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**Conference of the Parties to the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa**  
*“The Bamako Convention: A platform for a Pollution Free Africa”*

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**Second Meeting of the Conference of the Parties to the Bamako Convention**  
**Ministerial Segment Meeting**  
Abidjan, 30 January - 1 February 2018

**REPORT BY THE SECRETARIAT ON THE IMPLEMENTATION OF THE BAMAKO CONVENTION**

**I. INTRODUCTION**

I.1. During the negotiations process for the Basel convention the position of the African countries was in favor of a total ban of transboundary movements of hazardous waste, instead of the mechanism of controlling and monitoring these movements that was finally adopted. The position of African countries was dictated by their feeling that actually they don't have the institutional and technological means needed for an effective control of transboundary movements of hazardous wastes. To protect the continent from illegal dumping and traffic of hazardous waste, African countries adopted the Bamako convention in line with Article 11 of the Basel convention which encourages parties to enter into bilateral, multilateral and regional agreements on Hazardous Waste to help achieve the objectives of the convention.

I.2. The Bamako convention prohibits the import to Africa and ocean and inland water dumping or incineration of hazardous wastes; establishes the precautionary principle; and provides for the sound management of these wastes within the continent. The convention was adopted in 1991, came into force in 1998 (to date: 29 Signatories, 25 Parties). The Parties to the convention (as per 15 March 2016) are: Benin, Burkina Faso, Burundi, Cameroon, Chad, Comoros, Congo, Côte d'Ivoire, Democratic Republic of Congo, Egypt, Ethiopia, Gabon, Gambia, Libya, Mali, Mauritius, Mozambique, Niger, Senegal, Sudan, Tanzania, Togo, Tunisia, Uganda and Zimbabwe.

I.3. The first Conference of Parties was hold in June 2013 at Bamako, Mali.

## II. DECISIONS OF COP1 OF THE BAMAKO CONVENTION

II.1. COP1 adopted a Work Plan and Budget for 2014 (decision 1/10) and a number of decisions on substantive issues, including e-waste, transboundary movement of waste, the establishment of a list of hazardous substances to be considered Hazardous Waste, and liabilities and compensation. It adopted a decision on Ratification and Domestication of Mutually Beneficial Instruments: Bamako Convention, Basel Convention and Basel Ban Amendment (decision 1/23) which, inter alia, strongly encourages all African States who have not already done so, to ratify the Bamako and Basel Conventions and the Basel Ban Amendment as a matter of urgency and to create implementation legislation to domesticate these instruments into national law. COP1 also adopted the Bamako Declaration on the Protection of Africa against illegal dumping of hazardous wastes.

II.2. It also established a Legal and Technical Working Group as a subsidiary body to the Conference of the Parties, focusing on various functions including the provision of guidance on the implementation of the Convention (decision 1/7). Further, the Parties called for the further strengthening of the collaboration of the Bamako convention with the Secretariat of the Basel, Rotterdam and Stockholm Conventions and any other relevant Secretariats of Conventions (decision 1/17).

***II.3. COP1 established a Secretariat and decided that it be placed within UNEP, provided that United Nations Environment Assembly will authorize the Executive Director to perform such functions (decision 1/6).***

## III. UNEA RESOLUTION

By Resolution 1/16 (Management of trust funds and earmarked contributions) the UNEA:

1. Welcomes requests that the United Nations Environment Programme provide secretariats to service environmental agreements related to its programme of work;
2. Notes that, in line with the Financial Regulations and Rules of the United Nations, agreements for which the United Nations Environment Programme carries out the functions of the secretariat must be based on the principle of cost recovery when it comes to administrative costs;
3. ***Authorizes the Executive Director to carry out the secretariat functions*** specified in decision 1/6 of the first Conference of Parties to the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa on such mutually agreed terms as the Executive Director and the parties see fit and in accordance with decision 1/6 of the First Conference of the Parties to the Bamako Convention.

UNEA approved also the establishment of a General Trust Fund for the Core Programme Budget of the Bamako Convention.

#### IV. IMPLEMENTATION OF UNEA DECISION

To implement the UNEA decision UNEP the following activities have been carried out:

1. **Establishment of National Focal Points and other national entities:** letters were sent to parties requesting designation of Competent Authorities, National Focal Points, Dumpwatches, and experts for the Legal and Technical Working Group and for the Ad-Hoc Expert Group on Liabilities and Compensation. So far twelve (19) countries have designated their national FPs.
2. **Side event and exhibition during AMCEN 15** to inform the Parties on steps taken by UNEP to establish the Secretariat, discuss issues such as financial contribution from Parties, resource mobilization, preparation for COP 2, etc. The President of COP1 (the Minister of Environment of Mali) attended the side event and informed he will contact the Parties for follow-up, particularly Cote d'Ivoire which committed to host COP2.
3. **Briefing on Bamako convention to delegates** during the BRS/Minamata regional meetings in Nairobi in March 2015 to raise awareness and promote the convention. This was followed by intensive consultations with Parties to the convention to discuss strategic issues regarding the implementation of the convention and COP1 decisions, and preparations for COP2.
4. **Contacts with BRS Secretariat, Minamata interim Secretariat, Chemicals Branch and other relevant partners** within and outside the UN system to seek possible partnerships and establish/strengthen cooperation on issues related to transboundary movements and sound management of hazardous wastes. A number of activities were carried out during the BRS CPOs in May 2015 including: an exhibition to raise awareness on the convention (Key documents, posters and information leaflets were displayed); a side event which was very successful (During the discussions the delegate from Niger made an interesting suggestion to raise the issue of the Bamako convention during the next meeting of the Bureau of AMCEN in which he will participate, and from there to prepare a communication to the next summit of AU); a meeting with Parties to update them on the status of the establishment of the Interim Secretariat and other issues, and discuss the way forward; bilateral discussions with the delegations from Mali (current President) and Cote d'Ivoire (next President); a bilateral discussion with Rolf Payet expressed his interest to establish a strong organic and programmatic collaboration between the BRS conventions and the Bamako convention; a bilateral discussion with the delegation from the Waigani convention (the Asia-Pacific regional convention on hazardous waste) which expressed also their interest in cooperation with the Bamako convention; discussions with the Swiss delegation; briefing to the African Group during the regional meetings.

