



Bundesministerium  
für Umwelt, Naturschutz  
und Reaktorsicherheit



**SYMPOSIUM  
ON ILLEGAL INTERNATIONAL TRAFFIC IN HAZARDOUS CHEMICALS**

**DRAFT REPORT**

**6-8 NOVEMBER 2006  
PRAGUE - PRŮHONICE, CZECH REPUBLIC**

## **1. Introduction**

Illegal international traffic in hazardous chemicals has for a number of years been recognized as an international problem with potential serious consequences for human health and the environment in particular in developing countries and countries with economies in transition. This has at latest been confirmed at the International Conference on Chemicals Management in Dubai, 6-8 February 2006 that adopted the Strategic Approach to International Chemicals Management (SAICM), where illegal international traffic has been appointed as one of the 5 main objectives of the Strategic Approach. A number of initiatives have been carried out to meet the challenge of illegal international trade in hazardous chemicals and waste. UNEP and its partners are under the Green Customs Initiative working together to stop illegal international trade in hazardous chemicals and waste. The objective of the symposium was to share information and experience from different regions on the magnitude of illegal international trade of hazardous chemicals and wastes, the adverse effects of this on human health and the environment and to take stock of and evaluate existing measures to address illegal traffic.

The symposium was made possible by a contribution from the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety of the Federal Republic of Germany. It is organized in cooperation between the Ministry for the Environment of the Czech Republic and the Chemicals Branch of the Division on Technology, Industry and Economy of the United Nations Environment Programme (UNEP). Symposium participants included representatives of governments, industry, public interest groups, international organizations and other interested groups.

## **2. Participants**

The symposium was attended by government participants from Argentina, Armenia, Brazil, Cameroun, Columbia, Costa Rica, Czech Republic, Georgia, Germany, Indonesia, Maldives, Mongolia, Norway, Nigeria, Romania, Slovakia, Syria, Tanzania, United Kingdom.

The Inter-governmental organizations were represented by the Secretariat of the Basel Convention Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the OzonAction unit of UNEP and the Chemicals Branch.

The Non Governmental Organisations were represented by Bureau of Environmental Investigations, Environmental Investigation Agency, CEFIC, ECPA, BASF, ICCA, Arnika Association.

## **3. Symposium Programme**

## **Monday - 6 November 2006**

- 9.00 - 10.00 Registration
- 10.00 - 10.15 Opening:  
Mr. Jan Dusík, Deputy Minister of Environment, Czech Republic  
Mr. John Whitelaw, Deputy, Chemicals Branch, UNEP  
Mr. Jens Küllmer, Assistant head of Division for International Chemicals Safety, Federal Ministry of Environment, Nature Conservation and Nuclear Safety, Germany
- 10.15 – 10.45 General key note speech on the development of policies on illegal international traffic in hazardous chemicals and relation to the adopted SAICM. Mr. Jens Küllmer, Germany

### **Panel discussions**

- 10.45 – 13.00 Panel discussion on magnitude of problems with illegal traffic in hazardous chemicals including major health and environmental effects  
Moderator: Mr. Karel Bláha, Deputy Minister of Environment, Czech Republic
- 10.45-11.15 Addressing International Traffic on Hazardous Wastes under the Basel Convention  
Presentation: Mr. Ibrahim Shafii, Secretariat of the Basel Convention
- 11.15 – 11.45 Coffee break
- 11.45 – 13.00 Presentation of the experience from different regions and stakeholders  
Panel participants:
  - Mr. John Whitelaw, UNEP, Chemicals
  - Mr. Lic Eduardo Madrigal, Costa Rica, Grulac
  - Mr. Jamidu Katima, Tanzania, Africa
  - Ms. Sarantuya Myagmarjav, Mongolia, Asia-Pacific
  - Mr. Roderick Rowe, CropLife International
  - Mr. Ezra Clark, Environmental Investigation, NGO

### *Discussion*

- 13.00 – 14.30 *Lunch*



## **Tuesday - 7 November 2006**

9.00 – 13.00	Discussion in working groups
13.00 – 14.30	<i>Lunch</i>
14.30 – 16.30	Working groups discussions, preparation of reports and drafting conclusions
16.30	Adjournment of the meeting
17.00	Facultative programme - sightseeing tour to Prague (cost covered by participants)

## **Wednesday - 8 November 2006**

9.00 – 11.00	Reports from working groups, discussion
11.00 – 11.20	<i>Coffee break</i>
11.20 – 13.00	Conclusions and recommendations, closure of the meeting
13.00	<i>Lunch</i>

## **4. Opening**

The meeting was opened by **Mr. Dusik**, Deputy Minister of Environment, Czech Republic, who welcomed all participants in the meeting. He referred to paragraph 23 of the Plan of Implementation adopted at the World Summit on Sustainable Development in Johannesburg, to the discussion about illegal trade at the margins of the 16<sup>th</sup> Meeting of the Parties to the Montreal Protocol held in Prague and, to the Basel and Rotterdam Conventions. It was stressed that the main aim of the symposium was to identify needs for strengthening measures for implementation of agreements to prevent illegal trade.

