

Terms of Reference
EU-Africa Enforcement Network
Draft 18 May 2012

1. Background

The establishment of the EU-Africa network is one of the outcomes of the Secretariat of the Basel Convention (SBC) E-waste Africa programme. The overarching goal of the programme is to enhance the capacity of West Africa and other African countries to tackle the growing problem of e-waste and thereby protect the environment as well as the health of citizens, particularly children, while providing economic opportunities. Specifically, the project aims to improve the level of information available on flows of electrical and electronic equipment (EEE) and electrical and electronic waste (e-waste) imported into West African countries; assess the baseline situation in terms of amounts of EEE imports, EEE in use and e-waste in partner countries, as well as environmental impacts of the e-waste sector; study the social-economic aspects of the increasing volumes of used EEE and e-waste; and strengthen national capacities to monitor and control transboundary movements of e-waste and to prevent illegal traffic.

Under this latter activity the European Network for the Implementation and Enforcement of Environmental Law (IMPEL) and the Basel Convention Coordinating Centre (BCCC) in Nigeria are to set up an active and practical network of entities involved in the enforcement of the legal framework pertaining to the control of transboundary movements of e-waste from Europe to Benin, Nigeria, Egypt, Ghana, and Tunisia as well as other countries by making use of already existing structures and platforms, linking and expanding them. The purpose is to establish and strengthen institutional links between regulatory and enforcement authorities in exporting and importing countries in Europe and in Africa respectively.

2. Scope

Initially the scope of the network is limited to the issue of e-waste. Given that several persistent organic pollutants regulated under the Stockholm Convention have been used in the manufacture of components of electrical and electronic equipment, namely those made of plastic, the network will also seek to address e-waste-related issues under the Stockholm Convention, where possible. Once the network is running and operational, the scope can be expanded to other waste streams and chemicals.

3. Benefits

The positive impacts of establishing and participating in the network include:

- Promoting the implementation, compliance with and enforcement of the Basel and Stockholm Conventions and other relevant regional and national legal frameworks related to the control of transboundary movements of e-waste
- Facilitating enforcement cooperation;
- Enabling information exchange on compliance and enforcement of the Basel and Stockholm Conventions and other relevant regional and national legal frameworks related to the control of transboundary movements of e-waste;
- Promoting capacity building and human resources development;
- Sharing of good practices and motivating the adoption of good environmental practices;
- Contributing to preventing and combating illegal traffic in e-waste, for instance by ensuring that Parties cooperate in achieving the objects of Article 9 of the Basel Convention;
- Creating a level-playing field for the regulated industries within and among countries.

4. Objectives

Encourage the implementation and enforcement of international, regional and national legal frameworks pertaining to the control of transboundary movements of wastes/hazardous wastes/e-waste and facilitate the cooperation and coordination between the involved countries/authorities to detect, deter and deal with illegal shipments of waste.

5. Organisation

The network brings together, as members of the network, representatives of Parties to the Basel Convention from the EU and from Africa (initially Benin, Nigeria, Egypt and Ghana).

Each participating country in the network shall appoint one point of contact (POC) within each one of the national authorities involved in the implementation and/or enforcement of the Basel Convention. The Basel Convention Competent Authority/ies and the Basel Convention Focal Points shall be among the POCs. Other POCs may be, for instance, from Customs, Port Authorities, Police, Prosecutors or Environmental Inspectorates. In addition, each participating country shall appoint one National Contact Point (NCP) from among the POCs to serve as the representative of the country in the network.

IMPEL and the Basel Convention Co-ordinating Centre for the African Region in Nigeria (BCCC) will initially serve as Secretariat to the network¹.

