

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

Terms of Reference

1. Introduction

1.1 Background

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 concern about international trade of hazardous wastes and other wastes disguised as second-hand commodities; 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. 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).

1.2 Nature of the Network

The 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 assist participating countries 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.

Participation in the Network is voluntary, and participating countries will review the terms of reference as needed.

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 hazardous waste disguised as 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 may include, but not be limited to:
 - i) Basic information on the Basel Convention;
 - ii) National legislations and regulations covering the transboundary movements of wastes as well as control of second-hand commodities, and their implementation status;
 - iii) Actual cases of illegal transboundary movement of hazardous wastes, in particular, including inappropriate shipments of second-hand commodities and recyclable materials,
 - iv) Activities and experiences to enhance relationship with customs and port authorities; and
 - v) 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;
- (3) Supplying the information accumulated in the Network for capacity building activities for Asian countries, e.g. guideline and technical manuals;
- (4) Organizing workshops, seminars and other training events aiming at promotion of the information exchange activities described above; and
- (5) 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 abovementioned activities.

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, but not be limited to, 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 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) Establishing collaboration with customs and port authorities in this field; and
- (3) 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. The Government of Japan has the responsibility to report on the activities of the Network to the Secretariat of the Basel Convention. 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.