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

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

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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.
Wastes Controlled by the Basel Convention: “BC Wastes”

- “Hazardous 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”.

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

- Wastes considered hazardous under the national legislation of a Party, as notified to the Secretariat under Article 3.
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.
Illegal Traffic in BC Wastes (2)

- Parties are required to consider illegal traffic as a crime

- 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:
  - Taken back by the exporter or the generator or the State of export; or
  - Are otherwise disposed of in accordance with the provisions of the Convention
Basel Rules from Start to Finish
Stage 1: Notification

1. Conclude a contract specifying ESM
2. GENERATOR
   - Inform of proposed movement

   COUNTRY OF EXPORT
   - Refuse to allow export
   - Send Notification

   COUNTRY OF TRANSIT

   COUNTRY OF IMPORT

   DISPOSER
Basel Rules from Start to Finish

Stage 2: Consent and Issuance of Movement Document

If consent and proof of contract, then issue Movement Document.

Consent/Deny Movement (written)

Confirm contract specifying ESM

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Basel Rules from Start to Finish
Stage 3: Transboundary Movement

Send copy of Movement Document confirming receipt of shipment

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Basel Rules from Start to Finish
Stage 4: Confirmation of disposal

Upon completion, send confirmation that disposal taken place

If no confirmation received, advise accordingly

May wish to follow up in order to confirm completion
Verification at Customs

Illegal activities can occur at any of these four stages:
**Border Control Procedures**

**Customs at Country of Export**

1. Is there a movement document?
2. Is there an export authorization by the Competent Authority?
3. Do the contents correspond to the movement document?
4. Is the packaging in order?

**RELEASE SHIPMENT FOR EXPORT**
Border Control Procedures
Customs – Transit Country (Entry)

- Is there proof of your CA’s consent?
- If no, then return shipment
- Do you agree with observations of Customs of exporting country?
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- Are the contents, quantity and packaging the same as on departure from Country of Export?
- RELEASE SHIPMENT FOR TRANSIT
Border Control Procedures
Customs – Transit Country (Exit)

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

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

RELEASE FOR MOVEMENT TO COUNTRY OF IMPORT

NO
Border Control Procedures
Customs – Import Country

Is there proof of your CA’s consent?

Do you agree with observations of Customs of exporting country?

If no, then return shipment

Are the contents, quantity and packaging the same as on departure from Country of Export?

RELEASE SHIPMENT FOR DISPOSAL
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

- 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
Relevant Basel Convention Reference Materials

- Guide to the Control System (Instruction Manual)
  http://www.basel.int/pub/instruct.doc

- Instructions for Completing the Notification and Movement Documents
  http://www.basel.int/techmatters/forms-notif-mov/vCOP8.pdf

- Guidance Elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Wastes
  http://www.basel.int/legalmatters/illegtraffic/ge_e.doc

- Training Manual on Illegal Traffic for Customs Officers and other Enforcement Agencies
  http://www.basel.int/legalmatters/illegtraffic/trman-e.pdf
Cooperation between the Basel Convention and the Washington Convention


- 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

HAZARDOUS CHEMICALS AND WASTES CONVENTIONS
Global Tools - National Actions

As of October 2019

Basel Convention  Rotterdam Convention  Stockholm Convention
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 protect human health and environment.

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

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.

Synergistic awareness raising – Safe Planet

Come and visit our Facebook page - http://www.facebook.com/home.php?#!/safe.planet
Synergies to respond to key challenges and issues

- 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).

⇒ 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 damage caused by illegal trafficking in endangered species and dangerous and harmful substances and products (e.g. Probo Koala case), by ensuring compliance with relevant international Multilateral Environment Agreements (MEAs).

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, Stockholm, UNEP and the World Customs Organization).

- **Green Customs Tools:** Green Customs Guide, workshops to train customs officers, Green Customs website and materials.
Global Environmental Governance

Factors behind changes

- Economic globalisation
- Encounters between previously separated ecological systems
- 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!

For Further Information

Please visit the Conventions’ Websites:

www.basel.int
www.pic.int
www.pops.int

Facebook – Safe Planet page