5. ***Development of ToRs for national Focal Points and other national entities***, as well as guidance document for the implementation of the convention. These materials were sent to parties.
6. **Meeting of National Focal Points** was organized to train national Focal Points on their role and responsibilities.

The Joint Meeting of National Authorities on Implementation of the Bamako and Basel Conventions was held from 24th to 25th of November, 2015 at the UNEP Headquarters in Gigiri, Kenya. The joint meeting brought together 20 participants from National authorities of the African countries that had ratified the Bamako Convention. The meeting was funded by the United Nations Environment Programme (UNEP) and organized jointly by Bamako and Basel Convention Secretariats.

The joint meeting was designed to achieve the following objectives:

1. Networking amongst the focal points in the region;
2. Comprehensive understanding of the Bamako and Basel Conventions – Obligation of Parties and the Focal Points roles and responsibilities in the implementation of the conventions;
3. Review the decisions of COP1 of the Bamako convention and enumerate on the mechanisms needed to be put in place so as to ensure that all the obligations are implemented;
4. Organization of COP2 (the substantive issues to be discussed, date and venue, logistics, and the modalities, etc);
5. Coordinated national implementation of the Basel and Bamako Conventions to achieve synergy so that the conventions mutually complement each other; and,
6. The establishment of a National framework for the sound management of chemicals and wastes.

(See information document .....).

## **7. Informal Meeting of Parties**

Ministers responsible for environmental affairs from six Parties to the Bamako convention (Burkina Faso, Cameroon, Ethiopia, Mauritius, Senegal, Uganda) and senior government officials responsible for environmental affairs from eleven Parties to the Bamako convention (Côte d'Ivoire, Republic of the Congo, Gabon, Libya, Mali, Mozambique, Niger, Tanzania, Togo, Tunisia, Zimbabwe)

to the Bamako Convention, met at the UNEP Headquarters in Nairobi on 28 May 2016 to consult each other on the status of implementation of the Bamako Convention since its first meeting of the Conference of Parties, preparations for its second meeting of the Conference of Parties and other related matters, and exchange information on issues related to the Secretariat.

After fruitful debates and discussions on the different issues, the Representatives of Parties underlined the importance of the Bamako Convention for Africa and reaffirmed their commitment to the implementation of the Bamako Convention. The Representatives appreciated and commended the tireless support provided by UNEP, which provides secretariat functions, to the implementation of the Bamako Convention.

The Representatives discussed and appreciated the report submitted by the Secretariat on the progress made thus far in the implementation of the Bamako Convention and decisions adopted at its first meeting of the Conference of Parties. The Representatives expressed their concern about the slow progress made on some aspects of implementation of those decisions.

In this regard, the Representatives agreed to take necessary measures and actions as soon as feasible for the effective implementation of the Bamako Convention, the decisions taken at its first meeting of the Conference of Parties as well as for the necessary preparations for its second meeting of the Conference of Parties.

(See Information documents ..... and .....)

## **8. Joint Capacity building activities**

- **Sub-Regional workshop on enhancing national cooperation and coordination for the implementation of the Basel, Rotterdam, Stockholm and Bamako conventions and the Sustainable Development Goals (SDGs) in the SADC countries, Ezulwini, Swaziland, 18-20 July 2016;**

Synergies at national level among the Basel, Rotterdam, Stockholm and Bamako conventions should contribute and enhance a common national approach and understanding on chemicals and waste-related issues so that strategies are streamlined and therefore provide parties with the necessary elements for the coordinated implementation of the conventions.

In this way, the Secretariat of the Basel, Rotterdam and Stockholm Conventions and the UNEP's DTIE Chemicals and Waste Branch and DELC including the interim secretariat of the Minamata Convention on Mercury and the secretariat of the Strategic Approach to International Chemicals Management, together with many others partners coordinated their efforts to ensure that the chemicals and wastes management issues were integrated into relevant SDGs and associated targets.

To effectively implement the comprehensive and integrated nature of the SDGs as they relate to chemicals and wastes, the global community needs to move beyond minimizing the adverse effects of toxic chemicals and stockpiles to human health and ecosystems. A circular and life-cycle approach for Sustainable Consumption and Production, and a proactive framework to address related environment and health issues, coupled with measures to advance a green economy and sustainable chemistry at all levels is needed to support the effective implementation of the SDGs. Equally important, we need to promote mainstreaming of chemicals and hazardous waste management into national environment, public health, social and economic policies and legislations.

In view of the above a joint workshop was organized with the objective of facilitating the establishment of or strengthening the existent national structures and mechanisms and enhancing the information exchange for the implementation of the SDGs in the Chemical and Wastes MEAs namely, Basel, Rotterdam, Stockholm and Bamako conventions among others.

- **Sub-Regional workshop on enhancing national cooperation and coordination for the implementation of the Basel, Rotterdam, Stockholm and Bamako conventions and the Sustainable Development Goals (SDGs) in the ECOWAS region**

Similar capacity building activities were carried out for the ECOWAS region.

## V. **WORKPLAN**

To support the implementation of the Bamako convention a workplan has been developed which activities include capacity building for various national bodies involved in the implementation of the Bamako convention, in order to strengthen the technical expertise of Parties on issues relating to management of hazardous waste such as: use of the control system associated with the Import-Export of hazardous wastes, Transboundary Movement and Notification Procedures, prevention and monitoring of illegal traffic of hazardous waste, etc.

The expected outputs of the workplan include:

1. Development of adequate national legislation on the ban of the movement of the hazardous wastes;
2. Information effectively managed, disseminated and exchanged;
3. Training of Competent Authorities, Focal Points and Dumpwatches;
4. Development of a strategy for hazardous wastes management and its financing programmes; Resources mobilization for the sound management of chemicals;
5. Relevant stakeholders effectively implementing the Convention;
6. Promotion of ratification and implementation to the Bamako/Basel Conventions;

7. Collaboration with the Basel Convention and relevant institutions; Effective cooperation with the Basel Convention Regional and Coordinating Centers (BCRCCs); Development of partnerships.

