

IV/12. Illegal traffic in hazardous wastes and other wastes

The Conference

1. Welcomes the work of the Technical Working Group on confirmed cases of illegal traffic and recognizes that the issue of illegal traffic remains a high priority with particular emphasis on cases involving alleged illegal traffic,

- (a) Appeals to Parties to bring any case or, if appropriate, alleged case of illegal traffic to the attention of the Secretariat and to provide the Secretariat with all necessary information to enable it to take any appropriate action, including preventive measures through initial dissemination of information to Parties concerned,
- (b) Welcomes steps taken by Parties to submit information on how Parties may have dealt with illegal traffic, including alleged cases of illegal traffic, with regard to difficulties they could be facing when seeking compliance with the provisions of the Basel Convention,
- (c) Recognizes that illegal traffic can take many different forms and be of different magnitudes ranging from, for example, falsification of documents to large-scale organized activities,
- (d) Requests Parties to cooperate with each other and the Secretariat on alleged cases of illegal traffic;
- (e) Assigns the Consultative Sub-group of Legal and Technical Experts the task of developing procedures to address alleged cases of illegal traffic;
- (f) Adopts the draft Form for Confirmed Cases of Illegal Traffic for use by Parties in confirmed cases of illegal traffic;
- (g) Invites Parties to use this form in their reports related to confirmed cases of illegal traffic to the Secretariat;
- (h) Requests the Secretariat to report to the fifth meeting of the Conference of the Parties, through the Open-ended Ad Hoc Committee for the Implementation of the Basel Convention, as appropriate, on information received by Parties on cases of illegal traffic;
2. Welcomes the convening of meetings and conferences on the prevention of illegal traffic approved by decision III/28 and urges Parties to promote the effective participation of developing countries in these meetings;
3. Urges Parties to fulfil their obligations under Article 9, paragraph 5 of the Basel Convention, in particular:
- (a) To promulgate, update and/or develop stringent legislation on the control of transboundary movements of hazardous wastes; and
- (b) To incorporate in their national legislation appropriate sanctions or penalties for illegal traffic in hazardous wastes and other wastes covered by the Basel Convention;
4. (a) Notes that the classification and characterization of wastes represent essential tools to assist in the identification and prevention of illegal traffic;
- (b) Requests the Secretariat of the Basel Convention, bearing in mind decisions I/18 and II/23, to work closely with the United Nations Committee of Experts on the Transport of Dangerous Goods towards the development of an appropriate classification and labelling system;
- (c) Requests the Secretariat to continue its cooperation with various regional commissions and secretariats of regional conventions and protocols, non-governmental organizations, industry and the private sector, as well as the World Customs Organization and Interpol, in order to achieve better control and monitoring of cases or alleged cases of illegal traffic in hazardous wastes and other wastes;
- (d) Requests the Secretariat to organize training courses for customs officers and police forces in cooperation with the World Customs Organization, Interpol and other appropriate bodies, including United Nations regional commissions and secretariats of regional agreements dealing with similar aspects;
- (e) Requests the Secretariat to assist Parties in capacity building, including the development of an appropriate infrastructure, with a view to preventing and penalizing cases of illegal traffic in hazardous wastes and other wastes and to ensuring the involvement of national authorities and focal points for the Basel Convention in the prevention and monitoring of illegal traffic in hazardous wastes and other wastes;

(f) Encourages Parties to build up their enforcement capacities, inter alia, through co operation with international bodies such as Interpol and the International Network for Environmental Complaints, in the development of training and networking for enforcement personnel involved in the prevention of illegal traffic;

(g) Invites Parties to promote consistency when addressing the issue of illegal traffic in the relevant United Nations bodies, while avoiding duplication;

5. Requests the Technical Working Group and the Consultative Sub-group of Legal and Technical Experts, at their joint meeting, keeping in mind the discussions within the Ad Hoc Working Group of Legal and Technical Experts to Consider and Develop a Draft Protocol on Liability and Compensation, to develop recommended procedures to assist Parties in preventing, identifying and managing illegal traffic.