



The Basel Convention for the Control of Transboundary Movements of Hazardous Wastes and their Disposal

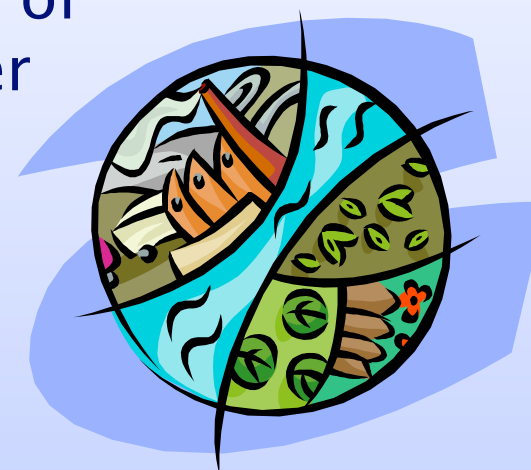
Click to edit Master subtitle style

**“Illegal Trade in Natural Resources” –What Brussels Can Do?
Brussels, 29–30 September 2010**

*Amélie M. Taoufiq-Cailliau
Legal Officer*

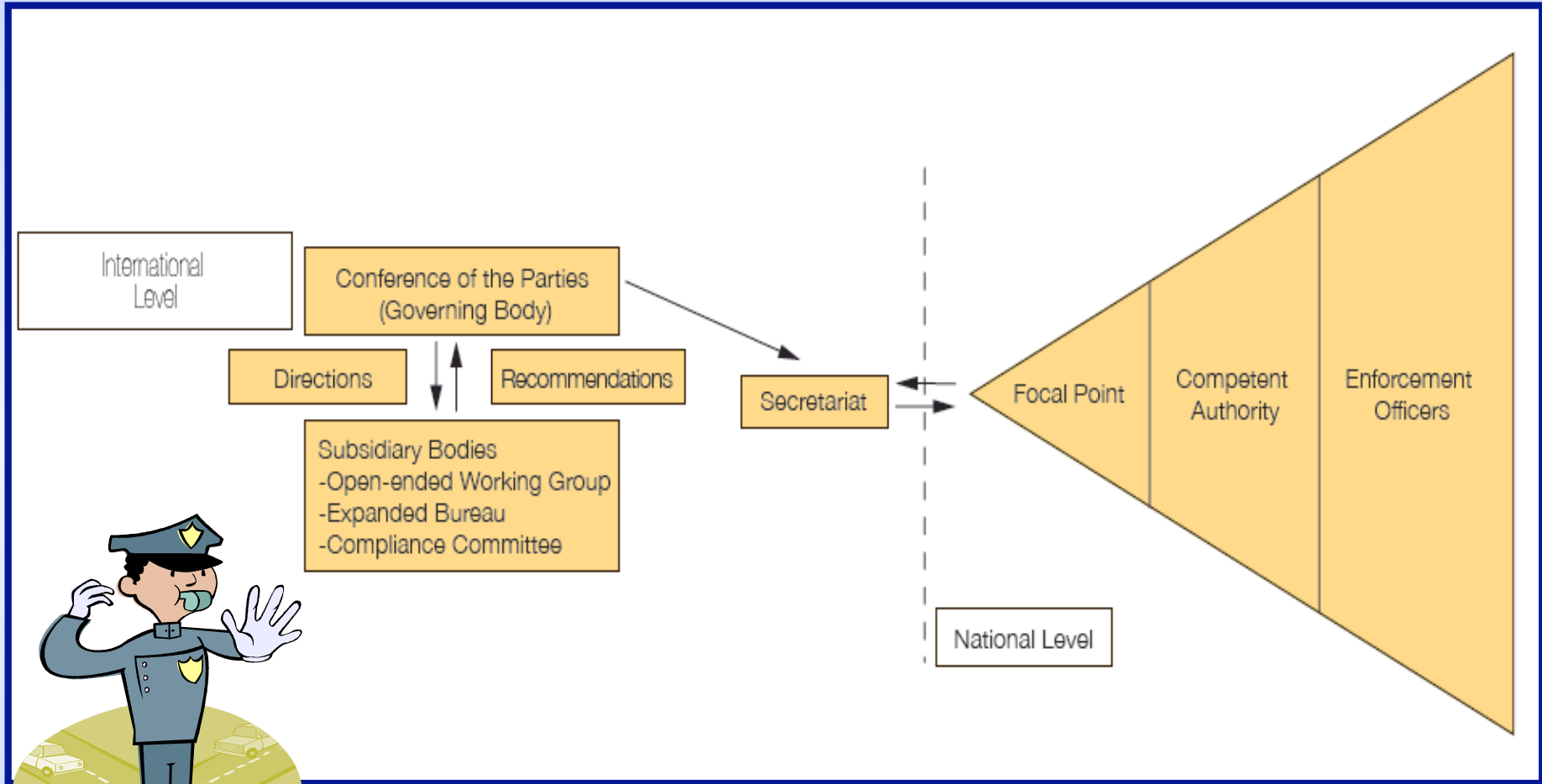
Main Goal of the Convention

To protect, by strict control,
human health and the
environment against the adverse
effects resulting from the
generation and management of
hazardous wastes and other
wastes





- Adopted on 22 March 1989
- Entered into force on 5 May 1992
- 174 Parties to the Convention as at 31 March 2010



It is imperative to know who serves as the Competent Authority

- Fifth
Outline
Level

Wastes Controlled by the Basel Convention: “BC Wastes”



- Click to edit the outline text format

Second Outline Level

• “Hazardous wastes” are wastes listed in Annex I and exhibiting Annex III characteristics, such as explosive, flammable, oxidizing, poisonous or corrosive. Annexes VII and IX further clarify what is – and what is not – understood by “hazardous wastes”.

– Third Outline Level
- “Other wastes” are wastes listed in Annex II: wastes collected from households and residues arising from the incineration of household wastes.

Fourth Outline Level
- Wastes considered hazardous under the national legislation of a Party, as notified to the Secretariat under Article 3.

