



BASEL CONVENTION

Meeting of Enforcement Networks

Geneva, Switzerland
2-3 October 2012

Report of the Meeting

OPENING REMARKS AND OBJECTIVES OF THE MEETING

1. Mr Jim Willis, Executive Secretary of the Basel, Rotterdam and Stockholm Conventions (hereinafter BRS), opened the meeting by welcoming the participants and outlining the purpose of the meeting which was convened as a follow up to the Indonesian-Swiss country-led initiative (CLI) decision BC-10/3, a decision adopted by the tenth meeting of the Conference of the Parties to the Basel Convention (COP 10) to improve the effectiveness of the Basel Convention. As part of the CLI decision, the BRS Secretariat was requested to build on and enhance existing actions to stimulate cooperation between existing networks of enforcement agencies. The CLI decision also requested the BRS Secretariat to stimulate the formation of new networks, in particular with other enforcement organizations or in regions where such networks do not exist. The Executive Secretary indicated that the meeting aimed also at supporting the work of the Basel Convention Implementation and Compliance Committee (hereinafter ICC) which had been mandated to develop draft terms of reference for cooperative arrangements on preventing and combating illegal traffic. The participants were reminded about the importance of their work on enforcement networks, as it is relevant not only to the Basel Convention, but also to the broader chemicals regime.

2. Ms Juliette Voinov Kohler (BRS Secretariat) then introduced the agenda of the meeting, explaining that the first day and half of the meeting would focus on stimulating cooperation between existing networks of enforcement agencies and that, on the second day of the meeting, participants would attend a joint session with the Joint meeting of the Basel Convention Regional Centres (BCRCs) and Stockholm Convention Regional Centres (BCRCs) with the UNEP and FAO regional offices to discuss cooperation between networks of enforcement agencies and these entities as well as the possible formation of new networks.

STIMULATING COOPERATION BETWEEN ENFORCEMENT NETWORKS

Reports on activities

3. Following a round of introductions¹, the representative of each organization provided a brief report on their past, current and future activities aimed at preventing and combating illegal traffic in hazardous wastes. Dr. Shunichi Honda (**Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes**) explained that the Asian Network is an informal network hosted by the Ministry of the Environment of Japan whose priority is to enhance communication between participating countries by allowing representatives of those countries to get to know one another personally and by regularly organizing workshops to facilitate the sharing of information. The

¹ The list of participants to the Meeting of Enforcement Networks is set out in Annex 1 to this report

Asian Network also conducts desk studies on specific issues (for example, the environmentally sound management of hazardous waste). Other current activities include the Asia e-waste project. Take back issues and collaboration amongst networks and international organizations will be the specific agenda of the next workshop, to be held in the Philippines in November 2012. Also to be discussed at this workshop will be updates on national regulations and the environmentally sound management of hazardous waste. The Asian Network's scope of activities is not only limited to illegal traffic, but extends to different aspects of the Basel Convention's implementation, such as disposal facilities. In concluding, Dr Honda indicated that the geographical scope of the network might be extended to other countries in Asia.

4. Mr Daniel Moell (**World Customs Organization, WCO**) reported that following Operation Demeter in 2009, the WCO carried out Operation Demeter II on illegal movements of waste in early 2012, an enforcement operation in which some eighty countries had participated. The WCO also presented an overview of 'ENVIRONET', a real-time communication tool launched in 2009 to facilitate information exchange among customs officers, enforcement agencies, international organizations and regional networks in the fight against environmental crime at the border. As a partner of the Green Customs Initiative (GCI), the WCO is hosting a sub-regional workshop for South and West Asia members in the Maldives in November 2012. The WCO is also working closely with its regional offices on capacity-building and intelligence concerning chemicals and wastes.

