

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. At its fifteenth meeting, the Conference of the Parties shall elect three of the five party representatives mentioned above for one term and two of the five party representatives mentioned above for two terms. The Conference of the Parties shall, at each ordinary meeting thereafter, elect for two full terms new members to replace those members whose period of office has expired or is about to expire. Members shall not serve for more than two consecutive terms. For the purposes of the present terms of

reference, “term” means the period that begins at the end of one ordinary meeting of the Conference of the Parties and ends at the end of the subsequent ordinary meeting of the Parties.

10. At its fifteenth meeting, the Conference of the Parties shall designate two of the four representatives of the Basel Convention regional and coordinating centres for one term and two of the four representatives of the Basel Convention regional and coordinating centres for two terms. The Conference of the Parties shall, at each ordinary meeting thereafter, designate for two full terms new members to replace those members whose period of office has expired or is about to expire. Members shall not serve for more than two consecutive terms. For the purposes of the present terms of reference, “term” means the period that begins at the end of one ordinary meeting of the Conference of the Parties and ends at the end of the subsequent ordinary meeting of the Parties.

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 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. As soon as possible following each meeting of the Conference of the Parties, members of ENFORCE will elect a chair and a vice-chair. Election will be, as far as possible, in a way to ensure rotation among the members of ENFORCE.

19. The chair and vice-chair will remain in office until the closure of 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 Rule¹ 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.

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