Fifth Outline Level

Illegal Traffic in BC Wastes (1)

Illegal traffic refers to any transboundary movement of BC wastes (Art. 9):

- (a) Without notification to all States concerned;
- (b) Without the consent of a State concerned;
- (c) With consent obtained from States concerned through falsification, misrepresentation, or fraud;
- (d) That does not conform in a material way with the documents;
- (e) That results in deliberate disposal (e.g. dumping) of BC wastes in contravention of the Convention and of general principles of law

Click to edit the outline

text format

Second Outline

Level

Third Outline

Level

Fourth Outline

Level

Fifth Outline

Level

Level

Slide

Illegal Traffic in BC Wastes (2)

λ Click to edit the outline

. Parties are required to consider illegal traffic as a crime

λ Second Outline

. In cases of illegal traffic which is due to conduct of the exporter or generator, the State of export shall ensure that the wastes in question are:

– Third Outline

Level

– Taken back by the exporter or the generator or the State of export; or

λ Fourth Outline

Level

– Are otherwise disposed of in accordance with the provisions of the Convention

– Fifth

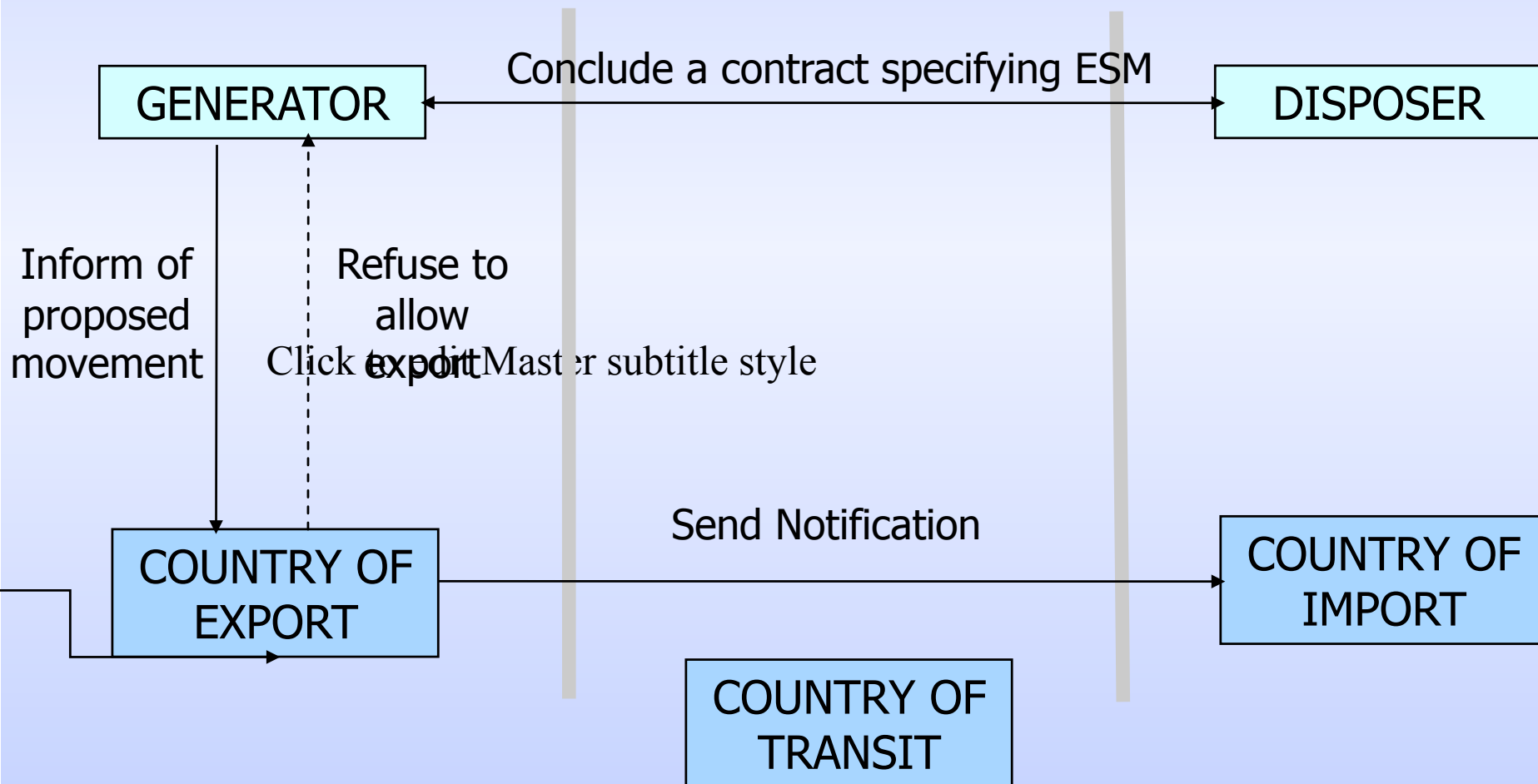
Outline

Level

Slide 41

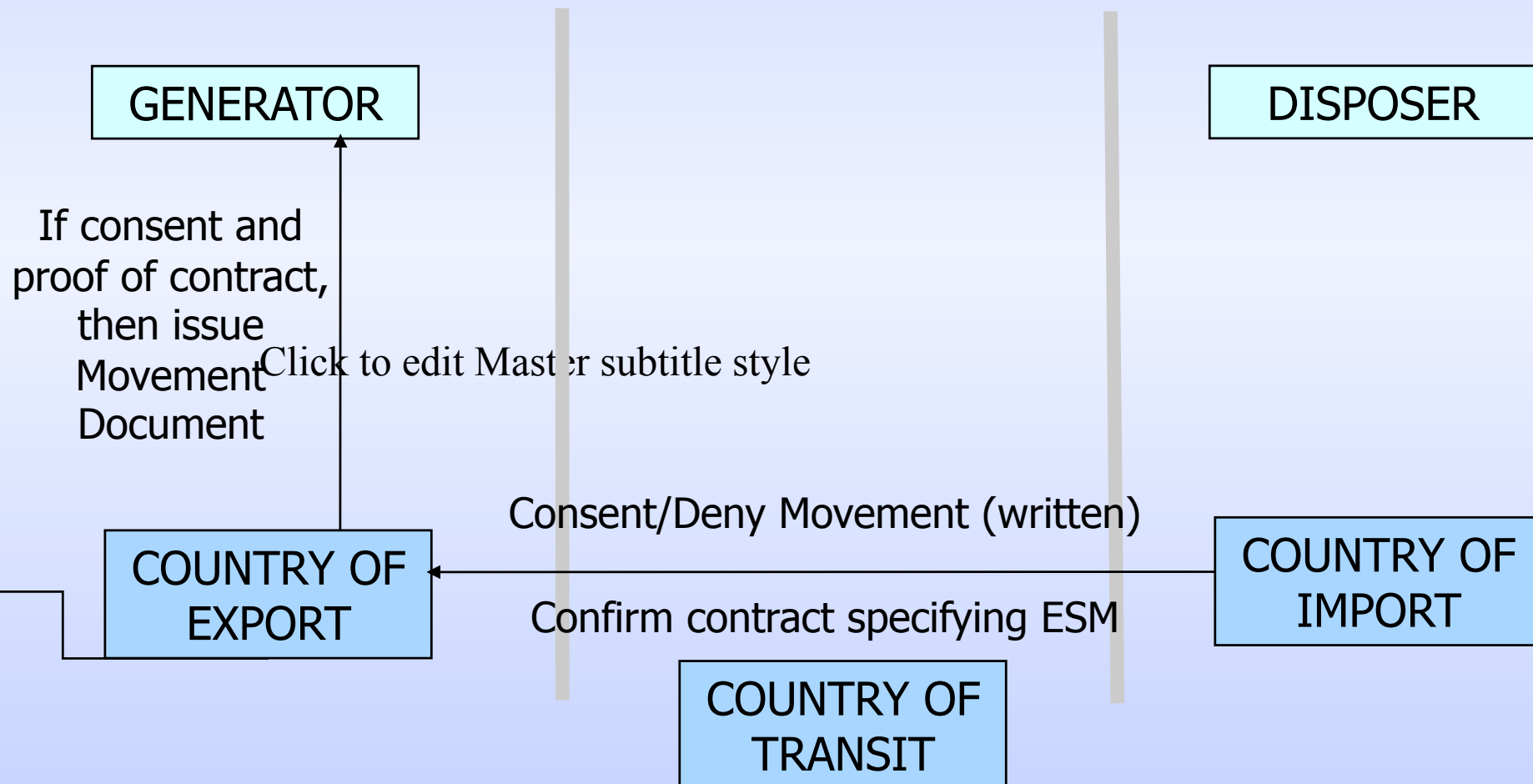
Basel Rules from Start to Finish

Stage 1: Notification



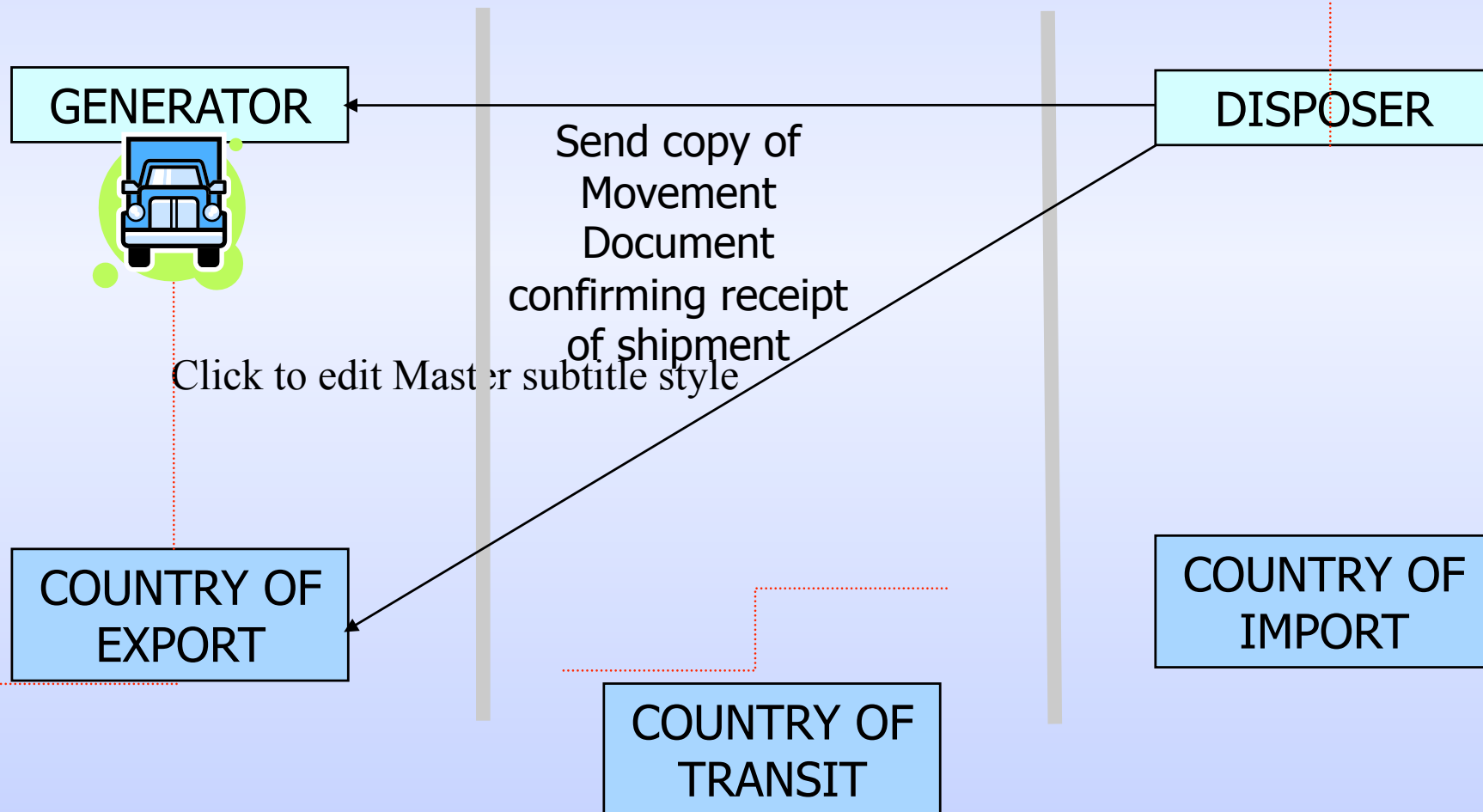