5. Ms Ioana Botezatu (**INTERPOL**) presented an overview of INTERPOL's Environmental Crime Programme and its projects such as the National Environmental Security Task Force, launched in 2012 to facilitate communication between authorities at the national level. Other ongoing pollution-crime projects include: Project Eden, Operation Enigma (e-waste), Project e-learning (computer-based training modules for law enforcement officers in cooperation with the BRS Secretariat), Project Lite (ozone depleting substances) and Project Lynx (assessment of environment crimes). INTERPOL also reported on its information management system and on the 1st International Chiefs of Environmental Compliance and Enforcement Summit it convened with UNEP in March 2012.

6. Mr Chris Dijkens (**International Network for Environmental Compliance and Enforcement, INECE**) presented an overview of INECE's Seaport Environment Security Network (SESN), an informal network which brings together professionals involved in the monitoring and inspection of transboundary movements of hazardous waste through seaports, allowing them to work together to build capacity, raise awareness and facilitate communication between authorities at the national level. The SESN also provides a closed website for participants to exchange information. In 2012 the SESN hosted a Workshop in Bangkok on Combating Illegal Hazardous Waste Trade through Seaports. Mr Chris Dijkens also introduced the INECE Global Network of Environmental Prosecutors which was launched during the INECE 9th International Conference (June 2011) as well as INECE's various initiatives to stimulate the formation of enforcement networks in Africa.

7. Mr Terence Shears (**Transfrontier Shipments cluster of the European Union Network for the Implementation and Enforcement of Environmental Law, IMPEL-TFS**), provided an overview of the main activities of this informal network of environmental inspectors/officers from the 27 EU member States, Norway, Switzerland and the EU candidate countries. He said that one advantage of the network is that most participating countries operate within the same legal framework (the Waste Shipment Regulation, WSR) and that the focus of the network is on practical aspects of enforcement. He reported on the great improvements that had been made through the Joint Inspections Project aimed at improving the way inspections are carried out, including through a strengthened cooperation between customs, police and other parties involved in enforcing the WSR. He also explained that IMPEL-TFS holds annual meetings where good practices on inspections of waste are discussed.

8. Ms Voinov Kohler presented an overview of the Green Customs Initiative (**GCI**) on behalf of the GCI Secretariat. GCI is an unprecedented informal partnership of international organizations including the secretariats of six multilateral environmental agreements, WCO, the United Nations Environment Programme (UNEP), INTERPOL, the United Nations office on Drugs and Crime (UNODC) and the Organization for the Prohibition of Chemicals Weapons (OPCW). The activities undertaken in the framework of the GCI include the organization of workshops to train customs officers as well as the development of the Green Customs Guide, E-learning modules, Green Customs website and other tools and materials.

9. Ms Voinov Kohler then presented the **BRS Secretariat** activities on preventing and combating illegal traffic which cover both cooperation with international partners and activities undertaken in cooperation with Parties and that range from the development and review of national legal frameworks to activities targeting the various enforcement entities along the illegal traffic waste chain. Among these activities, she mentioned activities conducted in the context of the GCI (including the development of an e-learning tool in cooperation with WCO), the organization of a workshop for Prosecutors in Slovakia (June 2012) and the planning of a forthcoming similar workshop in Latin America in 2013, the development of an e-learning tool for police and other enforcement officers (in cooperation with INTERPOL), and the coordination of the E-waste Africa Project (in cooperation with IMPEL-TFS). She also reported on the activities undertaken in support of individual Parties in their identification of cases of illegal traffic.

Mapping exercise and assessment of enforcement networks

10. Ms Voinov Kohler presented an overview on the role and value of enforcement networks, as well as an introduction to selected existing enforcement networks not present at the meeting, such as the UNEP Regional Office for Asia Pacific (ROAP) Project Regional Enforcement Networks (REN), the International Association of Prosecutors, the European Network of Prosecutors for the Environment (ENPE) and EnviCrimeNet. She highlighted the variety of existing enforcement networks focusing on combating the illegal traffic of hazardous wastes, for instance with respect to their legal nature, their participants, their governance structure or their geographical scope. She also emphasized the differences with respect to the purpose and mandate of these networks, with activities which ranged from raising awareness and understanding, to promoting dialogue and encouraging cooperation, to exchanging information and sharing best practices, to building capacity in enforcing environmental protection legislation, and to developing coordinated, harmonized or common approaches to combating illegal traffic.