COP 1 has adopted a budget a core budget for year 2014 of USD 4,355,000. COP1 has also established a Revolving Fund for Assistance in case of Emergency situations

## **VI. FINANCIAL SITUATION**

The Secretariat of the convention is facing a critical situation that needs to be addressed urgently.. The Secretariat needs to receive contributions from Parties. In addition COP 1 has established a Trust Fund a has invited Parties and non-Parties to make voluntary contributions into the Trust Fund as soon as possible to ensure the smooth implementation of the decisions of COP1.

## **VII - STATUS OF IMPLEMENTATION OF DECISIONS OF THE FIRST MEETING OF THE CONFERENCE OF PARTIES**

The Secretariat has compiled the decisions taken at COP 1, has assessed the status of implementation of the decisions and made recommendations for points of discussions among Parties at the present COP (see table below).

The Conference of Parties may wish to note of the progress made and advice the Conference of Parties to take appropriate corrective measures.

DECISIONS		NARRATIVES	STATUS OF IMPLEMENTATION	SUGGESTIONS FOR POINTS OF DISCUSSION BY PARTIES
1/1	Rules of Procedure	<p>Article 15, paragraph 2 of the Convention requires the Conference of the Parties to adopt rules of procedure for itself and for any subsidiary body it may establish.</p> <p>COP 1 Adopted the Rules of Procedure and decides that Meetings of the Conference of Parties shall take place on a bi-annual basis.</p>	The rules of procedure were used at COP1 and shall also determine the holding of COP 2.	n.a.
1/2	Attendance by Signatories to the Bamako Convention The Conference	<p>Rule 61 of the rules of procedure states that any State signatory to the Convention which has not yet deposited its instrument of ratification in accordance with Article 22 of the Convention shall be entitled, subject to prior written notification to the Executive Secretary, to participate, without taking part in the adoption of decisions, whether by consensus or by vote, in the deliberations of the Conference. This means that Signatory States shall be entitled to appoint observers to attend plenary meetings of the Conference other than those designated private meetings; to deliver statements at such meetings; to receive the documents of the Conference and to submit its views in writing to delegations.</p>	<p>COP 1 approved a list of Signatories to the Bamako Convention to participate in the COP 12 in accordance with Rule 61 of the rules of procedure. .</p> <p>At COP 2 the credentials committee, assisted by the Secretariat, shall examine the credentials of Representative of Signatories, and submit to the Expert Group meeting a list of Signatories allowed participating in COP 2 in accordance with Rule 61 of the rules of procedure.</p>	n.a.
1/3	Attendance by Non-Signatories to the Bamako Convention	<p>Rule 62 of the rules of procedure states that any other State which, in accordance with Article 23 of the Convention, may accede to it (The member States of the African Union) may apply to the Executive Secretary for observer status, which will be accorded on the decision of the Conference. Such a State shall be entitled to appoint an observer to attend and participate without the right to vote in the plenary meetings of the Conference other than those designated private meetings and to receive documents of the Conference.</p>	<p>COP 1 approved a list of Non-Signatories to the Bamako Convention to participate in the COP 12 in accordance with Rule 62 of the rules of procedure.</p> <p>At COP 2 the credentials committee, assisted by the Secretariat, shall examine the credentials of Representative of Non-Signatories, and submit to the Expert Group meeting a list of Non-Signatories allowed participating in COP 2 in accordance with Rule 62 of the rules of procedure.</p>	n.a.



1/4	Attendance by specialized agencies, United Nations bodies and other international Organizations	<p>Article 15.5 of the Bamako Convention states that Organizations may be represented as observers at meetings of the Conference of the Parties. Anybody or agency, whether national or international, governmental or nongovernmental, qualified in fields relating to hazardous wastes which has informed the Secretariat, may be represented as an observer at a meeting of the Conference of the Parties. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.</p> <p>Rule 63 of the rules of procedure states that:</p> <p>1. Representatives of specialized agencies, of the International Atomic Energy Agency, and of appropriate United Nations bodies, as well as of the intergovernmental organizations and other bodies approved by the Conference on the recommendation of the Bureau, may participate, without the right to vote, in the deliberations of the Conference and its subsidiary organs, upon the invitation of the President or Chairman, as the case maybe, and subject to the approval of the Conference or of the subsidiary organ concerned such observers organizations may make oral statements on matters within the scope of their activities.</p> <p>2. Written statements of specialized agencies, the International Atomic Energy Agency and United Nations bodies, as well as of other intergovernmental organizations referred to in paragraph (1) above related to items on the agenda of the Conference or its subsidiary organs, if any, shall be circulated by the secretariat to members of the Conference or of the subsidiary organ concerned.</p>	<p>COP 1 approved a list of specialized agencies, United Nations bodies and other Intergovernmental Organizations to participate in the COP 12 in accordance with Rule 63 of the rules of procedure.</p> <p>At COP 2 the credentials committee, assisted by the Secretariat, shall examine the nomination letters of Representatives of specialized agencies, United Nations bodies and other international Organizations, and submit to the Expert Group meeting a list of those Organizations allowed participating in COP 2 in accordance with Rule 63 of the rules of procedure.</p>	n.a.
1/5	Attendance by Non-Governmental	<p>Article 15.5 states that Organizations may be represented as observers at meetings of the Conference of the Parties. Anybody or agency, whether national or international, governmental or nongovernmental, qualified in fields relating to hazardous wastes which has informed the Secretariat, may be represented as an observer at a meeting of the Conference of the Parties. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.</p> <p>Rule 64 of the rules of procedure states that:</p> <p>1. In accordance with Article 15.5 of the Convention, national or international, governmental or nongovernmental Organizations or Agencies, qualified in fields relating to</p>	<p>COP 1 approved a list of Non-Governmental Organizations to participate in the COP 12 in accordance with Rule 64 of the rules of procedure.</p> <p>At COP 2 the credentials committee,</p>	n.a.

