

ICC Implementation & compliance with Article 9 - UNICRI

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Language

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System language

1. Submitting Stakeholder:

Organization:
UNICRI

2. Contact details of the person who completed the questionnaire:

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3. 1.1 Does your organization have a mandate to collect information about potential or confirmed cases of illegal traffic in hazardous and other wastes?

Yes
*** No ***

4. If yes , please specify:

From whom do you collect information:

Customs
Police
Port authorities
Environmental inspectors
Prosecutors
Judiciary
Other (please specify)
Not answered

5. Through which channel do you collect information:

Self reporting by the entity to your organization

Exchange of information among entities through a platform hosted/convened by your organization such as:

Electronic information exchange system; Operations; Meetings; Technical assistance activities.

Please specify in the box below:

Not answered

Unofficial sources (eg. media or publications)

Other (please specify)

Not answered

6. 1.2. On average, how many cases of potential or confirmed cases illegal traffic per year come to your knowledge?

0

Between 1 and 5

Between 6 and 10

Between 11 and 20

More than 20

7. 1.3. Is the information your organization collects about potential or confirmed cases of illegal traffic made publicly available?

Yes

No

8. If yes, please specify:

Information is shared with the Basel Convention Competent Authorities:

Yes

No

9. Information is shared with the Secretariat of the Basel Convention:

Yes

No

10. Information is shared with other entities (please specify):

Not answered

11. Information is otherwise made publicly available

Yes

No

12. If yes, please specify:

Not answered

13. If no , please specify who has access to that information:

Not answered

14. 1.4. Does your organization face challenges in accessing information on potential or confirmed cases of illegal traffic?

Yes

No

15. If yes , please indicate why:

In general, lack of access by the entities you serve to information about potential or confirmed cases of illegal traffic. This may be due to:

Lack of cooperation at the international level; Lack of communication and coordination between entities at the national level; Lack of adequate legal framework to prevent and punish the provisions of the Basel Convention; Lack of awareness of enforcement entities about the provisions of the Basel Convention; Lack of technical capacity to detect cases of illegal traffic; Other.

Please specify in the box below:

Not answered

Lack of transmission of information to your organization by the entities you serve. This may be due to:

Entities not aware of the mandate of your organization to collect information on potential or confirmed cases of illegal traffic; Transmission of information to your organization would not necessarily achieve the objectives of the country; Lack of incentives for the entities to transmit to your organization information on potential or confirmed cases of illegal traffic; Other.

Please specify in the box below:

Not answered

Other (please specify)

Not answered

16. If no , please indicate what elements in your view promote the transmission to your organization of information on potential or confirmed cases of illegal traffic:

N/A

17. 2.1 In your view what are best practices with respect to the implementation and enforcement of Article 9 of the Basel Convention?

*** Adequate domestic legal and institutional framework implementing Article 9 of the Basel Convention and complementing it as necessary to enable its enforcement (eg. penalties in case of illegal traffic) ***

*** Awareness of stakeholders involved in transboundary movements (eg. generator, exporter, transporter, importer and disposer) of the relevant provisions of the Basel Convention pertaining to the control of such movements and illegal traffic; ***

*** Training activities for enforcement entities, for instance integration of the Basel Convention in the national training or educational curricula of Customs, police, prosecutors, the judiciary and other enforcement entities; ***

*** Establishment of environmental units within enforcement entities; ***

*** Clear assignment of responsibilities between all the entities involved in the enforcement of Article 9 of the Basel Convention, and adequate communication or coordination mechanisms among them; ***

Other best practices

18. Please elaborate on the nature of the “other best practices” and on any box you have ticked

Not answered

19. 2.2. Do you know of difficulties faced by Parties in implementing and enforcing the provision in Article 9 of the Basel Convention ?

*** Yes ***

No

20. If yes, provide the nature of the difficulties encountered:

(i) Domestic difficulties :

- * Lack of or inappropriate domestic legal or institutional framework to implement Article 9 of the Basel Convention; ***
- * Lack of clarity about what is deemed to be illegal traffic at the national level; ***
- * Lack of clarity with respect to the applicable rules; ***
- * Lack of understanding of the distinction between waste and non-waste at the national level; ***
- * Challenges in identifying that a transboundary movement of hazardous wastes or other wastes may be a case of illegal traffic as defined by paragraph 1 of Article 9 (constitutive elements); ***
- * Lack of access to adequate information about possible cases of transboundary movements of hazardous wastes or other wastes deemed to be illegal traffic ***
- * Lack of awareness among relevant entities within the country involved in preventing and combating illegal traffic about the requirements of Article 9 (e.g customs, port authorities, etc.); ***
- * Lack of coordination/cooperation at the national level among relevant entities involved in transboundary movements of hazardous and other wastes; ***
- * Other difficulties. ***

Please elaborate on the nature of the “other difficulties” and on any box you have ticked

Lack of practical equipment for detection

Lack of human resources (time constraint, low priority compare to other type of crimes)

21. (ii) International cooperation difficulties :

- * Lack of information on other Parties’ definition or understanding of what is deemed to be illegal traffic; ***
- * Lack of harmonized definition or understanding of the meaning of ‘waste’, ‘hazardous waste’ and ‘other waste’; ***
- * Lack of shared understanding among Parties of how to implement Article 9 of the Convention; ***
- * Difficulties in communicating/cooperating with the relevant entities from the States concerned (State of transit, State of export); ***
- * Difficulties in identifying or communicating with exporter or generator; ***
- * Lack of shared understanding of how to operationalize paragraphs 2, 3 and 4 of Article 9; ***

Other difficulties

Please elaborate on the nature of the “other difficulties” and on any box you have ticked

Not answered

22. 2.3 Are you aware of the guidance documents developed under the Basel Convention pertaining to preventing and combating illegal traffic (<http://www.basel.int/Implementation/Publications/GuidanceManuals/tabid/2364/Default.aspx#>) and does your organization use or disseminate them?

