

[Amended] Terms of Reference for the Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes

1. Organization Profile

1.1. General Information

Official name: The Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes

Short name: The Asian Network

Organizational status: Regional non-profit network

Initiated year: 2003

Endorsed by: First Session Open-ended Working Group of the Basel Convention (28 April 2003 - 2 May 2003)

1.2. Secretariat of the Asian Network

2003 - 2010: Office of Waste Disposal Management
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**2011-
(Co-Secretariat):** The Basel Convention Regional Centre for Asia and the Pacific (BCRC
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1.3. Founder Organization

Ministry of the Environment, Government of Japan
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1.4. Reference Documents

- Project proposals under the Strategic Plan (34): Submitted by Parties and the Basel Convention Regional Centres, UNEP/CHW/OEWG/1/INF/3/Add.2, <http://www.basel.int/meetings/oewg/oewg1/PreSession/i03a2e.doc>
- Terms of Reference of the Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes, http://www.env.go.jp/en/recycle/asian_net/reports/firstyearenetwork/termsofreference.pdf

2. Mission Statement and Objectives

2.1. Mission Statement

The Asian Network aims at facilitating the exchange and dissemination of information on transboundary movements of hazardous wastes and selected used products among North-east and South-east Asian countries, and assists the members in formulating appropriate legislative response to such movements under each country's system taking into consideration necessary procedures required by the Basel Convention. This system also provides useful information that can contribute to capacity building for the implementation of the Basel Convention.

2.2. Objectives

The objectives 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 the members, other parties, networks and organizations;
- (2) Assisting the members to take national actions to prevent and control illegal transboundary movement of hazardous wastes, in particular, including those relating to protect human health and the environment from adverse effects due to illegal transboundary movement and environmentally unsound management of those wastes; and
- (3) Contributing to development of a common approach for prevention of illegal transboundary movement of hazardous wastes as well as for implement of environmentally sound material cycle in the region.

3. Members and Attendances

3.1. Membership

Terms of the Memberships

A member of the Asian Network is a Focal Point and/or Competent Authority to the Basel Convention in the parties which are described at 2.3 Geographical coverage and participating organizations in Terms of Reference adapted at Workshop on Prevention of Illegal Transboundary Movement of Wastes on 7 - 8 December 2004 in Tokyo, Japan.

Other than the above-prescribed members, countries that BCRC China and BCRC-~~SER~~-SEA serve become a member if a Steering Committee agrees by consensus.

Secretariat of the Basel Convention (SBC), BCRC China and BCRC-SEA are also the members other than the members of the parties to the Basel Convention.

3.2. Observers

Terms for Observers

A Focal Point and/or Competent Authority to the Basel Convention in other parties, or experts are allowed to participate in the Asian Network's activities as an observer if a Steering Committee identifies necessity of their participation and permits their participation without any objection among the members.

An observer other than a Focal Point and/or Competent Authority to the Basel Convention can be an organization or individual which has a close link to the Asian Network's objectives and activities.

All information that the observer obtains from the Asian Network's activities should be kept as confidential information unless a Steering Committee and the members give permission to them to use.

3.3. Partnership and Cooperation with Other Bodies

In pursuing the objectives, the Asian Network can, with the prior consent of a Steering Committee, liaise with other institutions and organizations, including informal networks, engaged in or dedicated to the enforcement of the Basel Convention and implementation of any activities on prevention of illegal transboundary movement of hazardous wastes and other wastes. As of November 2010, the Asian Network maintains good cooperation with the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) and International Network for Environmental Compliance and Enforcement (INECE).

4. Bodies of the Asian Network

4.1. Steering Committee

Task

The Steering Committee is the supervising body of the Asian Network. A Steering Committee has power to do anything instrumental to achieving the objectives of the Asian Network.

Rules of a Steering Committee

- (1) The primary function of a Steering Committee is to discuss the strategic orientation and activities of the Asian Network, and make suggestions to the members to develop the major activities associated with the Asian Network, including arrangement of an annual workshop;
- (2) The Steering Committee has the following responsibilities, but not limited [to](#):
 - a. To prepare and supervise activities;
 - b. To discuss and make recommendations on strategic issues, including the purpose and prioritized matters for the Asian Network;
 - c. To discuss and make recommendations on other issues that the members consider to be of importance to the Asian Network;
 - d. To facilitate administrative and management arrangements necessary to implement the activities of the Asian Network including consideration of the financial sources;
 - e. To consider a host country of a next annual network workshop;
 - f. To identify an agenda to discuss at next annual workshop and any necessity for implementation of study works for its preparation;
 - g. To coordinate the members, SBC and others to implement its activities; and

- h. To regularly review the effectiveness and impact of the activities of the Asian Network and approve annual financial report for the Asian Network.

Chair-person and Vice chair-person

Chair-person and Vice chair-person will be elected from the members. They have one year term from 1st January to 31st December in same year.