Stimulating cooperation between existing enforcement networks

11. During this discussion, it was agreed amongst the participants that international cooperation is crucial for preventing and combating illegal traffic in hazardous wastes and that enforcement networks have a specific added value in this respect. Ensuring the sustainability of existing networks was a key concern and participants listed the following factors as of particular importance in this regard:

- a. a shared goal;
- b. a lead agency or a ‘champion’;
- c. the need for the objectives of the network to be part of each partner organization’s core business;
- d. the need for environmental protection to be a priority for the national enforcement agencies involved in the network, and
- e. a strong financial basis.

12. With regards to sustainable financing, participants noted that this was a sign of the time and that all networks were facing financial constraints. It was suggested to develop a marketing strategy to emphasize the value of enforcement networks. As for the continued funding of enforcement networks, INECE explained that its role is to facilitate and organize networks, and that any newly established networks, such as those in Africa, are intended to eventually become self-sufficient. INECE is not actually involved in detecting cases of illegal traffic; rather, INECE’s role is to empower them with tools and training so that the individuals can bring the right skills with them into their organization.

13. With respect to priorities at the national level, participants agreed that environmental objectives need to be a priority for national enforcement agencies, given that they often already lack resources to undertake more traditional types of enforcement work. Participants discussed the angles that could be used to increase the visibility of environmental objectives. INTERPOL indicated that it currently uses the “environmental security” angle to supplement the “economic” approach that emphasizes the costs associated with environmental crimes.

14. The participants agreed that it is necessary to firstly improve cooperation between existing networks before creating new networks. A partnership approach may be considered as an alternative to ‘networks’, providing a forum for organizations to exchange information, ideas, identify gaps, and coordinate their activities. Gaps in existing networks should also be identified before considering whether it is necessary to form a new network. Such

gaps could also be filled by existing networks for instance through the extension of their scope of cooperation with existing entities. Participants discussed the value of mapping existing enforcement networks and noted the limited information available on the existence of enforcement networks in Latin America.

Lessons learned from the Montreal Protocol and CITES

15. Ms Kakuko Nagatani (**UNEP ROAP**) joined the meeting by conference call and presented an overview of regional networks including the nine Regional Ozone Networks set up with help of UNEP regional offices for the Montreal Protocol compliance, and accompanying enforcement networks for some regions such as ECA and AP to tackle the illegal trade of ozone depleting substances (ODS). She said that the strength of enforcement networks varies among the regions and explained that coordination between regions was undertaken through the enforcement officers of each UNEP regional offices. Ms Nagatani reported on an awards system developed to recognize exceptional enforcement efforts and achievements. Such a system has proven to be immensely valuable for the Montreal Protocol, as it motivates customs officers to take special notice of environmental issues. Following questions from participants, she also explained that the Multilateral Fund for the Implementation of the Montreal Protocol (MLF) currently provides resources to assist developing countries to comply with obligations under the Montreal Protocol, and funding to UNEP to maintain some of the regional enforcement networks involving customs and ozone officers. However, for other networks, such as the one in AP, funding for the enforcement officers at the national level is no longer provided by the MLF, and the enforcement networking is maintained through a project with external funds source.

16. Participants noted a difference with the regional enforcement networks under the Basel Convention such as the Asian Network and IMPEL TFS which are funded and led by the Parties themselves rather than by implementing agencies like UNEP.

17. WCO and INTERPOL then jointly presented an overview of the International Consortium on Combating Wildlife Crime (**ICCWC**), a new partnership between the CITES Secretariat, INTERPOL, UNODC, the World Bank and WCO. This partnership helps to address the whole enforcement chain, reduce competition between organizations, raise the visibility of the issue being tackled, attract more funding from donors and reduce duplication of efforts in operations (for example, to avoid situations where organizations develop similar training programs). It was stressed that each partner maintains its own programs.