**Mr. Whitelaw** referred to the Strategic Approach for International Management of Chemicals and indicated guidance from the symposium as being what UNEP is looking for.

## **5. General keynote speech on the development of policies on illegal international traffic in hazardous chemicals and relation to the adopted SAICM. Mr. Jens Küllmer, Germany**

**Mr. Küllmer**, Assistant head of Division for International Chemicals Safety, Federal Ministry of Environment, Nature Conservation and Nuclear Safety, Germany presented an overview of activities on illegal traffic.

In the speech reference was made to UNCED – Rio 1992, chapter 19 of Agenda 21, hazard assessment, harmonization of labelling, the World Summit on Sustainable Development, Johannesburg and policies in illegal trafficking, targets to be addressed and the use of existing instruments – Rotterdam, Montreal, Basel etc. The question was raised if these conventions are the right instruments for dealing with illegal traffic or whether there are some gaps and loopholes in MEAs system.

## **6. Panel discussions on day one**

The purpose of the workshop was to assess:

- The magnitude and effects of illegal traffic in hazardous chemicals and waste in developing countries and countries with economies in transition
- Existing measures to address illegal international traffic in hazardous chemicals and waste in developing countries and countries with economies in transition

Two panel discussion were carried out to provide information on these two issues.

### ***6.1 Panel discussion on the magnitude and effects of illegal traffic***

Moderator for the panel was Mr. Karel Blaha, Czech Republic.

Mr. Ibrahim Shafii from the Secretariat of the Basel Convention provided the key note presentation.

Other presentations were provided by representatives from UNEP Chemicals, Costa Rica, Tanzania, Mongolia, Crop Life International, and the Environmental Investigation Agency.

The presentations given can be found on

[http://www.chem.unep.ch/unepsaicm/prague\\_nov06/meeting\\_docs/default.html](http://www.chem.unep.ch/unepsaicm/prague_nov06/meeting_docs/default.html)

## **6.2 Panel discussion on existing measures to address illegal traffic in hazardous chemicals**

Moderator for the panel was Ms. Abiola Olanipekun, Nigeria.

Mr. Suresh Raj from UNEP, DTIE provided a keynote presentation on the Green Customs Initiative.

The other presentations were provided by representatives from Georgia, Nigeria, Basel Regional Center in Argentina, Colombia, Indonesia, Ukraine, ICCA, and UNEP Regional Office for Asia Pacific.

The presentations given can be found on:

[http://www.chem.unep.ch/unepsaicm/prague\\_nov06/meeting\\_docs/default.html](http://www.chem.unep.ch/unepsaicm/prague_nov06/meeting_docs/default.html)

The first day closed with a short introduction to the working groups that were to meet for discussion on the second day, their tasks and questions to resolve.

### **Tuesday – 7<sup>th</sup> November**

#### **8. Working Group I on magnitude of problems with illegal traffic in hazardous chemicals including major health and environmental effects**

Mr. Blaha (Moderator) and Ms. Thomsen (rapporteur).

The working group based its discussion on a set of questions that was drafted by the Czech Republic in collaboration with UNEP Chemicals.

The working group discussed the following questions:

Question 1. What is illegal traffic?

- Illegal in what context?
- What are the elements of illegal traffic?
- What is the general magnitude of incidents that is considered as illegal traffic?

Question 2: Which hazardous chemicals and types of hazardous waste are in particular being subject to illegal international trade in your country/your region?

- Are the Chemicals covered by the Stockholm or Rotterdam Conventions or the Montreal Protocol?
- Is there illegal trade in other hazardous chemicals than those covered by the above legal instruments?
- Which types of hazardous waste are in particular traded illegally?

Question 3: Where are illegally imported hazardous chemicals and waste being used?