Steering Committee Membership

A Steering Committee composes of 3 persons, including one Chair-person and two Vice chair-person. As of 1st January every year, the terms of 3 Steering Committee members are: 1) a member who hosted the previous annual workshop; 2) a member who will host the next annual workshop; and 3) a main donor country to the next annual workshop. Those 3 Steering Committee members have one year term from 1st January to 31st December in same year. If a main donor country hosts an annual workshop and one of the Steering Committee Membership is vacant, one membership is elected from the rest of the members. The rule of the Steering Committee membership can apply mutatis mutandis if an appropriate Steering Committee member is not identified; however, all the Steering Committee members shall be elected within the members.

Working Arrangement

A Steering Committee meeting shall meet by right at least once a year, as an independent meeting, a back-to-back meeting or other occasions. Other communication among the Steering Committee members shall be made electrically.

4.2. Secretariat

Tasks

BCRC China and BCRC-SEA serve as the co-Secretariat. Responsibility of the Secretariat between them shall be decided upon their arrangement by themselves in consultation with a Steering Committee.

The Secretariat provides support to a Steering Committee, members and donors. In particular, it:

- (1) arranges necessary activities and coordinates all related members and others for the activities;
- (2) drafts the agenda, reports and other necessary documents of any meetings and activities;
- (3) develop a project proposal for annual activities;
- (4) acts as a project management to implement all the activities;
- (5) where appropriate, assists the members in implementing any activities; and
- (6) implements other activities that a Steering Committee decides.

The Secretariat keeps a list of the members and other available information with regard to the Asian Network.

Plan for Annual Activities

The Secretariat shall develop a proposal in accordance with the UNEP project rule for all the annual activities, such as a workshop, within budget availability in consultation with a Steering Committee and submit it to SBC and a donor country for their approval by the end of each calendar year.

Revision of a proposal shall be completed within 2 months since the Secretariat submits a proposal. A donor country or SBC shall transfer an approved budget to the Secretariat as voluntary financial contribution or a the Basel Convention trust fund to assist developing countries and other countries in need of technical assistance (BD), respectively.

Project Management

The Secretariat shall comply with the UNEP project rule in consultation with SBC and implement all the activities pursuant to an approved proposal by the end of each calendar year under supervision of a Steering Committee.

The Asian Network Website

The Asian Network Website is maintained by the Secretariat. The website shall give a clear overview of the Asian Network itself and is the principal route by which disseminate the outputs of the Asian Network. Information shall be made available on the website on all the activities under the Asian Network.

5. Activities

The Network activities include the followings, but not ~~be~~ limited to:

- (1) Collecting and disseminating information which are deemed useful for promoting cooperation and coordination among the members for prevention of illegal transboundary movement of wastes in the region. Information to be collected and disseminated may include:
 - a. Basic information on the Basel Convention;
 - b. National legislations and regulations covering the transboundary movements of wastes as well as control of second-hand commodities, and their implementation status;
 - c. Actual cases of illegal transboundary movement of hazardous wastes, in particular, including inappropriate shipments of second-hand commodities and recyclable materials;
 - d. Activities and experiences to enhance relationship with customs and port authorities; and
 - e. International flow of selected materials of common concern to the members, e.g. second-hand commodities and recyclable materials.
- (2) Providing a forum for facilitating day-to-day information exchange and dialogue among the members;
- (3) Supplying the information accumulated in the Asian Network for capacity building activities for the members, e.g. guidelines and technical manuals;
- (4) Organizing an annual workshop, and other events if necessary, aiming at promotion of the information exchange activities described above;
- (5) Conducting desk studies with regard to transboundary movement and/or the environmentally sound management of hazardous wastes and other wastes in Asia for discussion at next annual workshop, based on discussion and outcome at an previous annual workshop and other meetings under the Basel Convention, such as the Open-ended Working Group (OEWG) and Conferences of the Parties (COP) to the Basel Convention; and

- (6) Developing and operating an Internet website, which has linkage to relevant organizations such as customs, port authorities, and Secretariats of relevant international treaties, as one of the tools to promote information exchange and dissemination regarding above-mentioned activities.

As for the future activities of the Asian Network, additional components may be decided upon, as being in conformity with the purposes of the Asian Network, through consultation by a Steering Committee and among the members.

6. Financing of the Asian Network

A Steering Committee, the Secretariat and the members shall make every effort to raise the fund to secure implementation of all the activities. They shall explore possible options of financial resources in consultation with SBC. A member to host an annual workshop shall consider about in-cash or in-kind contribution to organise an annual workshop. If necessary, the Secretariat would utilise their in-kind contribution.

7. ~~Amendments to the Rules~~ Amendment to the Terms of Reference

A Steering Committee and the members will review the Terms of Reference~~Rules~~ for the Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes as needed. The Terms of Reference~~rules~~ can be amended by consensus of the members after a Steering Committee concludes as an amendment of the Terms of Reference~~rules~~ is necessary.