18. One challenge that was identified with maintaining a partnership such as ICCWC is that, the more partners are involved, the more complex cooperation might be to achieve. There is a need to find a balance in order to maximize efficiency, as well as a balance between maintaining an organization's integrity and autonomy, while facilitating the sharing of information and cooperation on projects undertaken jointly.

Stimulating cooperation between enforcement networks: draft terms of reference for cooperative arrangements on preventing and combating illegal traffic

19. Participants then turned their attention to a concrete proposal aimed at improving cooperation between entities active in preventing and combating illegal traffic: the draft terms of reference for cooperative arrangements on preventing and combating illegal traffic (TORs) developed by the Basel Convention Implementation and Compliance Committee (ICC), upon the request of COP-10 (decision BC-10/11). Mr. Roy Watkinson, Vice Chair of the ICC, made a presentation about the ICC, its mandate and the work it had undertaken as a follow up to the COP-10 request to develop the draft TORs. He said a draft dated 8 June 2012 had been circulated to Parties and others, and that the ICC wanted to seek further views from the participants to the meeting in advance of the ninth session of the ICC, at what time the draft TORs would be considered.

20. All the participants saw value in improving coordination between relevant entities dealing with combating illegal traffic of hazardous wastes. Several participants however sought clarifications on the driver behind the proposal. It was explained that better coordination among enforcement organizations was expected to foster a better use of each organization's resources and to improve the delivery of services to Parties, thereby contributing to achieving the objectives of the Basel Convention.

21. In the ensuing discussions, it was highlighted that participation in a network requires resources. It was also felt that it might not be necessary to create a new network, but to use existing structures. Participants saw value in improving current cooperation between existing networks through annual meetings: a forum where entities could exchange information on their experiences, including best practices, and, if wished, agree on priorities for future joint activities. In general, participants felt that the arrangement set out in the draft terms of reference might be too formal and lack flexibility. There was also a perception that the arrangement would impose obligations upon those joining it. A preference was expressed by some for a more informal legal structure, for instance a letter of understanding as was used to establish ICCWC, that would achieve the objective of raising the visibility of an issue, promoting an efficient use of resources, while allowing organizations to retain their existing intergovernmental structures. The size of the structure was also identified as a key factor: too large a group would bring specific challenges.

22. Participants also acknowledged the constraints faced by organizations in achieving improved cooperation without the proper incentives to do so. It was noted that it is difficult to share successes between different organizations as each organization has its own goals and ultimately wants to receive credit for its contributions. Any newly created networks needed to be marketed as supporting existing networks and recognizing the work already done by existing networks.

23. In summarizing the discussions on the matter of cooperation between enforcement networks, Mr Watkinson noted that participants agreed that Parties are key to effective enforcement, that cooperative working is important, that a variety of networks exist and that their use should be optimised, that regions are not covered equally and that more information is needed on gaps and challenges. Participants had also noted that resource is an issue, that “environmental security” is a current driver, and that new “networks” may overlap with current networks, cause confusion and absorb resource unproductively.

24. On options for strengthening cooperation between enforcement entities, Mr Watkinson noted that participants did not favour the establishment of a tightly defined group but, instead, favoured closer cooperation between entities so as to improve visibility, effectiveness and efficiency, and assist with funding. Participants stressed the importance of presentational issues: any additional /new arrangements should focus on closing gaps and improving cooperative working. It was thus felt that a coordination group could assist by sharing information and plans, identify the best lead for solving a problem/sharing workload, and reporting achievements. Participants had noted the need to distinguish between the operational and facilitative activities undertaken by the different entities, and to avoid duplication. It was also felt that improving regional arrangements merited examination and that it would be valuable to articulate measures of success.

