 (a) (available in document UNEP/CHW.11/3/Add.1/Rev.1 (annex)) also recognizes the waste management hierarchy (prevention, minimization, reuse, recycling, other recovery including energy recovery and final disposal) as a guiding principle. See also EMS Framework, part IV on guiding principles.

<sup>6</sup> For example, ESM Framework, part V, section C on strategies to implement environmentally sound management.

<sup>7</sup> Article 2 of the Basel Convention defines the terms "competent authority" and "focal point".

in relation to the quantities of waste generated, to determine what arrangements are necessary to support the implementation of the Convention. Indicators to measure progress may include:

- (a) Legal instruments or requirements to implement and enforce the provisions of relevant international and/or regional instruments are in place;
- (b) Schemes at the national or regional level to foster continual improvement within the waste management sector have been developed and implemented;
- (c) Checklists for inspectors to support regular inspections and enforcement have been developed and implemented.

Further information on such indicators of performance is available in the ESM Framework.<sup>8</sup>

## **B. Identify and engage key stakeholders**

20. It is important to identify and engage both citizens (who bring knowledge and perspective) and technical advisory groups (that bring expertise) to support the development and sustainable implementation of national legislation and other measures related to ESM. Technical advisory groups could be comprised of such stakeholders as civil society, industry, academia and other relevant stakeholders. Consultation and engagement should be considered during development of any implementing legislation and measures, and maintained on an ongoing basis thereafter. Each Party should be mindful of the goal of environmental justice for the fair treatment and meaningful involvement of all people regardless of race, colour, national origin or income, with respect to the development, implementation and enforcement of environmental laws, regulations, and policies.<sup>9</sup>

21. Negative economic and environmental impacts of the informal waste collection and management sector on the efficacy of ESM strategies can be critical. Therefore, in creating national legislation and other measures related to implementation of ESM, the scope and effect of the informal sector should be understood and taken into consideration. Strategies should be developed for establishing channels of communication with the informal waste sector, as well as for providing economic and other incentives for transforming or formalizing their activities.

## **C. Synergies**

22. Each Party should be mindful that waste is but one medium that should be addressed in a holistic fashion in terms of protection of human health and the environment. Measures and legislative provisions aimed at fostering the ESM of hazardous wastes and other wastes are interconnected with initiatives addressing other environmental mediums or threats to human health and the environment, whether on the national or international level.

23. On the international level, the Party may wish to take into consideration interconnections with other related institutional mechanisms, such as the Stockholm Convention on Persistent Organic Pollutants (POPs), the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Strategic Approach to International Chemicals Management (SAICM), as well as the Minamata Convention on Mercury, among others.

24. As noted above, on the national level, legislation and regulations addressing waste should be considered holistically, and implemented in concert with legislation and regulations addressing the production of certain products; occupational safety and health (OSH); toxic substance control, including pesticides; emergency planning; public access to information; and/or legislation and regulations addressing all other environmental media including marine eco-systems.

<sup>8</sup> See ESM Framework, part VIII on indicators for the verification of performance.

<sup>9</sup> See ESM Framework, Annex I on guiding principles.

## IV. Practical arrangements for implementing ESM

### A. Institutions

25. In order to implement the Convention, a number of institutional arrangements should be in place within each Party to ensure ESM including:<sup>10</sup>

- (a) Administrative mechanisms/bodies to:
  - (i) Liaise with and inform relevant stakeholders;
  - (ii) Collect and disseminate data; and
  - (iii) Coordinate with the Basel Secretariat, other Basel Parties and other stakeholders as necessary with regards to transmission of information e.g. national definitions and reporting.

The competent authority and/or focal point could be established within such administrative mechanisms or bodies.

- (b) Scientific and technical mechanisms/bodies to:
  - (i) Provide technical assistance to stakeholders;
  - (ii) Interpret and apply the Convention with regards to waste terms, lists, and definitions;
  - (iii) Administer permits, licenses, and authorizations noted below and outlined in the Manual on Permits, Licenses or Authorizations;<sup>11</sup>
  - (iv) Provide certification or accreditation as may be required under the national legislation; and
  - (v) Undertake periodic inspections of facilities pursuant to permitting, licensing and authorization procedures e.g. waste disposal facilities.
- (c) Legal mechanism/body to:
  - (i) Develop the legal basis and mandates for other mechanisms and/or bodies;
  - (ii) Promote compliance; and
  - (iii) Enforce the provisions of the Convention, relevant national measures and synergistic aspects related to the Convention, such as management of hazardous substances, including mercury.