	Organizations and other Organizations	<p>hazardous wastes which has informed the Secretariat, have been recommended by the Bureau and approved by the Conference may designate representatives to sit as observers at meetings of the Conference or its subsidiary organs, as decided by the Conference. The Conference shall from time to time adopt and revise when necessary a list of such organizations. Upon the invitation of the President or Chairman, as the case maybe, and subject to the approval of the Conference or of the subsidiary organ concerned such observers organizations may participate, without voting right, in the deliberations of the Conference and its subsidiary organs. These observer organizations may make oral statements and presentations on matters within the scope of their activities.</p> <p>2. Written statements and oral presentations from observer organizations referred to in paragraph (1) above, related to items on the agenda of the Conference or of its subsidiary organs, shall be circulated by the Secretariat to member states of the Conference or of the subsidiary organ concerned in the quantities and in the language in which the statements were made available to the Secretariat for distribution.</p>	assisted by the Secretariat, shall examine the nomination letters of Representatives of Non-Governmental Organizations, and submit to the Expert Group meeting a list of those Organizations allowed participating in COP 2 in accordance with Rule 64 of the rules of procedure.	
1/6	Institutional arrangements for the implementation of Convention: Establishment of a Secretariat	COP 1 decided that the Secretariat's functions shall be carried out by the United Nations Environment Programme, provided that the United Nations Environment Assembly (UNEA) of the United Nations Environment Programme authorizes the Executive Director to perform such functions.	By Resolution 1/16 UNEA authorized the Executive Director of UNEP to carry out the secretariat functions specified in decision 1/6 of the first Conference of Parties to the Bamako convention.	Actions to be taken to strengthen the Secretariat.
1/7	Institutional arrangements for the implementation of Convention: Establishment of a subsidiary body	<p>Art. 15 paragraph 4 states that the Conference of the Parties shall keep under continued review and evaluation the effective implementation of this Convention, and in addition, shall establish such subsidiary bodies as are deemed necessary for the implementation of this Convention.</p> <p>COP 1 decided to establish a Legal and Technical Working Group (LTWG) and adopted the Terms of Reference (TOR) of the LTWG.</p>	The Following Parties have communicated to the Secretariat the designation of members of the LTWG: Congo, DR Congo, Sudan, Tanzania and Togo	<p>Parties that have not yet done so to communicate to the Secretariat their experts to participate in the work of the LTWG using the dedicated forms.</p> <p>Parties and the Secretariat to discuss how to fund the work of the LTWG.</p>
		Article 15, paragraph 2 of the Bamako Convention states that the Conference of the Parties shall adopt rules financial rules to determine in particular the financial rules to determine in particular the financial participation of the Parties to this Convention.	The Revolving Fund and the Trust Fund will be incorporated in the	

1/8	Financial arrangement for the administration of the convention	<p>COP 1 Adopted the Financial Rules for the administration of the Bamako Convention, established a Revolving Fund for Assistance in case of Emergency situations, in accordance with article 14.3 of the Bamako Convention, and a Trust Fund.</p> <p>The UNEA 1 decision approving the hosting of the Secretariat within UNEP established a General Trust Fund for the Core Programme Budget of the Bamako Convention and a Special Trust Fund for Voluntary Contributions in Support of the Bamako Convention</p>	General Trust Fund for the Core Programme Budget of the Bamako Convention Special Trust Fund for Voluntary Contributions in Support of the Bamako Convention established by UNEA.	Parties must pledge contributions to these Funds.
1/9	Revolving Fund	<p>Article 14.3 states that the Parties shall also consider the establishment of a revolving fund to assist, on an interim basis, in case of emergency situations to minimize damage from disasters or accidents arising from transboundary movements of hazardous wastes or during the disposal of such wastes.</p> <p>COP 1 appropriated a total amount of two million five hundred thousand United States Dollars (USD 2,500,000) for the Revolving Fund for Assistance in case of Emergency situations, decided that this appropriation shall be financed from contributions by all States Parties in accordance with the scale of assessments approved by the Conference ; and requested States Parties to pay their contributions in full.</p>	No contributions were received by the Secretariat from Parties.	Parties must pledge contributions to the Revolving Fund and provide the Fund with resources.
1/10	Work Plan and Budget for the calendar year 2014	1 adopted the Work Plan and Budget for the year 2014, requested States Parties to pay their contributions in full and requested the Technical Secretariat to develop, in collaboration with the Scientific and Technical Advisory Committee and other relevant national, regional and international bodies qualified in fields related to hazardous wastes, a detailed Plan of Activities to implement the present Work Plan.	With limited funds available the Secretariat managed to execute some activities of the Workplan (see the Report by the Secretariat). However the Workplan was not carried out fully due to the lack of funds. Without resources the Secretariat has not been in position to convene a meeting of the Legal and Technical Working Group (LTWG) a detailed Plan of Activities.	<p>The Secretariat has developed a Work Plan and Budget for the biennium 2018-2019 for consideration by COP 2.</p> <p>The Secretariat is also submitting to consideration by COP 2 a draft decision on the Scale of assessment and Parties Assessed contributions for year 2018 and 2019.</p>
1/11	Date and venue of the 2nd Conference of the Parties	COP 1 Requested the Secretariat to convene the second meeting of the Conference of the Parties in March 2015 at Abidjan, Cote d'Ivoire, subject to official confirmation by this Party.	Taking note of the offer made by Cote d'Ivoire to host the second Conference of the Parties, COP 1 requested the Secretariat to convene the second meeting of the Conference of the Parties in March 2015 at Abidjan, Cote d'Ivoire, subject to official confirmation by	<p>Due to financial and budgetary constraints the Secretariat was not in position to convene COP 2 in March 2015.</p> <p>COP 2 is happening now.</p>