Basel Rules from Start to Finish

Stage 2: Consent and Issuance of Movement Document



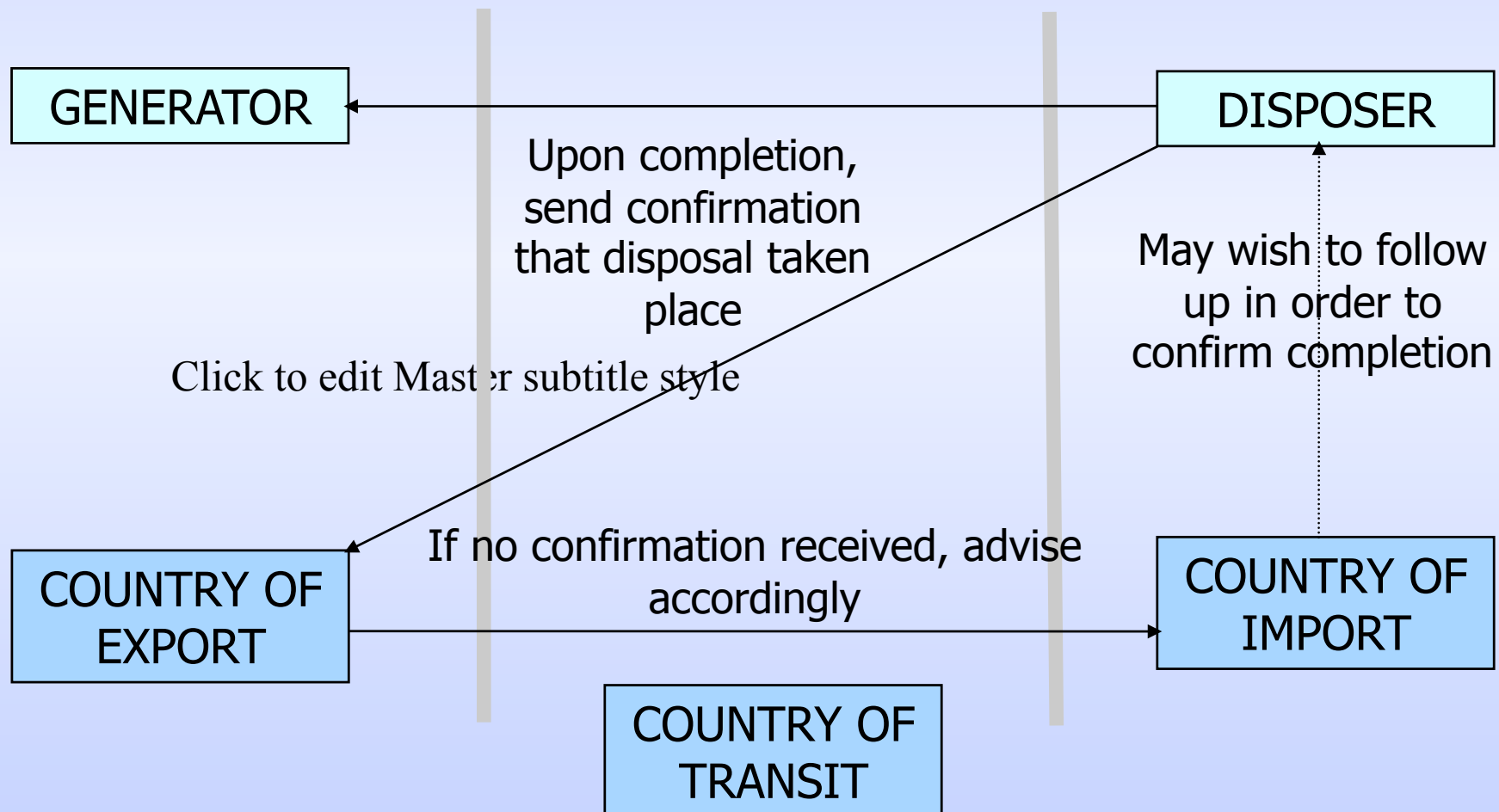
Basel Rules from Start to Finish

Stage 3: Transboundary Movement



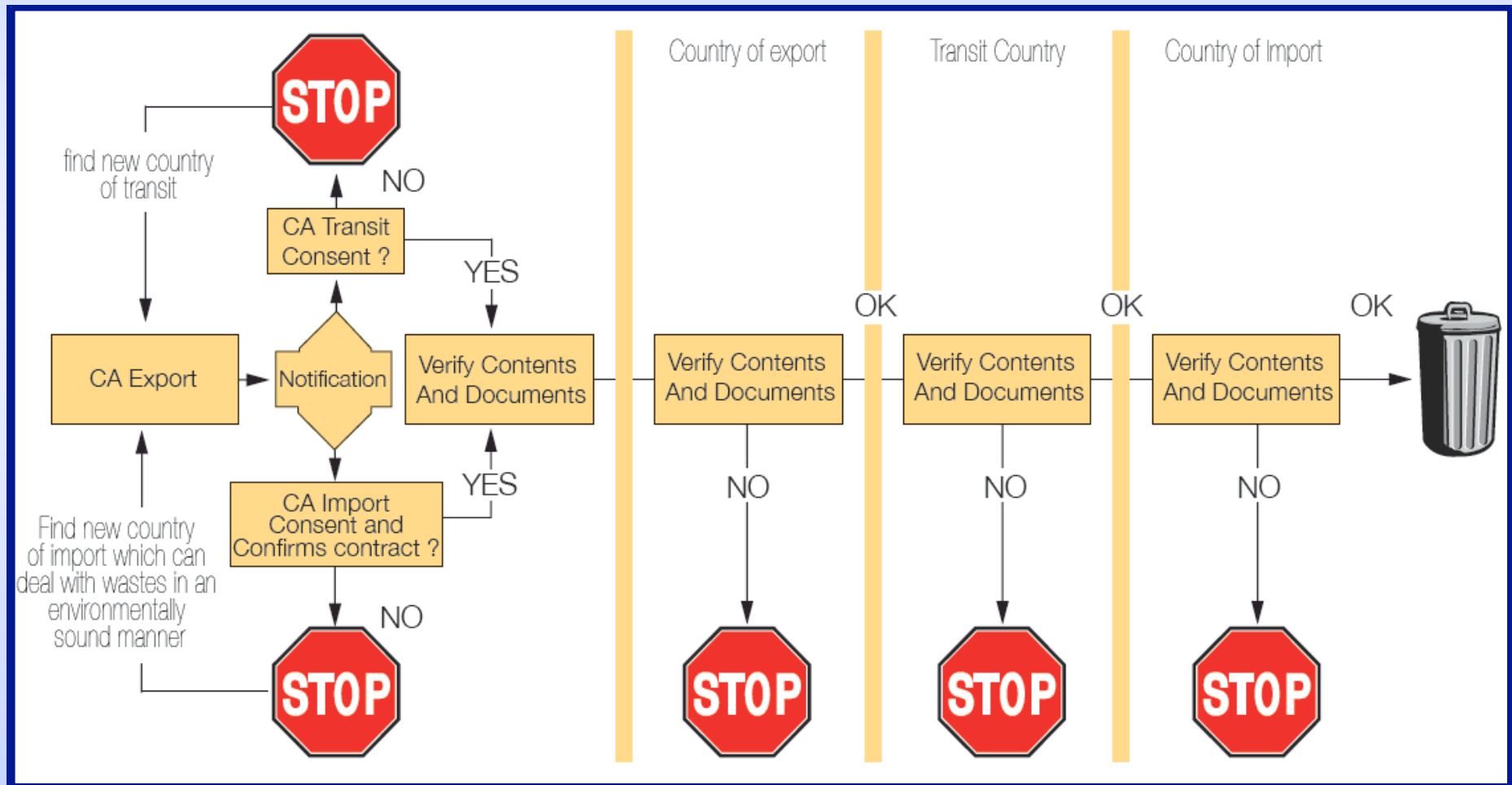
Basel Rules from Start to Finish

Stage 4: Confirmation of disposal

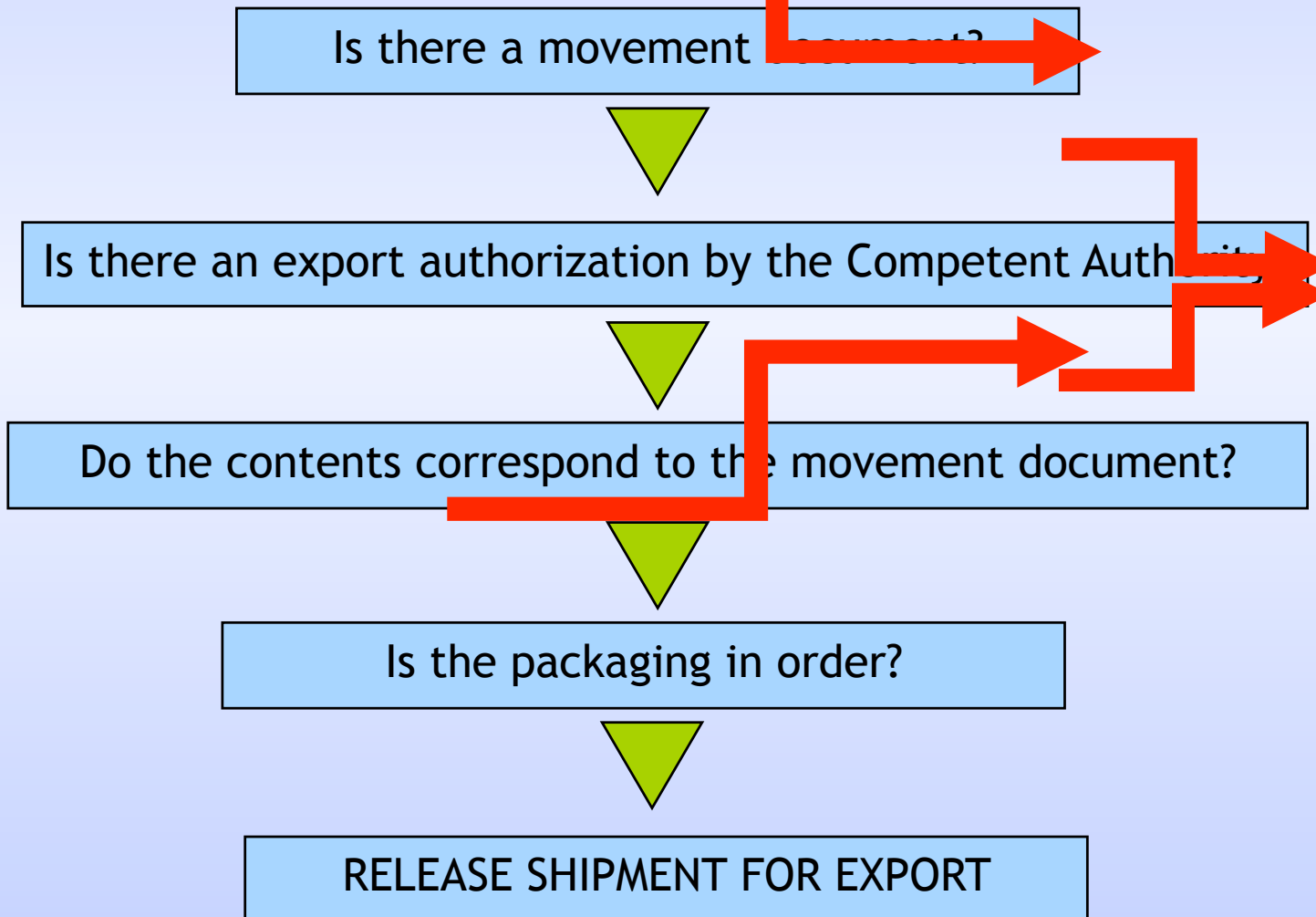


Verification at Customs

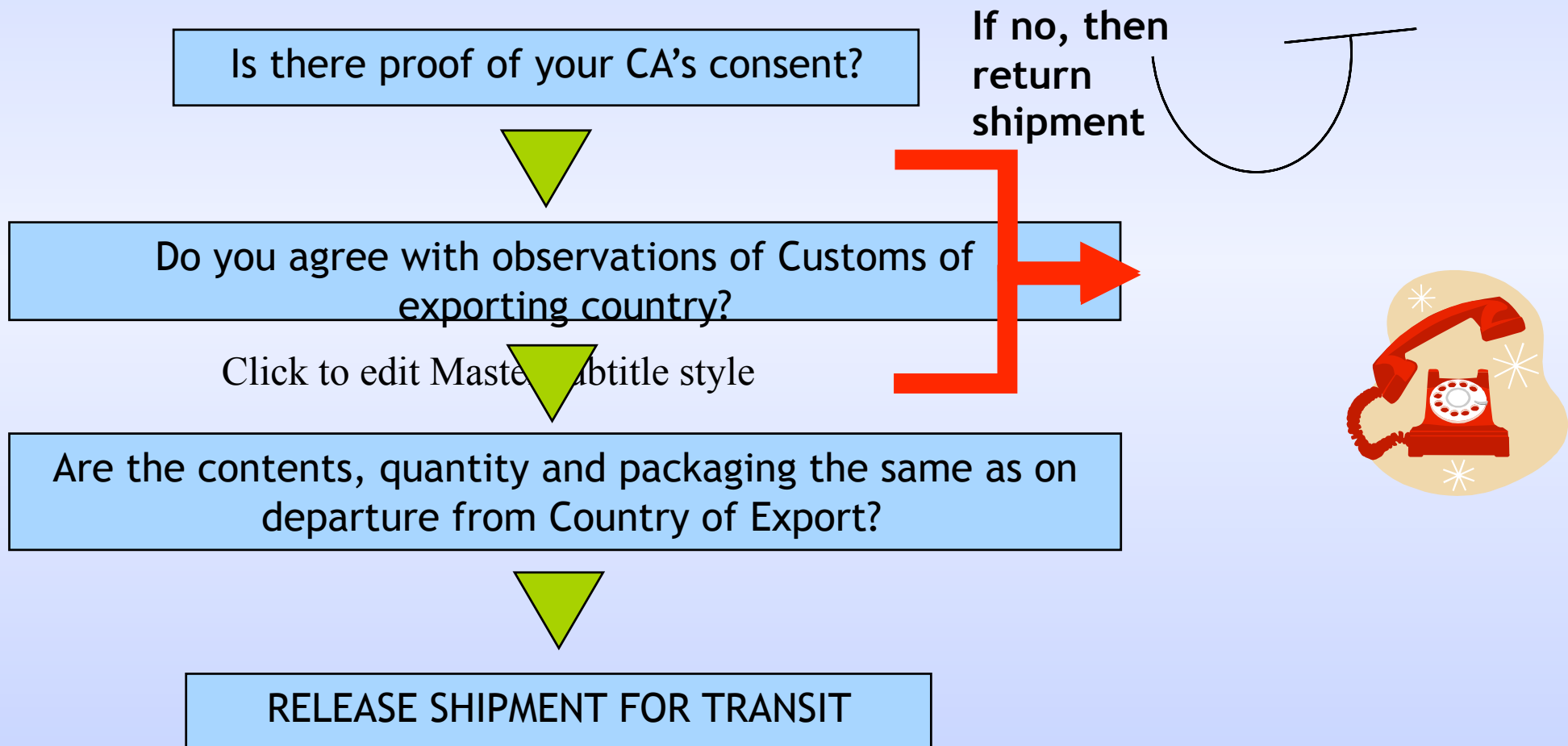
Illegal activities can occur at any of these four stages:



Border Control Procedures Customs at Country of Export



Border Control Procedures Customs – Transit Country (Entry)



Border Control Procedures Customs – Transit Country (Exit)

Are the contents, quantity and packaging the same as on entry into Country of Transit?

Click to Contact Master

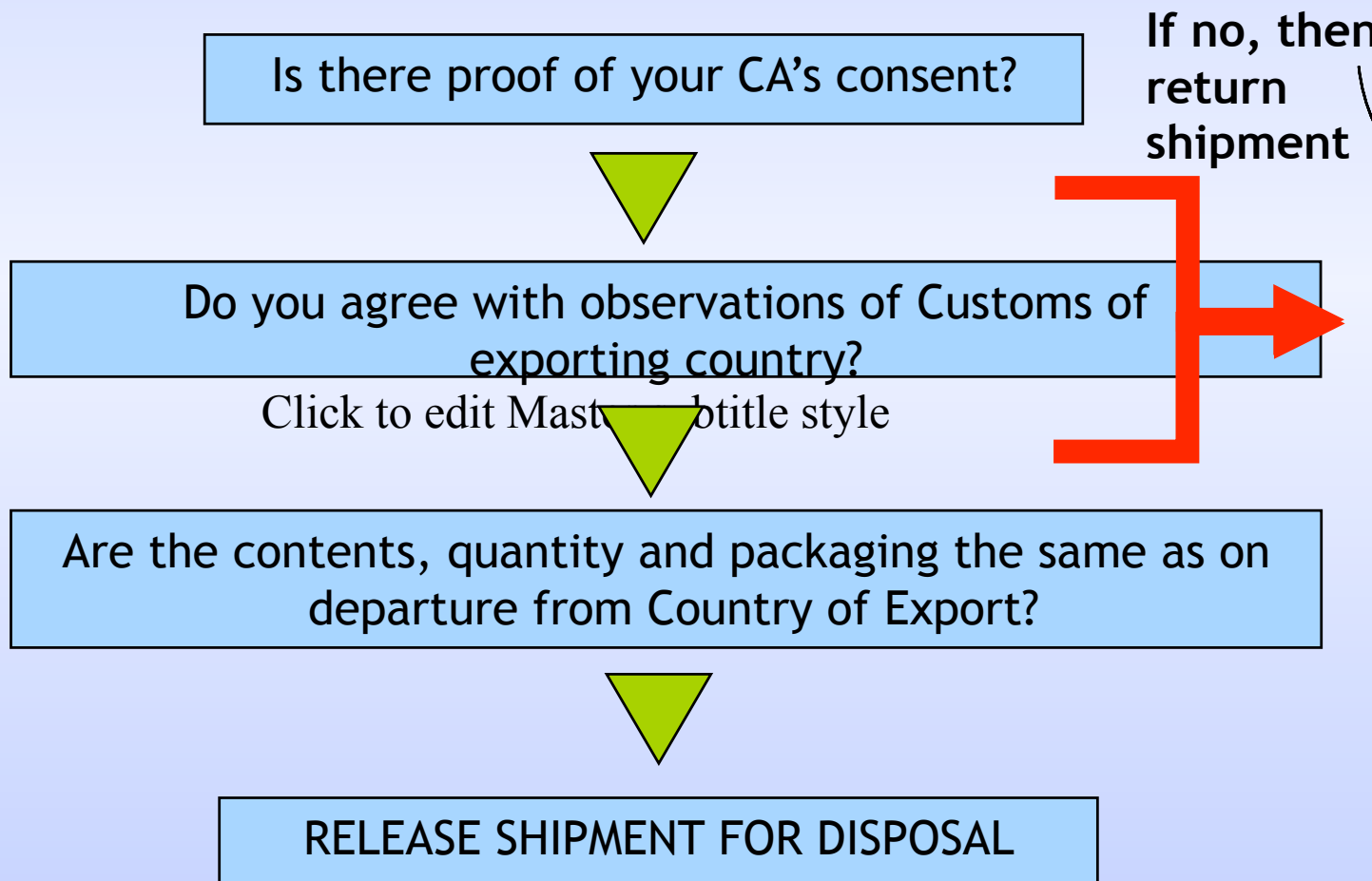
If more, is there adequate documentation to account for surplus?

NO

RELEASE FOR MOVEMENT TO COUNTRY OF
IMPORT



Border Control Procedures Customs – Import Country



If no, then
return
shipment



Responding to a suspect shipment

Four essential steps:

- (a) Assess the situation;
- (b) Identify the hazardous substance;
- (c) Secure the scene;
- (d) Report the incident to relevant health, safety and regulatory personnel



Cooperation to enforce the Basel Convention

λ Click to edit the outline text format

National Level:

. Customs officers and enforcement agents; Port Authorities; Focal Points; Competent Authorities; Ministries of Justice; and Prosecution services

Regional Level:

. Inter-regional cooperation and exchange of information

International Level:

. Basel Convention, WCO, Interpol, Green Customs

Second Outline Level

- The Level



Level

Slide 1

Relevant Basel Convention Reference Materials

- **Guide to the Control System (Instruction Manual)**
<http://www.basel.int/pub/instruct.doc>
Click to edit the outline text format
- **Instructions for Completing the Notification and Movement Documents**
<http://www.basel.int/techmatters/forms-notif-mov/vCOP8.pdf>
Second Outline Level
- **Guidance Elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Wastes**
http://www.basel.int/legalmatters/illegtraffic/ge_e.doc
Third Outline Level
- **Training Manual on Illegal Traffic for Customs Officers and other Enforcement Agencies**
<http://www.basel.int/legalmatters/illegtraffic/trman-e.pdf>
Fourth Outline Level



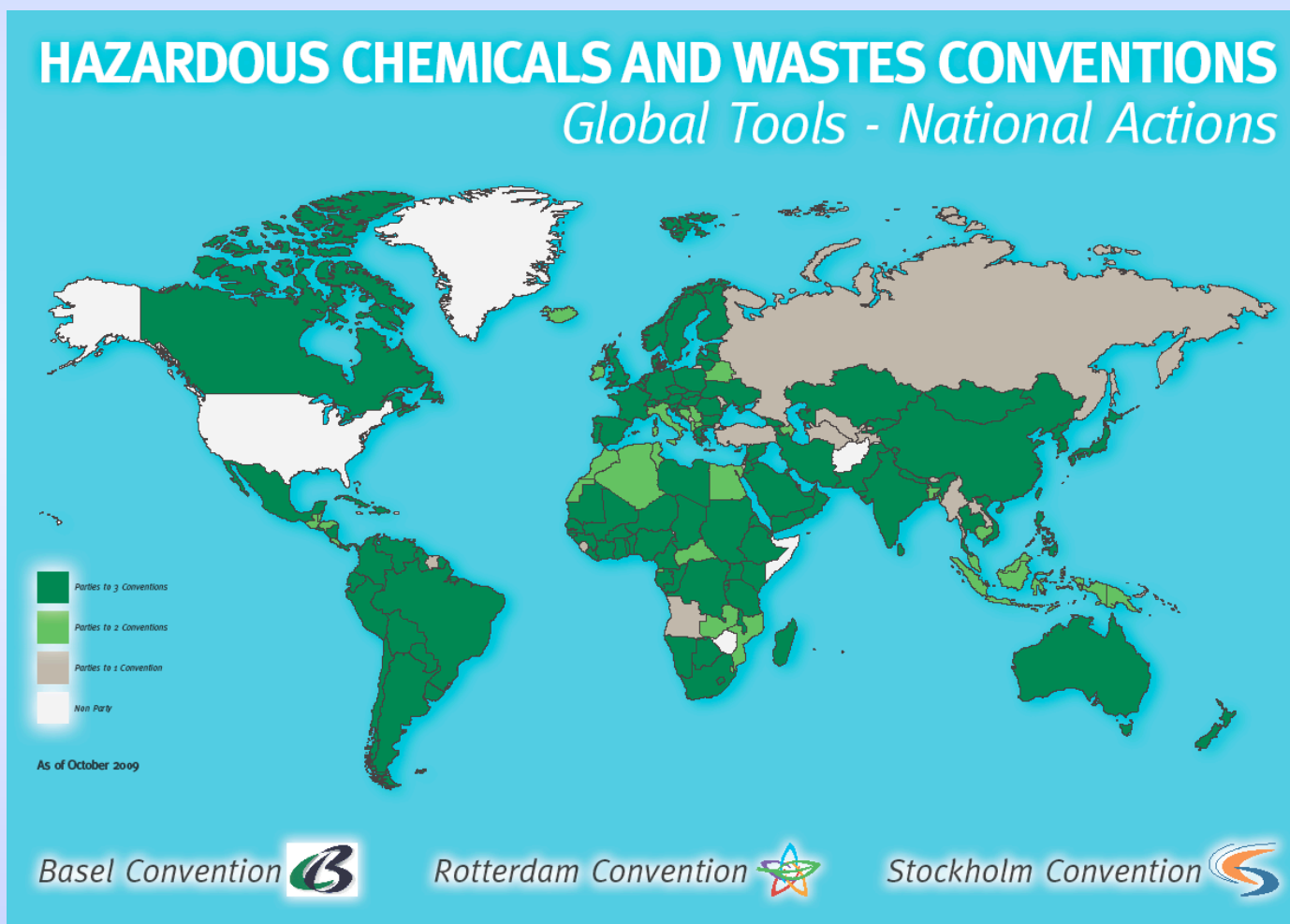


Cooperation between the Basel Convention and the Washington Convention



- The Washington Convention: international trade in endangered species of wild fauna and flora (CITES): 1975, entry into force –2010, 35th anniversary); 175 Parties
- Goal: to contribute to the reduction and ultimate elimination of illegal trade in wild fauna and flora
- CITES is
 - ◇ the Convention on international trade (97% of CITES-listed species is allowed provided it satisfies the conditions of legal, sustainable, traceable) not on illegal trade
 - ◇ a biodiversity-related Convention
- How: a permit system to regulate commercial and non-commercial international trade in live/dead animals and plants as well as their derivatives
- Cooperation in implementation with a broad range of entities, including: FAO, WTO, World Bank, UNCTAD, UNODC (drug control), WCO, INTERPOL, IATA, WWF, TRAFFIC, the private sector and academic bodies, etc.

Synergies in chemicals and wastes



Synergies in chemicals and wastes



A framework for Life Cycle Management:



The 3 Conventions together cover elements of “cradle-to-grave” management to pro

Synergies in chemicals and wastes

Since 2004, date of entry into force of both the Stockholm and Rotterdam Conventio