This mechanism or body may also be given responsibility for providing recourse or redress.

26. The Party may wish to ensure adequate staff are available (e.g. within the Ministry of Environment, customs and enforcement officials) with sufficient resources and mandate to administer, implement and enforce the Basel Convention, its provisions on ESM and related implementing laws or other measures. The judiciary should include professionals well versed in the provisions of the Basel Convention and related legislation and other measures.

27. The Party may also wish to establish a mechanism to ensure coordination and cooperation between the relevant bodies involved in the implementation and enforcement of the Convention (e.g. a coordination committee involving representatives of concerned ministries).

### B. Infrastructure

28. In addition to institutional arrangements and waste provisions, Parties should possess practical infrastructure on the ground in order to ensure ESM. This might include the following:

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<sup>10</sup> It is recognized that the implementation of ESM is an evolutionary process that takes time to achieve and that existing provisions can vary greatly from country to country and from facility to facility. The capabilities and challenges faced by least developed countries, developing countries and countries with economies in transition need to be considered.

<sup>11</sup> See appendix III of this document.

- (a) Adequate tools (e.g. financial resources, software/hardware, analytical capability) to administer, implement and enforce the Basel Convention and related implementing laws or other measures;
- (b) Adequate laboratory facilities and analytical capability for sampling and analysis;
- (c) Occupational safety and health (OSH) clinics and adequately trained industrial hygienists (expertise available at low cost);
- (d) Downstream residual management (e.g. waste treatment centres for POPs wastes, heavy metals waste, other hazardous waste and sanitary landfills, etc.).

## V. Transboundary movement control system

29. The Basel Convention establishes a control system that governs transboundary movements (imports, exports and transit) of hazardous wastes and other wastes to ensure ESM of wastes under the scope of the Convention. Please see the Guide to the Control System<sup>12</sup> for further information and guidance.

## VI. National level elements for ESM

30. The link between ESM and national legislation has been underlined within various documents.<sup>13</sup> In addition to the establishment of a legal and policy framework, and the practical arrangements mentioned in sections IV and V above, below are a number of specific elements that should be in place through legislation and other measures to ensure ESM in accordance with the Basel Convention.

### A. Waste strategy and management policies and plans, including waste prevention and minimization

31. A Party should promote waste prevention and minimization. Please consult the Manual on Waste Prevention.<sup>14</sup>

32. A Party should develop and implement national/domestic waste strategy and management policies and/or plan(s) that are consistent with the Convention and include the elements necessary to implement ESM. These strategies, policies and plans could be associated with the development and implementation of legislation. The strategy and plan should be periodically reviewed to keep up to date with relevant advances in environmentally sound technologies and management practices.

### B. Waste generators

33. Policies and legislation should provide for waste generators to internalize costs associated with their production processes and policies, including through the following:<sup>15</sup>

- (a) Cleaner or greener design and production by implementing industrial conversion processes where feasible;
- (b) Waste prevention and minimization;
- (c) Prior to production, research, design and innovation in production and delivery of services, especially impact assessment at end of life, and integrated design for reuse, repair, disassembling (when appropriate), recovery and recycling;
- (d) Assurance that waste disposal facilities and carriers comply with applicable legislation and hold corresponding permits, licenses or authorizations, as appropriate;
- (e) A requirement for confirmation from waste disposal facilities that wastes have been managed in an environmentally sound manner;

<sup>12</sup> Guide to the control system: Instruction manual for use by those persons involved in transboundary movements of hazardous wastes (available in document UNEP/CHW.12/9/Add.3/Rev.1 (annex)).

<sup>13</sup> See e.g. Objective 2.1 of the Strategic framework for the implementation of the Basel Convention for 2012–2021 (available in document UNEP/CHW.10/3 (annex)).

<sup>14</sup> See appendix V of this document.

<sup>15</sup> Further elaborated in part VI, section B, sub-section 1 of the ESM Framework (available in document UNEP/CHW.11/3/Add.1/Rev.1 (annex)).

(f) Disclosure of information on generation and disposal, including storage, of wastes and information related to the use of hazardous chemicals and substances, their use in products and wastes, their risks and their management inside and outside the facility;

(g) As appropriate, a voluntary third-party environmental certification procedure, which may include an applicable EMS;

(h) An understanding of proper implementation of and compliance with the Basel Convention for transboundary movements of wastes.