(i) Guidance on the implementation of the Basel Convention provisions dealing with illegal traffic

(paragraphs 2, 3 and 4 of Article 9):

*** Yes ***

No

23. (ii) Instruction Manual on the Prosecution of Illegal Traffic of Hazardous Wastes or Other Wastes

*** Yes ***

No

24. (iii) Guidance Elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Waste:

*** Yes ***

No

25. If the guidance documents are used, please elaborate on how you disseminate them and how useful they have been for the entities you serve:

Dissemination via projects, online Library (<http://www.dotcomwaste.eu/resources/dotcomlibrary/>), capacity building activities, etc.

26. If your organization is not aware of, does not disseminate or does not use the guidance documents, please elaborate on why:

Not answered

27. 2.4 Are you aware of the training tools developed by the Secretariat of the Basel Convention pertaining to preventing and combating illegal traffic and does your organization disseminate or use them?

(i) Interactive Manual for Customs on hazardous chemicals and wastes under the Basel, Rotterdam and Stockholm conventions (

<http://www.basel.int/Implementation/Publications/TrainingManuals/tabid/2363/Default.aspx>)

Yes

No

28. (ii) Basel Convention Training Manual on Illegal Traffic for Customs and Enforcement Agencies (

<http://www.basel.int/Implementation/Publications/TrainingManuals/tabid/2363/Default.aspx>)

*** Yes ***

No

29. (iii) E-learning module for law enforcement officers on hazardous chemicals and wastes under the Basel, Rotterdam and Stockholm Conventions (

<http://synergies.pops.int/Implementation/TechnicalAssistance/ToolsandMethodologies/Elearningmodul>

* Yes *

No

30. If the tools are used, please elaborate on how you disseminate them and how useful they have been for the entities you serve:

See previous answer

31. If your organization is not aware of, does not disseminate or does not use the tools, please elaborate on why:

Not answered

32. 3.1. What steps would you suggest could be taken to improve implementation of Article 9 of the Basel Convention, whether at the national or global level?

Please indicate order of priority:

	Very low	Low	Medium	High	Very high
Establishment of coordinating mechanisms between Competent Authorities and enforcement entities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Review and strengthening of legal and institutional frameworks implementing the Basel Convention, in particular whether it embodies the necessary provisions of the Convention pertaining to illegal traffic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Further prioritization of preventing and combating illegal traffic as a policy priority at the national level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Better understanding the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

drivers of illegal traffic and the scope of the problem					
Strengthening technical assistance activities (please specify below the areas of assistance needed and the nature of the activities sought eg, country-specific, workshop, webinar)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Review of the ENFORCE terms of reference (annex to decision BC-11/8) with a view to strengthening this partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development of further guidance documents at the global level (please specify below the scope of such guidance)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Broader dissemination of existing guidance and technical assistance tools	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greater access to information on the work of organizations with a mandate on preventing and combating illegal traffic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Strengthening of international cooperation among international organizations with a mandate in preventing and combating illegal traffic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Learning from possible lessons under other multilateral environmental agreements with trade control regimes (eg. CITES; Montreal Protocol, Cartagena	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Protocol)

Outreach and awareness raising activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other (please specify below)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

33. If other , please specify below:

technical assistance activities: different technical levels among countries and region, need harmonisation. Too often such activities lack regularity.

34. 3.2. Among the steps identified above, which steps could your organization contribute to undertake?

Please indicate order of priority:

	Very low	Low	Medium	High	Very high
Establishment of coordinating mechanisms between Competent Authorities and enforcement entities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Review and strengthening of legal and institutional framework implementing the Basel Convention, in particular whether it embodies the necessary provisions of the Convention pertaining to illegal traffic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Further prioritization of preventing and combating illegal traffic as a policy priority at the national level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Better understanding the drivers of illegal traffic and the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

scope of the problem					
Strengthening technical assistance activities (please specify below the areas of assistance and the nature of the activities e.g. country-specific, workshop, webinar)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Review of the ENFORCE terms of reference (annex to decision BC-11/8) with a view to strengthening this partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development of further guidance documents at the global level (please specify below the scope of such guidance)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Broader dissemination of existing guidance and technical assistance tools developed under the Convention	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greater access to information on the work of organizations with a mandate on preventing and combating illegal traffic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Strengthening of international cooperation among international organizations with a mandate in preventing and combating illegal traffic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Learning from possible lessons under other multilateral environmental agreements with trade control regimes (eg. CITES; Montreal Protocol, Cartagena Protocol)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Other (please
specify below)**

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35. If other , please specify below:

Not answered

36. Please add any additional information or comments pertaining to the implementation of Article 9 of the Basel Convention that is not included in answers to the above questions.

Not answered