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## **Terms of reference for cooperative arrangements on preventing and combating illegal traffic: the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE)**

### **A. Mission statement**

1. The mission of the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE) is, through a network of relevant experts, to promote parties' compliance with the provisions of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal pertaining to preventing and combating illegal traffic in hazardous wastes and other wastes through the better implementation and enforcement of national law.
2. This will be achieved by bringing together existing resources and enhancing and improving cooperation and coordination between relevant entities with a specific mandate to deliver capacity-building activities and tools on preventing and combating illegal traffic.

### **B. Scope**

3. The activities of ENFORCE may relate to transboundary movements of hazardous wastes and other wastes falling within the scope of the Basel Convention.

### **C. Activities**

4. Consistent with the mission of ENFORCE and through cooperation and information exchange, members will focus their activities on undertaking capacity-building activities to prevent and combat illegal traffic, for instance:
  - Sharing and developing training tools and materials (including review of and improvement of existing training tools materials);
  - Hosting and organizing workshops or electronic training and information sessions, in particular for developing countries;
  - Facilitating information exchange on success stories, techniques and expertise, and dissemination of good practices;
  - Periodic monitoring of and reporting on the progress and effectiveness of the training activities and modules, for example by developing performance indicators, identifying gaps and problematic areas and proposing modifications;
  - Developing means to ensure sustainability in the efforts under ENFORCE.
5. To support these activities and with a view to avoiding duplication and maximizing the use of available resources, the members of ENFORCE may also engage in the following activities:
  - Improving understanding of the challenges and needs of parties and the various stakeholders in preventing and combating illegal traffic in line with the requirements of the Basel Convention;
  - Developing common approaches and strategies for preventing and combating illegal traffic in line with the requirements of the Basel Convention;

- Promoting dialogue between members and developing a shared vision for preventing and combating illegal traffic that is in line with the objectives and requirements of the Basel Convention;
- Promoting cooperation between members and a coordinated approach to capacity-building and operational activities, for instance through joint activities, to broaden the geographical distribution of such activities and to reduce competition over resources;
- Increasing the visibility of and support for efforts aimed at preventing and combating illegal traffic.

## **D. Members**

6. Membership in ENFORCE is open to:

- Parties to the Basel Convention;
- Entities with a specific mandate to deliver implementation and enforcement capacity-building activities that could assist parties to the Basel Convention in preventing and combating illegal traffic of hazardous wastes and other wastes under the Basel Convention;
- Entities with a specific role or relevance in relation to the above-mentioned task.

7. Members of ENFORCE are:

- One representative from each of the five United Nations regions that are parties to the Convention;
- Five representatives from the Basel Convention regional and coordinating centres, based on equitable geographical representation.

8. The following organizations and entities, among others, are eligible to become additional members:

- World Customs Organization;
- International Criminal Police Organization (INTERPOL);
- United Nations Environment Programme (UNEP), through, for instance, the Division of Environmental Law and Conventions or the Division of Technology, Industry and Economics;
- Constituted enforcement networks: the Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes, the Transfrontier Shipment of Waste (TFS) cluster of the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL), the Green Customs Initiative, the Multilateral Environmental Agreements Regional Enforcement Network (MEA-REN), the International Network for Environmental Compliance and Enforcement (INECE), and the United Nations Office on Drugs and Crime (UNODC);
- Non-governmental organizations active in the field of prevention and combating illegal traffic, such as the Basel Action Network (BAN);
- Other organizations with the potential to make a contribution that are approved by ENFORCE in accordance with the provisions of paragraph 12 below.

9. The five party representatives mentioned above shall be elected by the Conference of the Parties at each of its meetings, based on nominations from each regional group. Elected party representatives are eligible for re-election at subsequent meetings of the Conference of the Parties to the Basel Convention.

10. The five representatives of the Basel Convention regional and coordinating centres shall be designated by the Conference of the Parties at each of its meetings, based on nominations from each regional group. The elected representatives are eligible for re-election at subsequent meetings of the Conference of the Parties to the Basel Convention.