- Agriculture
- Industry including Small and Medium Sized Enterprises
- Household
- Dumping/disposal of hazardous chemicals waste
- Other – please specify

Question 4: What are the specific effects of illegal international traffic in hazardous chemicals and waste?

- Is there evidence for human health effects? If yes, please specify.
- Is there evidence for environmental effects? If yes, please specify.
- Is there evidence for other effects such as trade and economic effects for users of illegally imported chemicals? If yes, please specify.

Question 5: How are government authorities gathering information on the size and effects of illegal traffic in hazardous waste?

- Is information available from the custom authorities controlling imports?
- Is information available from local authorities or grassroots when effects of illegally imported and used?
- Are there any existing information networks on illegal international trade in hazardous chemicals and waste? If yes, please specify the experience with such information networks.
- What kind of cooperation between environmental enforcement officers and customs officers exist do you have? If yes -what is your experience?

## **9. Working Group II on existing measures to address illegal traffic in hazardous**

Ms. Olanipekun (Moderator) and Ms. Liptakova (rapporteur).

The working group based its discussion on a set of questions that was drafted by the Czech Republic in collaboration with UNEP Chemicals.

Question 1: Has your country participated in the initiatives on illegal traffic by IFCS, Basel, Stockholm and Rotterdam Conventions and the Montreal Protocol, the Green Customs Initiative, customs enforcement network of WCO?

Does your country received any financial support from international funds (e.g. GEF, Multilateral Fund for the Montreal Protocol) for projects focused on illegal trade and helped the outcomes of the projects to solve the problem in long-term?

- If not, why?
- If yes, with what contribution
- Please summarize your experience; Failure-why? Success – what and why?.

Question 2: Are the present legal structures in countries sufficient to control illegal import and use of hazardous chemicals and waste?

- Have the MEAs of relevance for chemicals and waste been implemented?
- Has your country specific legislation to control other hazardous chemicals and pesticides in place?

Question 3: Are the enforcement measures for the above legislation in place?

- Has your country established specific enforcement structures for chemicals covered by ratified conventions and other hazardous and pesticides?
- Are there any problems with the above enforcement structures?
- Have countries established border control to control illegal import of hazardous chemicals?
- Are there needs for additional enforcement measures at the national, regional and international level? If yes, which?
- Has some cases of illegal traffic in hazardous chemicals and waste been brought to court? If yes-which and what was the court ruling.

Question 4: Are there other means than legislation to minimize illegal traffic in hazardous chemicals and waste, such as awareness raising campaign and use of extension officers in agriculture?

- Does your country have experience with awareness raising campaigns for end users on the possible negative effects of using illegally imported chemicals? If yes, what experience?
- Does your country have experience with use of extension officers in agriculture? If yes, what experience?
- Does your country use other non legislative means for controlling illegal traffic? If yes, which?

Question 5: What are the capacity building needs for developing countries to develop the necessary infrastructures to control illegal traffic in hazardous chemicals and waste?

- Are the training activities presently ongoing for customs officers sufficient to ensure efficient control of illegal traffic? If no, what is proposed

- Are there beside of the training of custom officers other general or specific capacity building needs for authorities and relevant stakeholder in order to develop of infrastructures for control of illegal traffic?
- Is there a lack of guidelines on how to control illegal traffic? If yes, for which are guidelines needed?

Question 6: What needs to be done at the international level?

- Is there a need to update existing information networks or develop new information networks on illegal traffic? If yes, which existing or new information networks are needed?
- Is there specific need for developed countries to assist developing countries in controlling illegal traffic? If yes, which needs?

## 10. Plenary session Tuesday afternoon

The rapporteurs of the working groups were invited to present their recommendations. **Ms. Thomsen** presented the report from group I including answers to all questions regarding illegal trade, its range, extend and its effects. **Ms. Olanipekun** presented the report from group II, which was dealing with existing measures to address illegal trade including recommendations.

The moderators and the rapporteurs met after the meeting and it was decided that they with the assistance of UNEP Chemicals would merge the conclusions from the two working groups into one matrix to be presented at the closing session Wednesday morning.

## Wednesday- November 8th

### 11. Discussion on the results of the two working groups.

A matrix with the merging of the results of the conclusions from the two groups were introduced by UNEP Chemicals.

Elements	Issues for substances with bans/restrictions	Needs	Specific actions / timeframe	Main actors
Substance in question Generation/ waste /stockpiles				
Movement				
Entry / Exit (border)				
Use / Disposal				

The structure of the matrix with the addition of a column on the needs was adopted by the symposium participants.

