



**The Asian Network for Prevention of
Illegal Transboundary Movement of Wastes**

Activity Report (April 2003 – March 2004)

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Ministry of the Environment

Government of Japan

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Prevention of Illegal Transboundary Movement of Wastes**

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**The Asian Network for
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Activity Report (April 2003 – March 2004)

Preface

Active involvement and coordination by all concerned stakeholders is seen as essential for achieving the effective implementation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. Capacity building in developing countries and promotion of information exchange among relevant parties have also presented pressing needs. In view of prevention and monitoring of the illegal traffic, in particular, development of appropriate mechanism for compliance with and monitoring of effective implementation of the Convention are called for in the 10 year Strategic Plan adopted at the Sixth Meeting of the Conference of the Parties to the Basel Convention (COP 6)

In this context, a project for the Establishment of the Asian Network for Prevention of Illegal Transboundary Movement of Wastes has been proposed by the Government of Japan, and acknowledged by Parties at the First Session of the Open-ended Working Group of the Basel Convention (OEWG 1, 28 April - 2 May 2003, Geneva). The Project mainly aims at the development of an information exchange system among the Competent Authorities in East and South-east Asian countries, which should facilitate the exchange and dissemination of information on illegal transboundary movements of hazardous and other wastes, and assist relevant authorities in formulating appropriate legislative responses to such movements. The network will further facilitate conducting the regional reviews of transboundary streams of selected relevant commodities, development of common approaches in the region to controlling illegal streams, and eventually exploring the regional recycling and recovery capacity for environmentally sound management.

The present report outlines the major activities conducted by the interim Network Secretariat during the first year period (April 2003 – March 2004). This report is to be distributed to countries in Asia and the Pacific, as well as to other parties concerned, to facilitate further dialogue among them in efficiently pursuing optimal design and operationalization of the proposed network.

1. Outline of the Proposed Network

a) Proposed Activities of the Network

In view of gaining appropriate control on illegal transboundary movements of hazardous wastes and associated negative environmental consequences in East/South-east Asia, the project “Establishment of the Asian Network for Prevention of Illegal Transboundary Movement of Wastes” would include *inter alia* the following activities:

Development of an internet-based information system that facilitate exchange and dissemination of information on illegal transboundary movements of hazardous wastes among parties in East/South-east Asia.

Identification, collection and dissemination through the Network, of useful information on control of transboundary movements of hazardous and other wastes in East/South-east Asia.

Facilitation of day-to-day communication among environmental authorities of the countries in East/South-east Asia.

Assistance, primarily by providing information collected through the Network, to design, preparation and organization of workshops, seminars and other training events for capacity building in environmental authorities of the countries in North-east/South-east Asia.

b) Workplan

It has been proposed that the Asian Network for Prevention of Illegal Transboundary Movement of Wastes should be developed according to the three year timetable.

FY2003	<ul style="list-style-type: none"> • Start dialogue among relevant Parties, with regard to <ul style="list-style-type: none"> ➤ Identification of the needs of the different Party members on contacts of the proposed information systems: ➤ Identification of problems / obstacles for such information exchange, etc. • Information collection from relevant parties through questionnaire survey
FY2004	<ul style="list-style-type: none"> • Continue dialogue among relevant Parties, with regard to <ul style="list-style-type: none"> ➤ Consultation on the Draft Terms of Reference • Information collection from relevant parties. • Conduct of case studies on transboundary streams of selected commodities. • Development and pilot operation of a Website prototype that facilitates the exchange of useful information among the Parties • Organization of a regional workshop.
FY2005	<ul style="list-style-type: none"> • Formal agreement on the establishment of the Network