11. The membership of ENFORCE should not exceed 25 members.

12. Organizations and entities fulfilling the conditions set out in paragraph 6, such as those listed in paragraph 8, and wishing to become members of ENFORCE, may address, through the Secretariat, a duly motivated request to the chair of ENFORCE. The secretariat of ENFORCE shall circulate the request to all members. Members are accepted by a decision of the members

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of ENFORCE. Each new member designates a representative with recognized expertise in the field of the activities of ENFORCE and notifies the secretariat of ENFORCE accordingly. Members can at any time decide no longer to be members of ENFORCE. Such a decision shall be notified to the secretariat of ENFORCE.

13. Communication with and among members will take place through the designated or, as appropriate, elected representative.

#### **E. Working methods**

14. Members of ENFORCE, through their designated representative, will meet at least once a year, whether in person, by conference call or by electronic means, and whenever possible in conjunction with the meetings of Basel Convention bodies.

15. The Chair of the Committee Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention shall participate in the meetings *ex officio*.

16. Meetings shall only be open to observers approved by the members through the process set out below.

17. The objective of the meetings is for members to exchange information on activities of relevance to ENFORCE, and also to identify activities that would benefit from being coordinated or jointly planned and implemented by two or more members.

18. At each meeting, members of ENFORCE will elect a chair and a vice-chair among the representatives of the members at the meeting. Election will be based, as far as possible, in a way to ensure rotation among the members of ENFORCE.

19. At the first meeting of ENFORCE, a chair and vice-chair will be elected. The chair and vice-chair will remain in office until the closure of the first meeting of ENFORCE subsequent to the next meeting of the Conference of the Parties. The subsequent chair and vice-chair will commence their term of office at the closure of the meeting at which they are elected and will serve as chair and vice-chair until the closure of the first meeting of ENFORCE subsequent to the next meeting of the Conference of the Parties.

20. To ensure transparency for parties to the Basel Convention, ENFORCE will prepare timely reports of its meetings. The reports of meetings of ENFORCE will be drafted under the authority of the chair and circulated to members present at the meeting for its endorsement. Once endorsed, the report will become a document publicly available. Where ENFORCE produces recommendations that it wishes the Conference of the Parties to act upon, it shall include these in its report to the Conference of the Parties.

#### **F. Secretariat**

21. The Secretariat of the Basel Convention shall be the secretariat of ENFORCE. It shall exercise its functions in accordance with article 16 of the Convention.

#### **G. Observers and experts**

22. Non-members may, subject to the following conditions, be admitted to meetings of ENFORCE and represented as observers. Such non-members wishing to be represented as observers during meetings of ENFORCE shall, through the Secretariat, address a duly motivated request to the chair of ENFORCE. The secretariat of ENFORCE shall circulate the request to all members with a view to seeking their timely approval. If approved, the chair will invite the requesting non-member to be represented as an observer during the meeting of ENFORCE.

23. Members of ENFORCE may agree to invite experts possessing specialized technical knowledge on an issue to be discussed at a meeting to be admitted to the meeting, or relevant parts thereof.

24. Observers will be requested to agree to respect the confidentiality and other rules applicable to the meetings of ENFORCE.

## **H. Confidentiality**

25. The Chatham House Rule<sup>1</sup> shall apply to all activities under ENFORCE, including meetings and intersessional correspondence. Under the Chatham House Rule, participants at a meeting are free to use the information received, but neither the identity nor the affiliation of the speaker(s) nor that of any other participant may be revealed.

26. The obligation of confidentiality set out herein shall subsist for all members of ENFORCE beyond the duration of their membership with ENFORCE.

27. The members of ENFORCE, and also any observer, individual or entity involved in the work of ENFORCE shall protect the confidentiality of information received in confidence.

## **I. Public information**

28. Information released on behalf of ENFORCE shall be communicated through the secretariat of ENFORCE.

## **J. Logos and names**

29. Members of ENFORCE will not use the names or logos of the Basel Convention, the United Nations Environment Programme and the United Nations without the prior written authorization of each of those organizations in relation to each specific use.

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<sup>1</sup> See <http://www.chathamhouse.org/about-us/chathamhouserule>.