25. With regards to the features of an arrangement aimed at strengthening cooperation between enforcement entities, Mr Watkinson noted that the participants had listed the following: the value of a “softer base” (e.g. Letter of Understanding for a forum), the existence of a lead agency/ champion/enthusiast, the importance of not being too ambitious (too much, too soon too elaborate= too expensive?), the need for the prevention of illegal traffic in hazardous wastes to be considered part of the entity’s “core business”, the importance of keeping the arrangement as simple as possible (e.g. a large number of partners may make it unmanageable) and of keeping the frequency of meetings down (e.g. annual forum).

26. Two additional elements were highlighted by Mr Watkinson as important factors to be taken into account for the success of the arrangement: ensuring that credit for success is shared and patience, as a network takes time to evolve and mature.

Introduction on BCRCs, SCRCs, UNEP and FAO regional offices

27. As an introduction to the joint session with the Annual meetings for cooperation and coordination between the Basel Convention and the Stockholm Convention Regional Centres (BCRC and SCRC) and the FAO and UNEP regional offices, Ms Jacqueline Alvarez (BRS Secretariat) presented an overview of the three Conventions’ arrangements for regional delivery. Her presentation highlighted the BCRCs and SCRCs’ mandate, location, life span, performance evaluation mechanisms and legal statuses. She also provided information on the FAO and UNEP regional offices as well as on the synergies process among the three Conventions which is aimed at improving

cooperation and coordination among the Basel, Rotterdam and Stockholm Conventions, including through a coordinated use of regional offices and centres.

JOINT SESSION WITH THE ANNUAL MEETING FOR COOPERATION AND COORDINATION BETWEEN REGIONAL CENTRES UNDER THE BASEL AND STOCKHOLM CONVENTIONS AND FAO AND UNEP REGIONAL OFFICES

Opening remarks and objectives of the joint session

28. The Joint session between the Meeting of Enforcement Networks and the Annual meetings for cooperation and coordination between regional centres under the Basel and Stockholm Conventions and FAO and UNEP regional offices took place in the afternoon of Wednesday 3 October². The chair of the joint session, Mr Roy Watkinson, explained that the session provided an opportunity for enforcement entities on one hand and the regional centres and offices on the other hand, to exchange information on their enforcement activities, to foster cooperation between them, and to stimulate the formation of new enforcement networks, in particular in regions where such networks do not exist.

Enforcement networks: an overview

29. Ms Voinov Kohler presented an overview of the role and value of enforcement networks. She highlighted that preventing and combating illegal traffic and trade in hazardous chemicals was one area that the Conferences of the Parties to the Basel, Rotterdam and Stockholm Conventions had identified for enhanced coordination and cooperation between the three chemicals and waste conventions. Regional centres and offices thus had a role to support Parties in achieving this specific goal of the synergies process.

30. Participants from the Meeting of Enforcement Networks (The Asian Network, INTERPOL, IMPEL, INECE, WCO and the ICC) then gave short introductions on their work as it relates to the preventing and combating the illegal trade and traffic in hazardous chemicals and wastes. A summary of the discussions held during the Meeting of Enforcement Networks was also presented by Mr Watkinson. Representatives from the BCRCs, SCRCs and the UNEP and FAO regional offices were then invited to ask questions or make comments.

31. BCRC/SCRC Iran inquired about INTERPOL's capacity building projects at the national level. There was also a discussion initiated by SCRC Czech Republic on the environment programmes of the enforcement networks, particularly those focusing on chemicals. IMPEL noted that the Chemical Legislation European Enforcement Network (CLEEN) is dedicated to EU chemicals legislation. WCO indicated that, through GCI, training activities for customs focused on the chemicals covered by the Rotterdam and Stockholm Conventions, while INTERPOL noted that it was developing in cooperation with the BRS Secretariat an e-learning tool for police and other enforcement officers whose scope extended to the chemicals covered by those Conventions as well.

32. BCRC El Salvador observed that, based on its experiences, customs officers would like a more integrated training. He also highlighted problems with the illegal export of used lead acid batteries in Central America and the Caribbean, and its effects on the environment and on the green technology sector, in particular the new entrepreneurs that are trying to set up disposal facilities in the region. He saw value in exploring the possibility of establishing an enforcement network in the region.