34. Please consult part VI, section B of the ESM Framework.<sup>16</sup>

### C. Waste carriers

35. A carrier is any person who carries out the transport of hazardous wastes or other wastes.<sup>17</sup> This includes those considered as “transporters” and “shippers”. This manual focuses on off-site transportation falling within the scope of the Basel Convention. Off-site transportation of waste includes shipments from a waste generator’s property to another location for disposal. Regulated off-site transportation includes shipments of hazardous waste by air, rail, highway, or water. Carrier regulations only apply to the off-site transportation of wastes.

36. A waste carrier should comply with the requirements associated with the national legislation and other measures implementing the Basel Convention, which should include the information to be provided in the movement document, required in accordance with annex VB of the Basel Convention and decision VIII/18.<sup>18</sup>

37. Carriers accepting waste from a generator or another transporter may need to store waste temporarily during the normal course of transportation. A transfer facility may include loading docks, parking areas, storage areas, and other similar areas where shipments are held during the normal course of transportation. A time-limit should be stipulated in regulations in terms of the amount of time a transporter may hold waste at a transfer facility.

### D. Waste disposal

38. To complement and enhance the permitting, licensing or authorization process(es), legislation and other measures should include requirements to ensure waste management facilities or services possess plans to provide a holistic system to ensure that wastes are managed and disposed in a safe and environmentally sound manner.<sup>19</sup>

39. The following elements should be considered in developing legislation, regulations and other measures relating to the regulation of facilities and stakeholders involved in ESM of wastes:

(a) Capacity:

Waste management facilities should demonstrate through a permitting, licensing or authorization programme that they possess the technical ability and capacity to treat the waste streams identified as wastes falling under the scope of the Basel Convention in an environmentally sound manner. The facility should follow the best available techniques (BAT) and best environmental practices (BEP). Key control features include measures to contain, monitor and treat any emissions, discharges or releases and appropriate control devices;

(b) Health and safety plans:

Programmes should be in place to define the responsibilities of staff; ensure they are knowledgeable about good housekeeping practices; and that they receive training on the safe and environmentally sound operation of waste management facilities, with the provision of personal protection equipment, among other requirements;

<sup>16</sup> Available in document UNEP/CHW.11/3/Add.1/Rev.1 (annex) and on the Basel Convention website at: <http://www.basel.int/Implementation/CountryLedInitiative/EnvironmentallySoundManagement/ESMFramework/tabid/3616/Default.aspx>.

<sup>17</sup> Article 2 of the Basel Convention defines the term “carrier”.

<sup>18</sup> Revised notification and movement documents for the control of transboundary movements of hazardous wastes and instructions for completing these documents (available in document UNEP/CHW.8/5/Add.6/Rev.2 (annex I, annex II)).

<sup>19</sup> Various technical guidelines have been developed under the Convention and are available on the Convention website at: <http://www.basel.int/Implementation/Publications/TechnicalGuidelines/tabid/2362/Default.aspx>.