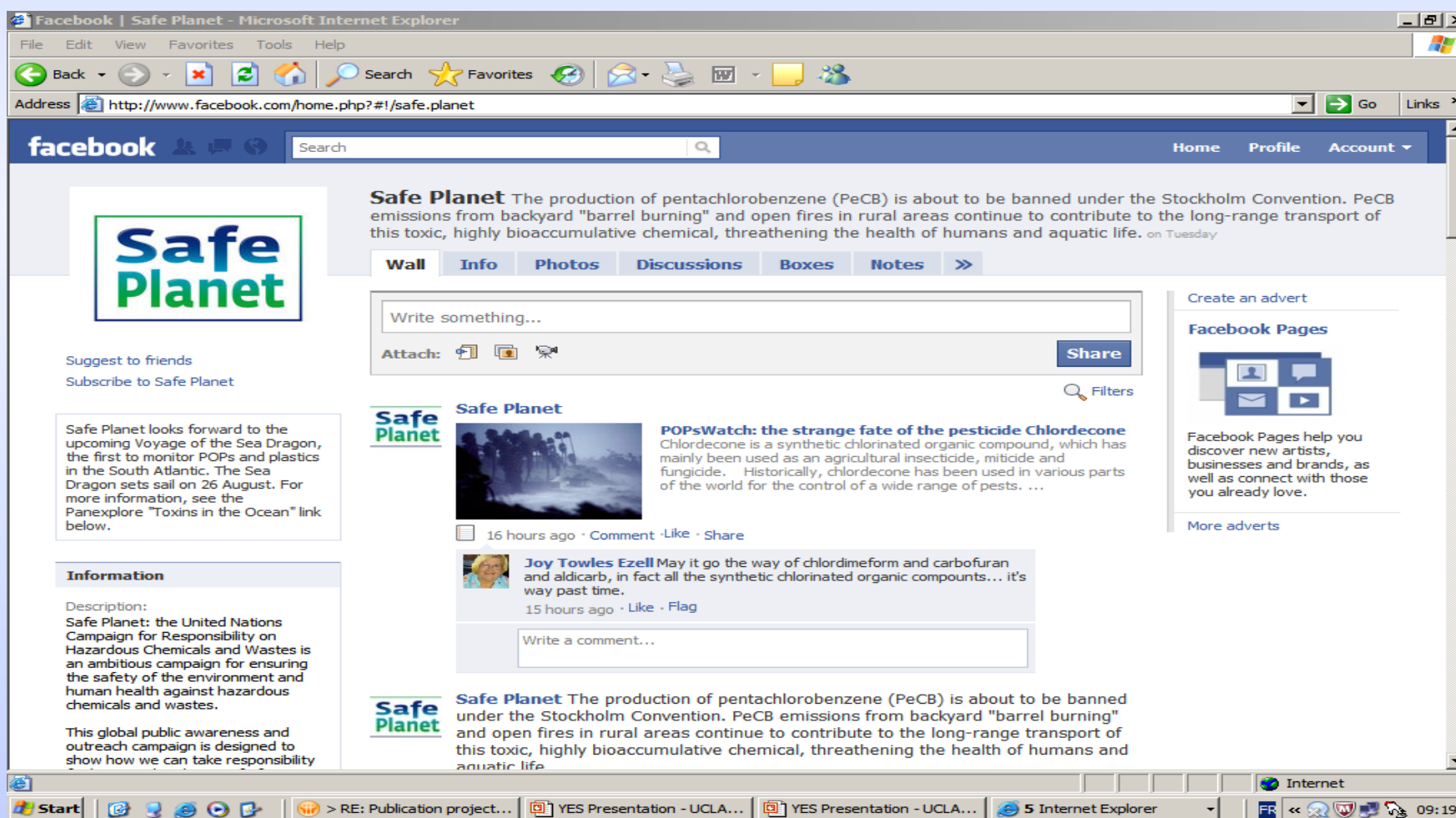
Interlocking scope and coverage:

- => Common thread: most POPs are covered by all 3 Conventions.
- => Many pesticides are subject to 3 Conventions. Interlocking scope / coverage:
- => As wastes, all chemicals will fall under the scope of the Basel Convention
- => Parties: BC, 174; RC, 139; SC, 172.

Synergistic awareness raising - Safe Planet

24

Come and visit our Facebook page - <http://www.facebook.com/home.php?#!/safe.planet>



The screenshot shows the Facebook page for 'Safe Planet' in a Microsoft Internet Explorer browser window. The browser's address bar displays the URL <http://www.facebook.com/home.php?#!/safe.planet>. The Facebook page header includes the 'facebook' logo, a search bar, and navigation links for 'Home', 'Profile', and 'Account'. The main content area features the 'Safe Planet' profile picture and cover photo. The cover photo contains the text: 'Safe Planet looks forward to the upcoming Voyage of the Sea Dragon, the first to monitor POPs and plastics in the South Atlantic. The Sea Dragon sets sail on 26 August. For more information, see the Panexplore "Toxins in the Ocean" link below.' Below the cover photo is an 'Information' section with a description: 'Safe Planet: the United Nations Campaign for Responsibility on Hazardous Chemicals and Wastes is an ambitious campaign for ensuring the safety of the environment and human health against hazardous chemicals and wastes. This global public awareness and outreach campaign is designed to show how we can take responsibility'. The main post area shows a post from 'Safe Planet' with the text: 'The production of pentachlorobenzene (PeCB) is about to be banned under the Stockholm Convention. PeCB emissions from backyard "barrel burning" and open fires in rural areas continue to contribute to the long-range transport of this toxic, highly bioaccumulative chemical, threatening the health of humans and aquatic life.' Below this post is a comment from 'Joy Towles Ezell' dated 15 hours ago, which reads: 'May it go the way of chlordimeform and carbofuran and aldicarb, in fact all the synthetic chlorinated organic compounds... it's way past time.' The right sidebar contains a 'Create an advert' section and a 'Facebook Pages' section with the text: 'Facebook Pages help you discover new artists, businesses and brands, as well as connect with those you already love.' The browser's taskbar at the bottom shows several open windows, including 'RE: Publication project...', 'YES Presentation - UCLA...', and 'Internet Explorer', along with the system clock showing '09:19'.

- Some major exporting countries are developing countries with insufficient coordination mechanisms
- Re-exportation and long trade chain create bigger difficulties in monitoring, (reporting and recording)
- Enforcement capacity are insufficient
- Challenges in control of border trade
- Confusion of obligations arising from different legal systems (e.g. EU)



Synergies to respond to key challenges and issues



⇒ Need to strengthen:

1. National coordination for the control of international trade
2. Implementation and compliance mechanisms
3. Enforcement capacities/authorities – crucial role of customs, of the judiciary (courts, judges and prosecutors)

⇒ Importance of technical assistance and capacity – science, compliance and enforcement – building

.To address growing concerns and problems: Environmental Crime, in particular the dan



.The business of environmental crime: USD 20–30 billion dollars annually.

The example of the Green Customs Initiative

.Partners: relevant MEAs Secretariats (Basel, Cartagena, CITES, Montreal, Rotterdam, Sto

.Green Customs Tools: Green Customs Guide, workshops to train customs officers, Gre

.Economic globalisation



Global Environmental Governance



.Encounters between previously separated ecological systems

Factors behind changes

.Overspill of effects of environmental degradation between States

.Pollution and degradation of global 'commons'

.Transboundary pollution and risks

.International trade and transportation of wastes

.Global institutions, regimes, networks and treaties to regulate

Thank You!

λ Click to edit the outline
For Further Information text format

Please visit the Conventions' Websites: Level

www.basel.int

www.pic.int

www.pops.int

Facebook – Safe Planet page

– Third Outline
Level

λ Fourth Outline
Level

– Fifth
Outline
Level