c) Network participants / institutional framework

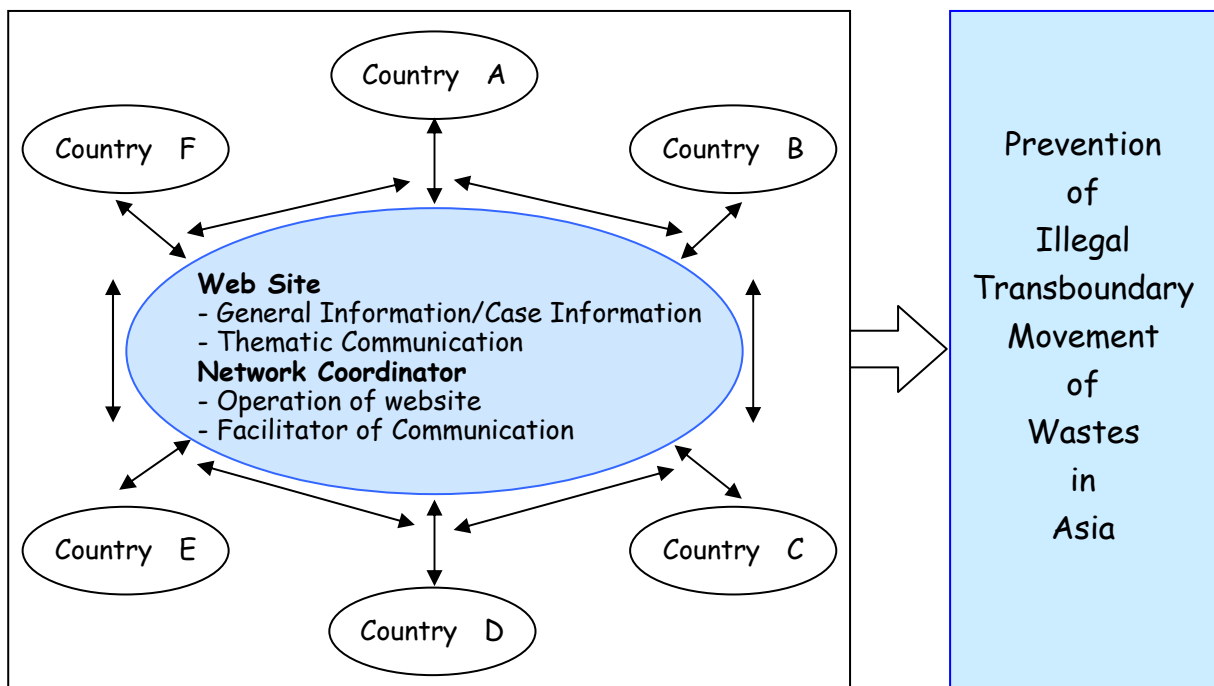
The Asian Network for Prevention of Illegal Transboundary Movement of Wastes initially invites the participation of the 11 countries in East/South-east Asia, i.e. Cambodia, China, Hong Kong, Indonesia, Malaysia, Philippines, Republic of Korea, Singapore, Thailand, Viet Nam and Japan; however the participation may be expanded in the future if appropriate.

Active and continuous participation by the Basel Convention Regional Centres is deemed essential throughout the development of the Network with a view that the operation of the Network may be transferred to a BCRC once successfully established.

For the development of the Network, the project activities will be primarily conducted and coordinated by the Ministry of the Environment, the Government of Japan, as the Interim Secretariat for the Network. The Overseas Environmental Cooperation Center (OECC), Japan, has been designated by the Ministry to support the activity of the Interim Secretariat.

The project is funded by the Ministry of the Environment, Government of Japan.

d) Conceptual Scheme of the Network



2. Activity Conducted in FY2003

a) Presentation of the Project Proposal at OEWG1

As an initial effort to start dialogue among relevant Parties concerning the establishment of the network, the present project "Establishment of the Asian Network for prevention of Illegal transboundary movement of wastes" has been presented at the OEWG1 (Document No. UNEP/CHW/OEWG/1/INF/3/add.2) and acknowledged as an activity to implement the Strategic Plan.

b) Questionnaire Survey

Dialogue among relevant countries has been initiated primarily for identifying i) needs and expectations for the development of proposed information network, ii) opportunities and resources available through different countries for the development of such network, and iii) problems / obstacles for the network building, etc. A questionnaire survey was conducted from July to December 2003 for this purpose.