			this Party.	
1/12	Competent Authorities, Focal Point and Dumpwatch	<p>Article 5 states that: To facilitate the implementation of this Convention, the Parties shall:</p> <ol style="list-style-type: none"> <li>1. Designate or establish one or more competent authorities and one focal point. One competent authority shall be designated to receive the notification in case of a State of transit.</li> <li>2. Inform the Secretariat, within three months of the date of the entry into force of this Convention for them, which agencies they have designated as their focal point and their competent authorities.</li> <li>3. Inform the Secretariat, within one month of the date of decision, of any changes regarding the designations made by them under paragraph 2 above.</li> <li>4. Appoint a national body to act as a Dumpwatch. In such capacity as a Dumpwatch, the designated national body only will be required to co-ordinate with the concerned governmental and non-governmental bodies.</li> </ol> <p>By Decision 1-12 COP1 Requested Parties which had not yet informed the Secretariat of the designation or establishment of their Competent Authorities, Focal Point and Dumpwatch to do so at the earliest.</p>	<p>The Following Parties have communicated to the Secretariat the designation of their Official Contact Points:</p> <ul style="list-style-type: none"> <li>- <b>For the Focal Point:</b> Benin, Burkina Faso, Burundi, Cameroon, Chad, Cote d'Ivoire, Comoros, Congo, DRC Congo, Ethiopia, Gabon, Gambia, Mali, Mozambique, Niger, Senegal, Sudan, Tanzania and Togo.</li> <li>- <b>For the Competent Authority:</b> Benin, Burundi, Chad, Cameroon, Congo, Ethiopia, Gabon, Gambia, Mozambique, Senegal, Tanzania and Togo.</li> <li>- <b>For the Dumpwatch:</b> Burundi, Cameroon, Ethiopia, Gambia, Gabon, Mozambique, Senegal and Togo.</li> </ul>	<p>Parties that have not yet done so to communicate to the Secretariat their Official Contact Points using the dedicated forms.</p>
1/13	Notification Procedures for Transboundary Movement of waste	<p>Article 6 establishes procedures for transboundary movement of waste to be followed by export, import and transit countries. Art.7 extends certain provisions of Art.6 to transboundary movement from a Party through States which are not Parties.</p> <p>COP1:</p> <ul style="list-style-type: none"> <li>- Endorsed on an interim basis the Notification Form and the Movement Document for the transboundary movement of waste;</li> <li>- Requested Parties to meet their reporting obligations under the Bamako Convention using these forms;</li> <li>- Instructed the Legal and Technical Working Group (LTWG) to revise and amend the Notification Form and Movement Document for the transboundary movement of waste pursuant to article 6 and</li> </ul>	<ul style="list-style-type: none"> <li>- No party has reported to the Secretariat transboundary movement of waste.</li> <li>- Due to lack of funds The Secretariat was not able to convene a meeting of the Legal and Technical Working Group (LTWG) to revise and amend the Notification Form and Movement Document for the transboundary movement of waste.</li> <li>- Due to lack of funds The Secretariat was not able</li> </ul>	<ul style="list-style-type: none"> <li>- Parties to meet their reporting obligations under the Bamako Convention using the forms endorsed by COP 1.</li> <li>- Parties to discuss how to mobilize funds for the work of the LTWG and capacity building activities for focal points, competent authorities and Dumpwatches.</li> </ul>

		<p>article 7 of the Bamako Convention for consideration at the next Conference of the Parties;</p> <ul style="list-style-type: none"> <li>- Encouraged the Secretariat to identify necessary funds to hold a training workshop on Transboundary Movement and Notification Procedures for focal points, competent authorities and Dumpwatches.</li> </ul>	<p>to hold a training workshop on Transboundary Movement and Notification Procedures for focal points, competent authorities and Dumpwatches.</p>	
1/14	Illegal Traffic	<p>Article 9 states inter-alia that each Party shall introduce appropriate national legislation for imposing criminal penalties on all persons who have planned, carried out, or assisted in such illegal imports. Such penalties shall be sufficiently high to both punish and deter such conduct.</p> <p>COP 1 :</p> <ul style="list-style-type: none"> <li>- Adopted the "Guidance Elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Wastes";</li> <li>- Invited Parties in their efforts to preventing, identifying and managing illegal traffic to use these guidelines;</li> <li>- Requested Parties to ensure that national legislation for the management of chemical wastes and hazardous wastes to be developed also addressed the issue of illegal traffic of hazardous wastes and radioactive wastes;</li> <li>- Further requests the Parties to incorporate in their legal systems, appropriate sanctions or penalties on all persons who have planned, carried out or assisted in illegal traffic in hazardous wastes and radioactive wastes;</li> <li>- Strongly requests Parties to promote at the Ministerial level, all means to prevent and penalize illegal traffic in hazardous wastes;</li> <li>- Requests the Secretariat to assist Parties in developing national legislation and administrative procedures for the prevention, monitoring, repression and remediation of illegal traffic;</li> <li>- Further requests the Secretariat in its efforts to build the capacity of Parties to organize during the year 2014 a training workshop on prevention and monitoring of illegal traffic;</li> <li>- Encourages Parties to establish informal bilateral arrangements to better target illegal traffic between their countries;</li> <li>- Strongly encourages Parties to bring any cases, or,</li> </ul>	<ul style="list-style-type: none"> <li>- No party has reported to the Secretariat adoption of national legislation of management of chemicals and waste addressing the issue of illegal traffic of hazardous wastes and radioactive wastes;</li> <li>- No information was received by the Secretariat from Parties on alleged cases of illegal traffic;</li> <li>- Due to lack of funds the Secretariat was not in position to organize workshop on prevention and monitoring of illegal traffic; and to convene a meeting of the Legal and Technical Working Group (LTWG) to revise and amend the guidance elements for adoption by COP 2.</li> </ul>	<ul style="list-style-type: none"> <li>- Parties to report to the Secretariat on existing legislation on management of chemicals and waste.</li> <li>- Parties to discuss how best they can, with assistance of the Secretariat, in develop national legislation and administrative procedures for the prevention, monitoring, repression and remediation of illegal traffic;</li> <li>- Parties to promote at the Ministerial level, all means to prevent and penalize illegal traffic in hazardous wastes;</li> <li>- Funds need to be made available for the work of the Legal and Technical Working Group (LTWG) to revise and amend the guidance elements for adoption by the next Conference of the Parties.</li> </ul>