A detailed discussion on the details of the matrix followed and a number of additions/amendments were adopted.

It was underlined that the table is a first attempt to break up the question of illegal traffic into its different elements, which would make the future discussion more focussed. The matrix could definitively be improved in the future.

### **Column one**

The elements of illegal traffic are based on the discussions in working group I that concluded that illegal traffic should be divided into different elements.

The elements of illegal traffic consist of the following:

- Substance in question
- Generation, manufacture/waste/stockpiles
- Movement
- Entry
- Use/disposal

It was recognised that if one or more of these elements are illegal, then the traffic is “illegal”.

### Issues

The working groups I and II identified a number of measures for each of the elements.

The relevant measures are indicated for each of the elements and consist of

1. Legislation based on international, regional, bilateral agreements or national policies
2. Enforcement of legislation
3. Information exchange
4. Training of national authorities
5. Awareness raising
6. Others

### Needs

The participants in the working group and the plenary identified some general needs:

- economic effects on national budget, cost implications, etc. of various kinds of illegal trafficking
- more information on contributing factors such as as lack of capacity to handle it in one country, corruption, demand, generation of profit, low moral, moral hazard, low penalties and small scale punishment, lack of/insufficient legislation,
- studies on illegal traffic including the extent of illegal traffic in chemicals that as yet are not covered by MEAs

- how the results and materials could be used in the broadest range possible
- what actions need to be put into national implementation plans
- generation of profit from illegal trade to be added to the introductory

In the table specific needs have been included for some combinations of elements and issues. However, the table is not comprehensive in this respect.

#### Specific actions

For each of the above combinations of elements and issues working group II recommended a number of specific actions that have been included as specific actions.

#### Main actors

Main actors might be:

- Governments,
- Intergovernmental organisation
- Civil society
- Private sector
- Environmental NGOs

### Analysis of illegal traffic for chemicals and waste and possible actions to be taken

Elements	Issues for substances with bans/restrictions	Needs	Specific actions / timeframe	Main actors
Substance in question Generation/waste /stockpiles	<p>Ratification and implementation of MEAs regional/ bilateral agreements and national legislation</p> <p>Enforcement</p> <p>Awareness raising</p>	<p>Ratification</p> <p>Prompt disposal of stockpiles</p> <p>Reduction in generation of waste</p> <p>Needs for more information</p>	<p>Harmonization and implementation of the MEAs and regional/ bilateral agreement into the national legislation and implementation of national policies into legislation</p> <p>Establishment of an inter-ministerial coordination structure with involvement of all stakeholders with a link to SAICM</p> <p>National implementation plans reflecting the need of disposal of stockpiles, including adequate funding of the disposal</p> <p>Establishment of an administrative framework for efficient enforcement. Judiciary and political will. Training of inspectors on legal restrictions.</p> <p>Raising of awareness of industries, environmental NGOs and civil society on legal restrictions in production due to MEAs, regional national and bilateral agreements or national legislation</p> <p>Studies on magnitude</p>	<p>Nat govern/env NGOs/private sector/ env NGOs/ civil society</p> <p>National government/local authorities</p> <p>Nat govern/local auth/env NGOs /private sector/ civil society</p>

<b>Elements</b>	<b>Issues for substances with bans/restrictions</b>	<b>Needs</b>	<b>Specific actions / timeframe</b>	<b>Main actors</b>
Movement/transit	<p>Ratification and implementation of MEAs regional/ bilateral agreements and national legislation</p> <p>Enforcement</p> <p>Awareness</p> <p>Information exchange</p>	<p>Alert system Need for more information on mislabelling and smuggling methods</p> <p>Needs for more information on transit</p>	<p>Harmonization and implementation of the MEAs and regional/ bilateral agreement into the national legislation o</p> <p>Establishment of an interministeriel coordination structure with involvement of all stakeholders, including media</p> <p>Establishment of an administrative framework for efficient enforcement. Judiciary and political will. Training of enforcement officers on legal restrictions. Harmonization of legal provisions in customs inspections to address illegal traffic.</p> <p>Raising of awareness of industries and transport organizations on legal restrictions in production due to MEAs, regional national and bilateral agreements or national legislation.</p> <p>Use of manuals and guidance documents by customs and environmental inspectorates and spreading information on their existence and availability for awareness raising</p> <p>Enhance information exchange between enforcement officers.</p>	<p>Nat govern/env NGOs/private sector/ env NGOs/ civil society</p> <p>Nat govern/local aut</p> <p>Nat govern/local aut/priv sec</p> <p>Nat focal points</p>