The questionnaire was answered by the competent authorities (Cambodia, Indonesia, Malaysia, Philippines, Viet Nam) and national focal points (Republic of Korea, Thailand) in 8 Asian countries. Responses were also provided by the competent authority of the Hong Kong special administrative region, China and the Basel Convention Regional Centre in Jakarta. Major findings and primary analysis are outlined in the subsequent chapter. The interim secretariat gratefully acknowledges the cooperation by these authorities.

c) Visits to Country / Region Authorities

In order to supplement the Questionnaire survey, the interim secretariat visited the relevant authorities in China and Hong Kong, China in February 2004. The purpose of the visit was to exchange views on local, national and regional problems of transboundary movement of second-hand commodities and recyclable wastes, to see into availability of country-specific information, and to discuss possible future cooperation to address such problems. The list of authorities visited and contacted is as follows:

- China**
 - ◆ State Environmental Protection Administration
 - Solid Waste & Toxic Chemicals Management Division
 - Wastes Importation Registration & Management Center
 - ◆ General Administration of Quality Supervision, Inspection and Quarantine
 - ◆ China-Japan Friendship Center for Environmental Protection
 - ◆ Asia-Pacific Regional Center for Hazardous Waste Management Training and Technology Transfer (Department of Environmental Science and Engineering, Tsinghua University)
- Hong Kong,**
 - ◆ Environmental Protection Department
- China**
 - ◆ Customs & Excise Department
 - ◆ Census and Statistics Department

The discussion with China and Hong Kong Authorities centered on the need of regional cooperation addressing, in particular, the inappropriate movements of used electric /electronic appliances among Asian countries, and also possible focus of the proposed network activities on such waste stream. Information on the relevant national level legislations and status of their implementation was also provided. The outcomes of the visit have been integrated in the major findings as well as reflected in the draft Terms of Reference, presented in the subsequent chapter. The interim secretariat gratefully acknowledges cooperation by these authorities.

3. Summary of Major Findings from the Questionnaire Survey 2003

The responses to the Questionnaire clearly illustrated the efforts of national authorities for the effective implementation of the Basel Convention and their problems experienced largely due to the limitation of institutional and technical capacity of the developing countries. Some outstanding comments included difficulties associated with differences among countries in definition of controlled hazardous wastes, lack of inter-agency coordination between competent authority and custom offices, and needs of coordinated efforts at the international level, in particular for establishing a system to check and confirm, not only at the point of import, but also after importation on how the imported commodities are handled by the importers.

a) Problems in Implementing the Basel Convention

Except Malaysia who answered that the Basel Convention was implemented effectively, all others pointed out their difficulties in implementing the Convention. Constrains and barriers for implementing the Basel Convention are mainly limitation of domestic control system (defect in checking system, lack of cooperation between the competent authority and customs, decentralization of authority, etc.) and lack of compliance by exporters / importers (illegal traffic,

manipulation of hazardous waste as non-hazardous, insufficient awareness on the convention, etc.) Also emphasized in particular are lack of finance, human resources, technical expertise and appropriate policy framework to implement the Basel Convention in developing countries.

b) Transboundary Movement of Second-hand Commodities

The answers suggested a significant number of cases as well as amounts of transboundary movement of second hand commodities, such as electrical appliances, computers, used-cars and car parts, conducted in the region. Specific problems reported included: used commodities like computers are exported as second-hand commodities and treated as waste after the recovery of useful parts, imported second hand commodities in fact for dumping or reclaiming, import without necessary import clearance.

c) Information Exchange for Better Control

Some countries already exercise exchange of Information with other countries in view of bettering control of transboundary movement of wastes. Countries exchange the information, such as name of importer, type of the commodity/wastes, reference of pre-shipment inspection by the competent authority, and condition of containment, etc. for specific shipments. Information related to national legislation, notification requirements and approval standards, etc. is also exchanged.

Since the current information exchange practices are mostly exercised on a bilateral basis, authorities expressed their expectation and readiness to expand such practices into a more comprehensive and regional-scale exchange scheme. It was pointed out, however, that the main obstacle would be the different control schedules and definitions of hazardous wastes in different countries.

d) Establishment of the International Network

The answers showed a common understanding on needs for further cooperation among the competent authority and the custom offices in importing countries as well as in exporting countries in, *inter alia*, raising awareness on the provisions of the Basel Convention and improving their enforcement. Also illustrated was a common recognition that the proposed regional Network has a significant role to play in promoting such cooperation. Expected function of the Network included provision of a forum for dialogue among relevant authorities on any major control issues, problems encountered and future systems for better control of waste shipments, a system for exchange of information regarding policy, legislation, regulations and standards for controlling the transboundary movement of wastes in each country, and, as a tool for the above functions, operation of a database on necessary information to assist the competent

authorities to control and monitor specific problematic waste stream.