		<p>if appropriate, alleged cases of illegal traffic to the attention of the Secretariat and to provide the Secretariat with all necessary information to enable it to take any appropriate action in accordance with Article 9 of the Convention;</p> <ul style="list-style-type: none"> <li>- Requests the Secretariat to report to the second meeting of the Conference of the Parties, through the Legal and Technical Working Group (LTWG) as appropriate, on information received from Parties;</li> <li>- Encourages the Secretariat to establish a strong organic and programmatic collaboration with the Basel Convention Secretariat and the relevant international institutions in order to achieve better control and monitoring of cases of illegal traffic in hazardous wastes;</li> <li>- Further encourages the Secretariat to explore ways of improving its cooperation with non-governmental organizations, industry and the private sector for the prevention and monitoring of illegal traffic;</li> <li>- Invites Parties in their efforts to preventing, identifying and managing illegal traffic to use the Guidance Elements for Detection, Prevention and Control of Illegal traffic in Hazardous Wastes developed under the Basel Convention as an interim measure and;</li> <li>- Further requests the Legal and Technical Working Group (LTWG) to revise and amend the guidance elements for adoption by the next Conference of the Parties.</li> </ul>		
<p>1/15</p>	<p>Decision on the Prevention of Hazardous e-Waste and Near End-of-Life - Importation and Dumping in Africa</p>	<p>COP 1 urged, Parties and other African states that have not already done so, to enhance or supplement existing legislation to prevent illegal and unwanted traffic in hazardous and other e-waste from entering their territory and the African Continent; encouraged, Parties, and other African states to likewise create and adopt legislation for individual producer responsibility in the collection and environmentally sound recycling of domestic arisings of e-waste in the Continent of Africa; called upon, Parties and other African states that have not already done so to legally consider all non-functional or untested used electronic equipment as hazardous waste and prevent their importation into the African Continent and to adopt legislation to control the importation of near-end-of-life or unwanted equipment, inter alia by designating such equipment as hazardous waste; to strengthen their capacity and institutions to implement all</p>	<p>No legislation or policies on E-waste communicated to the Secretariat from Parties.</p>	<p>Parties to discuss how collectively, and with support from the Secretariat, they can work to develop and implement legislative frameworks, policies and other measures for sound management of E-waste.</p>

		<p>relevant measures on the prevention and control of transboundary movement of e-waste including participation in partnerships such as the Africa –European Union Network on the Prevention and Control of illegal import of e-waste from Europe into Africa, INECE, and others; and to nationally and regionally undertake intense promotion and implementation of public education and awareness on the environmental and human health problems associated with the uncontrolled importation of e-waste while taking advantage of the economic opportunities including the creation of green jobs that may arise from the environmentally sound management of e-waste; etc.</p>		
1/16	Legal and Technical Assistance	<p>COP 1:</p> <ul style="list-style-type: none"> <li>- Called upon the Secretariat of the Basel, Rotterdam and Stockholm Conventions to officially inform Parties, through the Secretariat of the Bamako Convention about its short and long term planned actions within the Africa Region.</li> <li>- Requested the Secretariat of the Bamako Convention, in collaboration with the Secretariat of the Basel, Rotterdam and Stockholm Conventions to develop technical guidelines for all aspects of hazardous wastes management.</li> <li>- Further requests the Secretariat of the Bamako Convention, in cooperation with the Secretariat of the Basel, Rotterdam and Stockholm Conventions to develop programmes of training and technology transfer and to conduct joint capacity building activities.</li> <li>- Also requests the Secretariat of the Bamako Convention, working with other Institutions dealing with chemical and waste issues, to undertake with them and, subject to the availability of funds, the necessary actions to develop for Parties upon request, legal and technical capacity for the management of hazardous chemicals and wastes. This could include an adaptation of the Model legislation developed under the Basel Convention or the adoption of a broader approach.</li> <li>- Urges Parties, Non-Parties, intergovernmental organizations, members of the industries and business sectors, and non-governmental organizations to provide financial resources or assistance in kind, to assist countries in need of such assistance in the development of training activities, seminars and technology transfer for the environmentally sound management of hazardous</li> </ul>	<p>The Secretariat of the Bamako convention and the Secretariat of BRS conventions jointly carried out some capacity building activities.</p>	<p>Parties to provide funds for enhancing and strengthening the capability of the Secretariat of the Bamako convention to carry out joint capacity building and legal and technical assistance programme with the Secretariat of the BRS conventions and other partners.</p>

		wastes.		
1/17	Relationship between the Secretariats of the Basel and Bamako Conventions	<p>Article 11.5 states that, taking into account the needs of developing countries, co-operation between international organizations is encouraged in order to promote, among other things, public awareness, the development of rational management of hazardous waste, and the adoption of new and non/less polluting technologies.</p> <p>COP 1 encouraged the Secretariat to further strengthen its collaboration with the Secretariat of the Basel, Rotterdam and Stockholm Conventions and any other relevant Secretariats of Conventions; and adopted the principle that designated Centers for the Basel and Stockholm conventions in Africa are ipso facto designated centers for the Bamako Convention.</p>	The Secretariat of the Bamako convention established contacts with BRS Secretariat, Minamata interim Secretariat, Chemicals Branch and other relevant partners within and outside the UN system to seek possible partnerships and establish/strengthen cooperation on issues related to transboundary movements and sound management of hazardous wastes.	Parties may discuss the ways and means to strengthen the Secretariat and support its efforts for partnership with relevant international Organizations in order to promote, among other things, public awareness, the development of rational management of hazardous waste, and the
1/18	Cooperation with other Institutions	<p>Article 11.4 states that Parties shall use appropriate measures to promote South-South co-operation in the implementation of this Convention.</p> <p>COP 1 encouraged the Secretariat to establish a strong collaboration with the Secretariat of the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region (Waigani Convention); and to establish a strong collaboration with any other relevant Secretariats of Regional Conventions.</p>	The Secretariat held bilateral discussions with the Secretariat of the Waigani convention (the Asia-Pacific regional convention on hazardous waste) which expressed also their interest in cooperation with the Bamako convention. The two Secretariats jointly organized a side event during the BRS CPOs in May 2015.	<p>The Parties may discussions how the implementation of the Bamako Convention could benefit from South-South cooperation, and from cooperation with African Regional Economic Communities, and the African Union.</p> <p>The Secretariat of the Bamako convention will strengthen relationships with the Secretariat of the Waigani Convention, and widen its relations to other relevant regional Organizations.</p>
1/19	Liabilities and compensation	<p>Article 12 states that the Conference of Parties shall set up an ad hoc expert organ to prepare a draft protocol setting out appropriate rules and procedures in the field of liabilities and compensation for damage resulting from the transboundary movement of hazardous wastes.</p> <p>By Decision 1/19 COP 1 established an Ad-Hoc Expert Group on Liabilities and Compensation (AHG-LC) and adopted the Terms of Reference (TOR) of AHG-LC.</p>	The Following Parties have communicated to the Secretariat the designation of members of the AHG-LC: Congo, DR Congo, Sudan, Tanzania and Togo	<p>Parties that have not yet done so to communicate to the Secretariat their experts to participate in the work of the AHG-LC using the dedicated forms.</p> <p>Parties and the Secretariat to discuss how to fund the work of the AHG-LC.</p>
		Article 13 establishes procedures for transmission of information among Parties and between the Parties and the Secretariat.	- No reports received by the	Parties may discuss how best