33. BCRC/SCRC China highlighted that the Centre is already involved in activities aimed at preventing and combating illegal traffic and that the existing network of Regional Centres should be used.

34. BCRC/SCRC Senegal reported on its cooperation with IMPEL and INECE and noted the benefits of collaborations between enforcement entities in Africa and in Europe, as had been demonstrated through the E-waste Africa project.

² The list of participants to this meeting is set out in Annex 2 to this report

35. BCCC Nigeria stressed the need to distinguish between new and used electrical and electronic equipment (EEE) when compiling national import statistics. Without this distinction, it is difficult for countries to develop inventories. On this point, the WCO noted that the HS Nomenclature 2012 was introduced on 1 January 2012, and will be next reviewed in 2017.

36. The Regional Centres showed interest in the training programs organized by the enforcement agencies and networks. In turn, the enforcement agencies and networks stressed the need to identify the needs of customs and enforcement officers before initiating training activities.

Experiences from regional centres and regional offices: Enforcement Networks in Africa and in Asia

37. BCCC Nigeria presented an overview of enforcement networks in Africa, including the efforts towards the establishment of an Africa-EU enforcement network as part of the E-waste Africa Project. He noted that weak legislation and lack of effective communication (due to language differences within the region) were barriers to creating a sustainable network in the region.

38. UNEP ROAP presented an overview of enforcement networks in Asia, which includes: Project PATROL (Partnership Against Transnational Crime Through Regional Organized Law enforcement), ARPEC (Asian Regional Partners Forum on Combating Environmental Crime) and the Project REN (the Regional Enforcement Network for Chemicals and Wastes), which aimed at reducing unwanted transboundary movements of harmful substances and hazardous waste in Asia by preventing illegal trade and encouraging legal trade. She explained that the Regional Centres in Asia as well as the BRS Secretariat were involved in the Project REN.

Enforcement Networks: Opportunities for regional centres and regional offices (discussion)

39. During this discussion, BCRC and Nominated Stockholm Convention Centre in Indonesia, stressed the need for a methodology to better assess the effectiveness of enforcement activities in order to make better judgments on future resource allocations. BCCC Nigeria commented that, based on its experiences, imports of e-waste had been reduced as a result of enforcement activities, and that a good indicator of the effectiveness of enforcement activities is the reduced number of illegal traffic. He also explained that used EEE were covered by both the Stockholm and Basel Conventions.

40. BCRC El Salvador noted its continuing interest to host a Green Customs Initiative workshop for the Central American region. BCRC/SCRC China expressed interest in working with individual Parties and regional entities to support the efforts of preventing and combating illegal traffic.

Closing remarks

41. Ms Voinov Kohler thanked the participants for their attendance at the meetings and reminded participants that the first step towards greater cooperation is getting to know one another. The next step was to establish a stable and solid platform for cooperation. She said the regional centres and offices offered a wealth of experience and expertise that was valuable to enforcement organizations and networks, and vice versa. She welcomed the interest expressed on both sides for cooperation on enforcement matters. Ms Cardenas (BRS Secretariat) then delivered concluding remarks about the Annual meeting for cooperation and coordination between regional centres under the Basel and Stockholm Conventions and FAO and UNEP regional offices highlighting that participants, during the morning session, had noted the need to consider ways to keep all parties and entities informed about activities pertaining to the implementation and enforcement of the Conventions, whether through a Calendar of activities to be developed by the Secretariat, or through the use of newsletters and blogs.

Annex 1:

**List of participants to the Meeting of Enforcement Networks
(Geneva, 2-3 October 2012)**

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Annex 2

**List of participants to the Annual joint meeting to Enhance Cooperation and Coordination between Regional Centres under the Basel and Stockholm Conventions, and UNEP and FAO Regional Offices
(Geneva, 3 October 2012)**

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See Annex 1 to the meeting report