e) Information Needs at the Operational Level

The responses showed that network was primarily expected to collect, compile and disseminate basic information on national legislation, regulative authorities, and approval standards for waste import/export in individual countries. Additional information items to be disseminated by the Network would include definition of hazardous wastes and recyclable materials, cases of illegal shipments, reference of suspected cases, lists of legitimate firms dealing with used commodity trading, and direct contacts of control staff at the operational level.

f) Additional functions to be Provided by the Network

In addition to its primary function of information exchange, the countries expressed their expectation for the Network to contribute to the capacity building activities. Since the constraints for effective implementation of the Basel Convention in Asian countries mainly consist of lack of appropriate legal framework, human resources and technical expertise, the Network is expected to assist capacity building in individual countries through organizing international training events such as technical workshops and seminars. The expected subjects of such training events include the provisions of the Basel Convention, export / import inspection, and definition / identification of hazardous waste, as well as technical aspects of hazardous waste management.

g) Information availability

As the Network is to facilitate the information exchange among importing and exporting countries, the countries expressed their readiness to provide information on their national systems, such as domestic legislation, approval standards, lists of pertinent enterprises, etc. A supplementary internet survey was also conducted to identify the status of information dissemination and availability from the official website of each country authorities, confirming that some information on domestic legislation, if to a limited extent, is already internationally disseminated.

4. Draft Terms of Reference

Based on the major finding and analysis, a draft terms of reference of the Network has been prepared as presented hereafter. The draft presented an initial concept only, and thus will be circulated for consultation among relevant country authorities for improvement.

The Asian Network for Prevention of Illegal Transboundary Movement of Wastes

Draft Terms of Reference

1. Introduction

Active involvement and coordination by all concerned stakeholders is seen as essential for achieving the effective implementation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. Capacity building in developing countries and promotion of information exchange among relevant parties have also presented pressing needs. In view of prevention and monitoring of the illegal traffic, in particular, development of appropriate mechanism for compliance with and monitoring of effective implementation of the Convention are called for in the 10 year strategic plan adopted at the Sixth Meeting of the Conference of the Parties to the Basel Convention (COP 6)

In North-East and South-east Asian countries, there is an increasing trend of international trade of second-hand commodities, such as used electric / electronic appliances; however, it is pointed out that some of them are in fact exported for recovery of precious metals while the useless parts are disposed of in environmentally-unfriendly manners that would eventually cause environmental problems. In view of gaining appropriate control on such illegal shipments, the establishment of the "Asian Network for Prevention of Illegal Transboundary Movement of Wastes" (hereinafter abbreviated as "the Network") has been proposed by the Government of Japan.

The Network aims at establishing an information exchange system among North-east and South-east Asian countries, and thus facilitating those countries to take appropriate legislative responses to illegal transboundary movement of hazardous wastes. A project including preparatory work for establishing the Network has been reported to and acknowledged by Parties at the First Session of the Open-ended Working Group of the Basel Convention (OEWG1).

The network is aimed facilitating the exchange and dissemination of information on transboundary movements of hazardous wastes and selected used products, and assist members in formulating appropriate legislative response to such movements under each country's system taking into consideration necessary procedures required by the Convention. This system will also provide useful information that can contribute to capacity building for the implementation of the Basel Convention.

2. Fundamental Elements of the Network

2.1 Purpose

The purpose of the Network are as follows:

- (1) Sharing information and creating a common understanding on the status of illegal transboundary movements of hazardous wastes among related authorities of the North-east/South-east Asian countries so that those authorities can take coordinated international responses to such movements, and, if needed, providing appropriate information for the stakeholders;
- (2) Assisting country authorities to take national actions to control illegal transboundary movement of hazardous wastes, in particular, including those relating to prevention of negative environmental impacts inappropriate associated with shipments of second-hand commodities and recyclable materials, and enhancing the capacity of countries authorities for taking such actions; and,
- (3) Contributing to development of a common approach for prevention of illegal transboundary movement of hazardous wastes as well as for establishment of environmentally sound material cycle in the region., and promoting international cooperation in the related field.