<p>1/20</p>	<p>Transmission of information</p>	<p>COP 1:</p> <ul style="list-style-type: none"> <li>- Endorsed on an interim basis the Transmission of Information Form;</li> <li>- Requested the Parties to provide reports in accordance with Article 13 for the calendar year 2014 using this Form;</li> <li>- Instructs the Legal and Technical Working Group (LTWG) to revise and amend the Form for consideration at the next Conference of the Parties;</li> <li>- Requests the Secretariat to prepare country-fact sheets after Parties have fulfilled their first reporting requirements and subsequent ones under the Bamako Convention and to make such information available on a regular basis to the Parties, Non Parties, any other related Convention Secretariats, institutions and agencies having a direct interest in the environmentally sound management of hazardous wastes;</li> <li>- Further requested the Secretariat to provide Parties with advice for the management of information on hazardous wastes;</li> <li>- Encouraged the Secretariat to seek and identify the necessary funding to assist Parties upon request to set up procedures and other arrangements to facilitate the collection of their data and the preparation of inventories of hazardous wastes;</li> <li>- Encouraged the Parties that are in a position to do so to collaborate with and assist the Parties in need in setting up procedures and other arrangements to facilitate the collection of data and preparation of inventories of hazardous wastes;</li> <li>- Further requests the Secretariat to establish a clearinghouse mechanism and link it to other relevant clearinghouses or databases managed by regional organizations or members, and also with other relevant Secretariats of Conventions.</li> <li>- Encourages the Secretariat to identify necessary funds to hold a training workshop on Reporting and Inventories of Hazardous Wastes for focal points, competent authorities and Dump watches.</li> </ul>	<p>Secretariat from Parties to allow to prepare country-fact sheets and to make such information available on a regular basis to the Parties, Non Parties, any other related Convention Secretariats, institutions and agencies having a direct interest in the environmentally sound management of hazardous wastes, and to Secretariat to establish a clearinghouse mechanism.</p> <ul style="list-style-type: none"> <li>- No funds available to support the work of the Legal and Technical Working Group (LTWG) to revise and amend the Form for consideration at COP 2.</li> <li>- No funds available to hold a training workshop on Reporting and Inventories of Hazardous Wastes for focal points, competent authorities and Dump watches.</li> </ul>	<p>they can organise themselves at the national/regional level to provide reports to the Secretariat and funds for the work of the LTWG and the other national entities engaged in the national implementation of the Bamako convention.</p>
		<p>Article 15.3 states that the Parties to this Convention at their first meeting shall consider any additional measures needed to assist them in fulfilling their responsibilities with respect</p>		<p>At COP 2 Parties may discuss on</p>

1/21	Protection and preservation of the marine and inland waters environments	<p>to the protection and the preservation of the marine and inland waters environments in the context of this Convention.</p> <p>COP 1 decided to defer the consideration of the agenda item on the protection and preservation of marine and inland waters environments to the second session of the Conference of the Parties.</p>	n.a.	actions to be taken on the protection and preservation of marine and inland waters environments
1/22	Decision on the Establishing a List of Hazardous Substances to be considered Hazardous Waste under Article 2, paragraph 1(d)	<p>Article 2, paragraph 1(d) of the Bamako Convention considers as hazardous waste, all substances, including products if they have been banned, cancelled or refused registration by government regulatory action, or voluntarily withdrawn from registration in the country of manufacture, for human health or environmental reasons;</p> <p>COP 1 recognized the need to establish a dynamic list of substances described by Article 2, paragraph 1(d) in order to complete a new Annex containing such substances and to provide Parties with a complete hazardous waste definition as defined by the Bamako Convention.</p> <p>COP 1 :</p> <ul style="list-style-type: none"> <li>- Requested the Secretariat, in cooperation with the Secretariat of the Rotterdam Convention to produce a list of substances described by Article 2, paragraph 1(d) in order to establish a new Annex VI to be approved at the Second Meeting of the Conference of Parties.</li> <li>- Urged Parties to report to the Secretariat any such hazardous substances which are described by Article 2, paragraph 1(d) at the earliest opportunity.</li> </ul>	The Secretariat compiled a list of substances corresponding to Article 2, paragraph 1(d) definition for review by the Conference of the Parties.	COP may wish to discuss the draft decision prepared by the Secretariat.
1/23	Decision on Ratification and Domestication of Mutually Beneficial Instruments: Bamako Convention, Basel Convention and Basel Ban Amendment	<p>COP 1 recognised the need for a global recognition of the Bamako Convention's purpose and intent to Ban the Import of all forms of hazardous and radioactive wastes into the African Continent and:</p> <p>Strongly encourages all Parties current or future, who have not already done so, to ratify the Basel Convention and the Basel Ban Amendment as a matter of urgency and to create implementation legislation to domesticate these instruments into national law.</p> <ul style="list-style-type: none"> <li>- Strongly encouraged all African States who have not already done so, to ratify the Bamako and Basel Conventions and the Basel Ban Amendment as a matter of urgency and to create</li> </ul>	Lack of funds for the Secretariat to provide assistance to Parties, Signatories and Non-Parties in the process of ratification of the Bamako and Basel Conventions and the Basel Ban Amendment, and creation of implementation legislation to domesticate these instruments into national law	<ul style="list-style-type: none"> <li>- Parties may wish to discuss how the regional processes (including within the African Union) can be used for promotion of ratification of these instruments.</li> <li>- Parties to provide funds to the Secretariat to work on</li> </ul>