- (c) Emergency action plans:
- (i) Programmes should be in place to implement emergency preparedness and response plans should an emergency occur on-site at the facility or off-site during transportation;
  - (ii) An action plan should be developed to respond to emergencies or accidents. The plan should locate and provide emergency equipment at pre-designated spots in the facility. This equipment should include fire extinguishers and personal protection equipment (e.g. special clothing, face masks and respirators, spill absorbents, shovels) as required by the process and materials at the facility. This should be accompanied by employee training on proper use of personal protection equipment and guidance for the response to and remediation of a spill;
  - (iii) The plan should ensure prompt reduction of any adverse effects of an accident if one should occur. Training exercises should be carried out periodically to ensure readiness. Special handling requirements for the wastes managed on-site should be included; and
  - (iv) The plan should include a procedure for public outreach and for notification of unusual occurrences (e.g. emergencies, spills, releases to the environment);
- (d) Monitoring:
- (i) Waste generators should regularly inform the competent authority of the quantity and characteristics of hazardous wastes or other wastes generated, exported, imported and transiting through the territory in the previous year.<sup>20</sup> Further, the generator should regularly provide the competent authority with information on pertinent measures it has adopted relating to waste management as described above. Finally, the generator and other stakeholders if relevant should provide the competent authority with information on accidents which have occurred during the transboundary movement and disposal of hazardous wastes and other wastes and on the measures taken to deal with them; and
  - (ii) Monitoring provides a picture of a facility's environmental performance and indicates processing problems. A system should be in place to monitor the performance of the waste management operations, for both record-keeping purposes and to detect discharges, releases, and accidents, and to take appropriate action if performance does not comply with targets. Monitoring should be analyzed and reviewed at regular intervals to provide information for decisions needed to improve the process and reduce potential impacts on environmental and human health;
- (e) Record Keeping:
- Stakeholders involved in waste management activities should develop and put in place systems for record keeping in terms of how the management operation is performing, including reporting discharges; emissions; accidents causing damage; or the potential for causing damage to workers' safety, health and the environment;
- (f) Closure:
- There should be a plan in place in the event of shutdown or closure of a facility managing wastes. This includes a plan for remediation of buildings and land and for financial insurance or guarantee that a proper shutdown will happen in an environmentally sound manner. In order to demonstrate "clean closure", an owner or operator should demonstrate that levels of contamination from hazardous wastes and other wastes at the facility do not exceed exposure levels contained in a country's regulations;
- (g) Post-closure:
- (i) Post-closure care should be undertaken at facilities where final disposal of wastes occurs. This would address the period after closure during which owners and operators conduct monitoring and maintenance activities to

<sup>20</sup> In order to enable the Party to report in accordance with Article 13 of the Basel Convention.

preserve the integrity of the disposal system. The post-closure period normally lasts for 30 years after closure is completed, but can be extended or shortened by the designated authority; and

- (ii) Post-closure care consists of two primary responsibilities: ground water monitoring and maintaining the waste containment system (e.g. covers, caps, and liners).

#### **E. Permits, licenses or authorization to operate**

40. For more detailed information on permits, licenses and authorizations, please consult the Manual on Permits, Licenses or Authorization.<sup>21</sup>

#### **F. Provisions for insurance**

41. For more detailed information on insurance and liability, please consult the Manual on Insurance and Liability.<sup>22</sup>

#### **G. Waste classification**

42. Legislation should provide guidance for waste classification, including appropriate reference to and consistency with annexes I, II, III, VIII, and IX of the Basel Convention to assist stakeholders, e.g. waste generators, in properly identifying and classifying their waste to ensure proper management at all stages of the waste management process. Under the Convention, there are various provisions for determining wastes covered by the control procedures of the Convention and particularly hazardous wastes.<sup>23</sup> Pursuant to national law, it is normally the duty of the exporter or any other person (e.g. generator) engaged in exporting the waste, to prove, if necessary, that the waste in question does not possess or exhibit any of the hazardous characteristics, so that the waste will not be subject to control under the Convention.

#### **H. Waste storage**

43. Requirements should be in place to ensure that waste is properly stored in such a manner as to protect human health and the environment.<sup>24</sup> Such requirements should provide for proper storage in containers, tanks, drip pads or containment buildings. Hazardous waste containers should be closed and marked with the date that the storage began.

#### **I. Emergency preparedness and employee training**

44. Facilities managing or handling wastes should designate one or more emergency coordinator(s) to test and maintain emergency equipment. An emergency plan should also be developed, put in place and updated as needed, with formal written contingency plans and emergency procedures in the event of a spill or release. Facility personnel should be trained in the proper handling of hazardous waste through an established training programme.

#### **J. Pre-transport requirements**

45. Pre-transport regulations should be in place to ensure safe and environmentally sound transportation of wastes being shipped off-site from the point of generation for treatment, storage, or disposal. If the hazardous waste is treated on-site, pre-transport regulations would not be applicable, although other regulations may apply outside the scope of this manual.

46. Pre-treatment provisions should require appropriate packaging and labelling. This includes proper packaging to prevent leakage of wastes, particularly hazardous wastes, during both normal transport conditions and potentially dangerous situations (for example, if a drum falls off of a truck). Labelling of the packaged waste is necessary to identify the characteristics and dangers associated with the transport of the hazardous waste.

<sup>21</sup> See appendix III of this document.

<sup>22</sup> This manual is still under development by the expert working group on environmentally sound management.

<sup>23</sup> See section 2.2 of the Guide to the Control System (available in document UNEP/CHW.12/9/Add.3/Rev.1 (annex)).