2.2 Activities

The Network activities include the followings:

- (1) Collecting and disseminating information which are deemed useful for promoting cooperation and coordination among country authorities for prevention of illegal transboundary movement of wastes in the region. . Information to be collected and disseminated should include:
 - i) Basic information on the Basel Convention;
 - ii) National legislation and regulations covering the transboundary movements of wastes, and their implementation status;
 - iii) Actual cases of illegal transboundary movement of wastes, in particular, including inappropriate shipments of second-hand commodities and recyclable materials, and;
 - iv) International flow of selected materials of common concern to participating Asian countries, e.g. second-hand commodities and recyclable materials
- (2) Providing a forum for facilitating day-to-day information exchange and dialogue among participating country authorities. As a tool, an internet website should be established and operated;
- (3) Supplying the information accumulated in the Network for capacity building activities for Asian countries;
- (4) Organizing workshops, seminars and other training events aiming at promotion of the information exchange activities described above.

As for the future activities of the Network, additional components may be decided upon, as being in conformity with the purposes of the Network, through consultation among participating countries.

2.3 Geographical coverage and participating organizations

The Network welcomes the participation of the country Parties to the Basel Convention in East Asia, including North-east Asia and South-east Asia. The initial geographical coverage may include ten (10) countries, i.e. Cambodia, Indonesia, Malaysia, Philippines, Republic of Korea, Thailand, Viet Nam, Japan, Singapore, and China and one (1) special administrative region, i.e. Hong Kong, China.

The Network activities are in principle formulated and implemented in cooperation of the relevant government authorities of the countries and region who have expressed their intention to participate in the Network. However, the Network welcomes the use of its facility and information by governments, the private sectors, non-governmental organizations and other stakeholders of all countries, who are concerned with illegal transboundary movement of wastes in the region.

2.4 Disclosure of information

In principle, the Network will collect and compile the information that is already made public in the participating countries, and then disseminate it through internet. However, as the network may handle certain types of information that are not necessarily suitable for public disclosure, e.g. consultation or information exchanges among competent authorities concerning specific transactions, such information may be kept undisclosed based on consultation with the relevant country authority.

3. Institutional Arrangement

3.1 Participating Countries

Each participating country shall designate a national contact point for the Network, which acts as a national gateway to the network activities. Although the national competent authority of the Basel Convention is ideally designated as such a contact point, other government offices such as national focal point for the Basel Convention can also be designated according to the country specific situation. Expected functions of the contact point in each country include the following:

- (1) Furnishing the Network with the relevant information that is deemed useful in light of the purpose of the Network, from among nationally available information
- (2) Advising the Network secretariat on the operation of the Network

3.2 Basel Convention Regional Center

Active and continued participation of Basel Convention Regional Centers (BCRCs) in Asia, located in Beijing and Jakarta, is crucially important for the development of the Network. The following roles are expected to these BCRCs, in particular in the inaugural phase:

- (1) Furnishing the Network with the relevant information that is deemed useful in light of the purpose of the Network, from among information compiled by the Centres through existing activities;
- (2) Advising the Network secretariat on the operation of the Network, in particular on the linkage and coordination between the Network activities and other regional projects implemented by BCRCs.

3.3 Secretariat of the Network

During the inaugural phase, the Network development activities will be primarily conducted and coordinated by the Ministry of the Environment, the Government of Japan, who proposed the establishment of the Network. Therefore, the Interim Secretariat for the Network is set up with the Ministry of the Environment, Japan. However, once the Network has been successfully established, the secretariat function is expected to be transferred to the BCRC(s) in the region.

3.4 Financial Issues

During the inaugural phase, the Network development activities will be primarily financed by the Ministry of the Environment, the Government of Japan. As for the subsequent arrangement once the Network has been successfully established, the BCRC(s) in the region are expected to manage activities with funding from the Secretariat of the Basel Convention, which is one option and should be discussed among the concerned parties.

5. Next Step Forward

As presented in the Workplan, the activities for establishment of the Network will continue in Fiscal Year 2004, in which dialogue with the relevant authorities in potential participating countries will continue, in particular, for elaboration of the Draft Terms of Reference of the Network. A Website prototype will also be developed and operated on a pilot basis to collect feedbacks on its structure and contents. A regional workshop is scheduled in 2004 as a valuable opportunity to facilitate such dialogue and exchanges.