Elements	Issues for substances with bans/restrictions	Needs	Specific actions / timeframe	Main actors
(Cont)	Entry / Exit (border)		Establishment of interministeriel coordination structures. Involve relevant stakeholders.	Nat govern/env./
	Enforcement	More information about court decisions, identification of countries that do not address illegal traffic	Harmonization of legal provisions in customs inspections to address illegal traffic  Establishment of a administrative framework for efficient enforcement including establishment of a national [, regional and subregional] enforcement committee to coordinate national activities and to address gaps. Judiciary and political will.	IGOs /regional org/nat auth and focal points
	Information exchange	Collection of information on magnitude	Establishment of a clearinghouse mechanism as an intelligence network on illegal activities, including information on smuggling methods.  Establishment of an international information network for environment inspectorates  Enhance regional networking and alert system for involved stakeholders for illegal traffic	IGOs/regional org/nat auth
	Training of custom and enforcement officers	Build on existing initiatives such as Green Custom Initiative	Provision of technical guidance and training. Training of customs and enforcement officers on legal restrictions. Training in use of risk profiling at the border should be carried out.  Enhance the use of twinning, south-south cooperation and exchange of officers for custom and enforcement officers  Use of manuals and guidance documents by [customs and] environmental inspectorates and spreading information on their existence and availability for awareness raising	IGOs/regional org/nat auth/NGOs

Elements	Issues for substances with bans/restrictions	Needs	Specific actions / timeframe	Main actors
Entry / Exit (border) cont.	Awareness raising policy makers, civil society	Needs for more information Customs	<p>Raise awareness of policy and decision makers on the potential negative effects for environment and health of illegal entry of hazardous chemicals and waste.</p> <p>Raise awareness and involvement of civil society, NGOs and end users on the potential negative effects for environment and health of illegal entry of hazardous chemicals and waste.</p> <p>Use medias to raise awareness</p> <p>Raise awareness of national authorities on various projects listed on the Green Customs website.</p> <p>Raise awareness about tools of WCO, Interpol, Customs Enforcement Network and other organisations</p> <p>Awareness raising on illegal entry of hazardous chemicals and waste should be included in projects concerned with implementation or MEAs relevant for chemicals.</p>	NGOs

Use / Disposal	Rat/Imp of MEA/regional and bilateral agree/nat legislation	Need for remediation technologies and procedures	Establishment of a interministeriel coordination structure with involvement of all stakeholders, including media	Nat govern/
	Enforcement	Needs for more information	Establishment/enhancement and use of assisting structures where applicable	Nat govern/
	Training, awareness raising, policy makers, civil society and extension officers	Manuals to be used by the customs and inspectorates	<p>Establishment of a administrative framework for efficient enforcement. Judiciary and political will. Training of inspectors on legal restrictions.</p> <p>Train extension officers in potentially negative effects of illegally imported chemicals and in the availability and use of alternatives.</p> <p>Raise awareness of policy and decision makers on the potential negative effects for environment and health and cost implications of illegal entry of hazardous chemicals and waste.</p> <p>Raise awareness of civil society, extension officers and end users on the potential negative effects for environment, health, cost implications of illegal entry of hazardous chemicals and waste.</p> <p>Use of manuals and guidance documents by [customs and] environmental inspectorates and spreading information on their existence and availability for awareness raising</p>	Nat aut/priv sector/env NGOs
	Information exchange	Need for more information on technologies	Inform end users on alternatives and technologies for use and disposal	Nat gov/local authorities

## **12. Closure of the meeting**

It was agreed that a draft summary report of the meeting would be circulated to the participants. The summary report would after a short period for comments from participants be available on UNEP, Chemicals website [http://www.chem.unep.ch/unepsaicm/prague\\_nov06/default.html](http://www.chem.unep.ch/unepsaicm/prague_nov06/default.html). All the presentations will also be available on the website.

Concerning the implementation of the conclusions of the workshop and the future work of UNEP Chemicals on illegal traffic, it was stressed that illegal traffic consists of many different elements and that it is necessary with a number of different measures. One important measure would be to include illegal traffic in the generic strengthening of countries capacities for sound management of chemicals. UNEP Chemicals will work on that in cooperation with other agencies and stakeholders.

The participants were thanked for their active participation as the symposium would not have reached the result it did.

Mr. Whitelaw, UNEP Chemicals thanked the Czech authorities for the organisation of the symposium, the service and the active work they had provided to the symposium.