<sup>24</sup> Various technical guidelines have been developed under the Convention and are available on the Convention website at: <http://www.basel.int/Implementation/Publications/TechnicalGuidelines/tabid/2362/Default.aspx>.

**K. Tracking provisions**

47. Provisions should be included for tracking waste shipments and receipt of waste, taking into account the information to be provided on the notification according to annex VA and the movement document according to annex VB of the Basel Convention.

**L. Record keeping**

48. Legislation and other implementing measures should ensure that adequate record keeping and reporting requirements are in place for all stakeholders involved in waste management. This would include transmitting relevant information to authorities, so as to facilitate transmission of information by the Party according to its national reporting obligations.

**M. Public access to information**

49. Parties should provide the public with appropriate access to information concerning ESM (e.g. government records on waste disposal facilities and waste transports, inspection records, notices of violations etc.).

**N. Awareness raising and education**

50. Access to information should be accompanied by active awareness raising and education. Parties have an important role to play in raising awareness of key issues concerning sustainable production and consumption in general, and ESM and TBM specifically. Awareness raising campaigns, targeting a specific part of the public, industry or society, are an example of awareness raising activities. Integrating training on ESM in school programmes is another example.

**VII. Enforcement**

51. Each Party has an obligation to 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.<sup>25</sup> National legislation should provide authority for enforcement bodies to impose administrative, civil and criminal sanctions. Penalties should be sufficient to serve as a deterrent. Provision should also be made to facilitate communication, coordination and cooperation between various national authorities that may have a role to play in implementing these provisions e.g. customs officials, competent authorities, prosecutors, environmental inspectorates, etc.

52. Additionally, as part of a Party's efforts in implementing the above obligations, national legislation should make provisions for take-back of illegal traffic of hazardous wastes and other wastes pursuant to Article 9 of the Convention.<sup>26</sup>

**VIII. National reporting of hazardous wastes and other wastes**

53. Under the Basel Convention, all Parties are required to report annually through the Secretariat, by completing a questionnaire, information required by the Convention regarding transboundary movements of hazardous wastes or other wastes, among others. This information is presented in an annual national report, which includes statistical tables of the data.

54. All Parties should periodically carry out checks to ensure that available data transmitted in the national reports is of the highest quality.

55. Further information and guidance on national reporting is available on the Basel Convention website.<sup>27</sup>

**IX. Incentives**

56. Please consult the document on private sector incentives.<sup>28</sup>

<sup>25</sup> Article 4, paragraph 4 and Article 9 paragraph 5 of the Basel Convention. See also Guidance Elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Waste available on the Convention website at: <http://www.basel.int/Implementation/Publications/GuidanceManuals/tabid/2364/Default.aspx>.

<sup>26</sup> See also the draft Guidance on the implementation of the Basel Convention illegal traffic take-back provision (available in document UNEP/CHW.12/9/Add.2 (annex)).

<sup>27</sup> Further information available at: <http://www.basel.int/Countries/NationalReporting/OverviewandMandate/tabid/2314/Default.aspx>.

## **X. Additional information/References**

Framework for the environmentally sound management of wastes

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

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

<http://www.basel.int/Implementation/StrategicFramework/Overview/tabid/3807/Default.aspx>

Rio declaration on environment and development (1992)

<http://www.unep.org/documents.multilingual/default.asp?documentid=78&articleid=1163>

Basel Convention manual for the implementation of the Convention (includes a checklist for the legislator)

UNEP/CHW.12/9/Add.4/Rev.1 (annex)

Basel Convention revised guide to the control system: Instruction manual for use by those persons involved in transboundary movements of hazardous wastes

UNEP/CHW.12/9/Add.3/Rev.1 (annex)

Guidance elements for detection, prevention and control of illegal traffic in hazardous waste

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

Draft guidance on the implementation of the Basel Convention illegal traffic take-back provision<sup>29</sup>

Instruction manual on the prosecution of illegal traffic of hazardous wastes or other wastes

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

Basel Convention training manual on illegal traffic for customs and enforcement agencies

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

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<sup>28</sup> See Report on assessing possible incentives to encourage the private sector to invest in environmentally sound management (available on the ESM section of the Basel Convention website: <http://www.basel.int/Implementation/CountryLedInitiative/EnvironmentallySoundManagement/Overview/tabid/3615/Default.aspx>).

<sup>29</sup> For consideration and possible adoption at the thirteenth meeting of the Conference of the Parties in 2017.