		<p>implementation legislation to domesticate these instruments into national law;</p> <ul style="list-style-type: none"> <li>- Requested all Parties to report on status and progress with regards to paragraph 1 above and provide information regarding any obstacles in ratifying and implementing the noted instruments;</li> <li>- Requested the Bamako Convention Secretariat in cooperation with the Basel, Rotterdam and Stockholm Conventions Secretariat to provide any assistance to Parties that may be experiencing difficulties in achieving the desired ratifications and corresponding domestic legislation as noted in paragraphs 1-2 above.</li> </ul>		these matters.
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## VIII – CONCLUSION, RECOMMENDATIONS, PROPOSED POINTS FOR DISCUSSION FOR THE CONFERENCE OF PARTIES

### **1. National Implementation.**

1. How to encourage all Parties current or future, who have not already done so, to ratify the Basel Convention and the Basel Ban Amendment as a matter of urgency and to create implementation legislation to domesticate these instruments into national law;
2. How to encourage Parties of the Bamako convention to implement at national level the chemical conventions to which they are parties in a coordinated and synergetic manner;
3. Parties which had not yet informed the Secretariat of the designation or establishment of their Competent Authorities, Focal Point and Dumpwatch to do so at the earliest;
4. Parties which had not yet done so to nominate competent experts to the Legal and Technical Working Group (LTWG);

5. Parties which had not yet done so to nominate competent experts to the Ad-Hoc Expert Group on Liabilities and Compensation (AHG-LC);
6. Parties and other African states that have not already done so, to enhance or supplement existing legislation to prevent illegal and unwanted traffic in hazardous and other e-waste from entering their territory and the African Continent;
7. Parties, and other African states to likewise create and adopt legislation for individual producer responsibility in the collection and environmentally sound recycling of domestic arisings of e-waste in the Continent of Africa;
8. Parties, and other African states that have not already done so to adopt legislation to control the importation of near-end-of-life or unwanted equipment, inter alia by designating such equipment as hazardous waste.

2. **International cooperation.**

1. How to empower the Secretariat of the Bamako Convention with a view to avoiding duplication and promoting synergies, to establish and strengthen organic and programmatic cooperation with the Secretariat of the Basel, Rotterdam and Stockholm Conventions;
2. How to empower the Secretariat to undertake the necessary steps for further conducting joint capacity development activities with the Secretariats of the Basel Rotterdam and Stockholm Conventions for the management of chemicals and hazardous wastes in an integrated manner at the national level.

3. **Expansion of membership of the convention.**

1. How to strongly encourages all African States who have not already done so, to ratify the Bamako and Basel Conventions and the Basel Ban Amendment as a matter of urgency and to create implementation legislation to domesticate these instruments into national law, as requested by Decision 1/23 of COP1.
2. How to encourage Parties to raise awareness on the Bamako convention and bring it to the attention of the African Union for inclusion in the agenda of the next summit of Heads of States.

#### **4. Financial matters**

1. Parties to discuss the scale of assessments for the year 2018 and year 2019;
2. How States Parties can be encouraged to pay their contributions in full;
3. How to Encourage Parties and non-Parties to make voluntary contributions into the Trust Fund as soon as possible to ensure the smooth implementation of the decisions of the Conference.

#### **5. Possible synergies with existing chemicals and waste MEAs**

1. To avoid unnecessary duplication and increase efficiency, it is of key importance to promote synergies with the existing MEAs, especially with the Basel convention, and to establish and strengthen organic and programmatic cooperation with the BRS Secretariat. This would include for example conducting joint capacity development activities with the BRS Secretariat for the management of chemicals and hazardous wastes in an integrated manner at the regional and national levels.
2. The coordinated implementation at national level of the chemical conventions is all the more necessary as the table below shows that almost all Parties to the Bamako convention are also members of the BRS and Minamata conventions. This would streamline the chemical management agenda in these countries.

No	Parties to Bamako Convention	Basel convention	Rotterdam convention	Stockholm convention	Minamata convention
1	Benin	Party	Party	Party	Party
2	Burkina Faso	Party	Party	Party	Party
3	Burundi	Party	Party	Party	Signatory
4	Chad	Party	Party	Party	Party
5	Cameroon	Party	Party	Party	Signatory
6	Comoros	Party	<u>Non Signatory</u>	Party	Signatory
7	Congo	Party	Party	Party	Signatory
8	Côte d'Ivoire	Party	Party	Party	Signatory
9	Democratic Rep. of Congo	Party	Party	Party	<u>Non Signatory</u>
10	Egypt	Party	<u>Non Signatory</u>	Party	<u>Non Signatory</u>
11	Ethiopia	Party	Party	Party	Signatory
12	Gabon	Party	Party	Party	Party
13	Gambia	Party	Party	Party	Party
14	Libya	Party	Party	Party	Signatory

15	Mali	Party	Party	Party	Party
16	Mauritius	Party	Party	Party	Party
17	Mozambique	Party	Party	Party	Signatory
18	Niger	Party	Party	Party	Party
19	Senegal	Party	Party	Party	Party
20	Sudan	Party	Party	Party	Signatory
21	Tanzania	Party	Party	Party	Signatory
22	Togo	Party	Party	Party	Party
23	Tunisia	Party	Party	Party	Signatory
24	Uganda	Party	Party	Party	Signatory
25	Zimbabwe	Party	Party	Party	Signatory

Table1: Status of Parties to the Bamako convention with regard to other chemicals and waste MEAs.