In addition, organisations or informal networks with a specific mandate to undertake activities aimed at preventing and combating illegal traffic in hazardous wastes may participate as observers in the network, for instance:

- The Basel Convention Regional Centre for Training and Technology Transfer for the Arab States in Egypt
- The Basel Convention Regional Centre for French-speaking countries in Africa in Senegal
- INECE/ WANECE
- UNODC CCP
- INTERPOL and/or regional office
- WCO and/or regional office
- Others

6. Network support

The network will be supported by the Secretariat and operate under the guidance of a Steering Committee composed of all the NCPs. The Secretariat is responsible for:

- gathering and sharing relevant information and capacity building material;
- facilitating communication between the National Contact Points and Points of Contact where necessary and provide advice, if possible;
- maintaining the communication tool and training toolkit developed in the framework of the SBC E-waste Africa programme ;
- organise (virtual) meetings;
- foster cooperation with other relevant networks

¹ The role of the Secretariat of the Basel Convention in the Network is yet to be defined.

- fundraise for network activities
- supporting the work of the Steering Committee
- other activities as agreed by the Steering Committee of the network

7. Roles and responsibilities

The National Contact Point will represent its country in the network. He/she will primarily have a facilitative role in terms of:

- Communicating generally with other National Contact Points about e-waste issues;
- Transmission of information such as documents of interest (Training manuals for example);
- Acting as a help desk or interface for other National Contact Points in communicating answers to problems or steering persons in the right direction (for example in cases of verifications or take backs);
- Informing other National Contact Points, through the Secretariat about national developments (for instance confirmed cases of illegal traffic or examples of good practice) and interpretations of the Convention.

A Steering Committee composed of all the NCPs and open to the participation of observers will act as the governing body of the network. The Steering Committee will provide an overall strategy to the Secretariat.

8. Activities

The activities of the members of the network should aim to facilitate the exchange of information and mutual support to monitor and tackle the illegal transboundary movements of hazardous and others waste, with an initial focus on e-waste.

Suggestions for activities are:

- Exchanging information on:
 - i. Verification requests
 - ii. Alerts
 - iii. Trends and open alerts
- Fostering cooperation to ensure the implementation of Article 9 of the Convention, for instance the return of illegal shipments of waste
- Facilitate cooperation between the network members for transboundary movements of e-waste from countries in Africa to developed countries as well as between countries within Africa for environmentally sound management of hazardous components in situations no sufficient capacities exist in the country of import.
- Further developing the knowledge and skills of involved officers by, *inter alia*:
 - i. Participating in relevant meetings
 - ii. Facilitating the exchange of inspectors
 - iii. Sharing capacity building tools
 - iv. Undertaking joint enforcement actions
 - v. Organizing physical and online trainings
 - vi. Participating in other capacity-building activities

The observers will be invited to support the network and the activities of its Secretariat and members as they deem appropriate.

9. Funding

Each host of the Secretariat will have direct control over and be responsible for the funding it may have available for the activities of the network, in accordance with its own rules and regulations. Members of the network and observers are invited to provide resources for the activities of the network. The level of activities to be carried out within the network will be directly related to the available funding.

Expected costs for 2012

- *One network meeting in the second half of 2012: costs estimated at 15,000 USD (expected that the IMPEL, BCCC and BCRCs representatives cover their own costs)*
- *At least one inspection action in each participating country: costs for IMPEL experts (4 inspectors covered divided in two inspector exchange programmes)*
- *Costs secretariat: in kind IMPEL and BCCC-Nigeria*

10. Communication procedures/tool

A communication tool would support a better and more streamlined way of communicating. Conditions:

- easy accessible
- safe
- affordable
- easy to manage

It has been suggested to use PopsSocial; a platform aiming to increase the speed of communications and uptake of new ideas and solutions to the POPs chemicals and waste problems, without losing the credibility and authority of working within the established Intergovernmental environment. By increasing the accessibility of information and creating new points of entry for knowledge to enter the decision-making process, POPsSocial promotes the efficient uptake of the chemicals and waste solutions.

Web link: <http://networking.pops.int>

11. Expected outcomes

- An active and practical network of authorities involved in the prevention and combating of illegal transboundary movements of hazardous and other wastes between European and African countries;
- Strengthened cooperation between enforcement authorities in exporting States in Europe and importing States in Africa; and
- Improved implementation and enforcement of the Basel Convention provisions pertaining to preventing and combating illegal traffic of hazardous wastes, in particular e-waste.