

# Illegal Traffic Under The Basel Convention

## What is illegal traffic?

The Basel Convention is an international agreement which regulates the movements of hazardous wastes between countries. The Convention sets up a series of procedures which controls the export of hazardous wastes, including such day-to-day items as used lead-acid batteries, household wastes, and used oils for disposal.

The Convention's primary aim is to protect human health and the environment from the harm posed by such shipments. So, before any shipment of hazardous wastes leaves the country of export, the country that shall ultimately dispose of the wastes, and any countries of transit, must agree to this shipment. Also, there needs to be an undertaking that the wastes will be disposed of with due regard to the environment before the export commences.

Shipments which do not meet these requirements are illegal. Illegal traffic is a crime.



In one case, 60 sea containers holding 1600 tonnes of wastes were seized by the Dutch port authorities. The wastes were officially declared as recovered paper, on its way to China from the United Kingdom, however it was found to contain bales of compacted household waste, food packaging and residues, plastic bags, waste wood and textiles. It was discovered that the wastes were first transported to the Dutch ports by lorry and ferry, where the bales were transferred on to sea containers.

Neither the Chinese, UK nor Dutch authorities had given their consent to the import, export nor transit of the waste. The shipment was returned to the country of export. This goes to highlight the importance of effective cooperation between port and customs authorities nationally, regionally and internationally in dealing with cases of illegal traffic. (Source: EUWID RD No. 09 4 May 2005)



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*Reports to the Basel Convention suggest that there are at least 8.5 million tonnes of hazardous waste moving from country to country each year.<sup>1</sup> These are only the ones we know about. This makes you wonder: How much is there that we don't know about? And, are all these legal shipments?*

*Of these 8.5 million tonnes of hazardous wastes sent for disposal abroad, much is received as a welcome source of business. Many countries do, however, complain that they are receiving shipments which they never agreed to and that they are unable to deal with these wastes properly. In a project carried out by 13 European countries, over half of the waste shipments verified were found to be illegal.<sup>2</sup> If that is the case for only 13 European countries, how big is this global problem?*

<sup>1</sup> Based on national reports transmitted to the Secretariat of the Basel Convention in 2001.  
<sup>2</sup> IMPREL-TFS Seaport II project, June 2006



Article 9 of the Basel Convention provides that any transboundary movement of hazardous wastes or other wastes shall be deemed as illegal traffic when it is:

- (a) without notification pursuant to the provisions of this Convention to all States concerned; or
- (b) without the consent pursuant to the provisions of this Convention of a State concerned; or
- (c) with consent obtained from States concerned through falsification, misrepresentation or fraud; or
- (d) that does not conform in a material way with the documents; or
- (e) that results in deliberate disposal of hazardous wastes or other wastes in contravention of this Convention and of general principles of international law.

A recent example from the United Kingdom related to a shipment of wastes destined for India. The container had been declared to the customs authority as containing paper, however when opened by enforcement agents it became clear, not only from the pervasive smell, that there was a mixture of wastes inside and apart from paper, there was also plastics, wood, metals and textiles contaminated by food wastes. An attempt by the exporters to save USD 2,500 in fees necessary under the correct procedure, landed them a fine of US\$ 20,000. (Source: United Kingdom Environment Agency [www.environment-agency.co.uk/news/1314266](http://www.environment-agency.co.uk/news/1314266))

vironment. This process puts workers at risk of respiratory and skin diseases, eye infections and cancer.

Frequently, those engaged in illegal traffic do not have sophisticated disposal plans,

which means that illegal shipments of hazardous wastes are often thoughtlessly dumped in rivers, villages and seas. The resulting contamination of our land and waters can lead to irreparable consequences.

*Not everyone seems to share the common global ambition expressed by the Basel Convention, and find many inventive ways to avoid its rules, for example by smuggling shipments across borders, bribery, fraud and false declarations.*



### Who is affected by this?

We all are. Workers, including children, who are employed to dispose of our wastes, in unsafe and unregulated conditions, are particularly vulnerable to the toxic chemicals inherent in these wastes. The detrimental consequences resulting from the improper treatment of these wastes will affect generations to come.

ring processes such as those involved in the bleaching of paper pulp are known to result in skin lesions and altered liver functions in the short-term, and impairment to the immune system and even cancer in the long-term.

Another grim example of the potential effects of improper disposal of hazardous wastes is where workers are employed to cut electrical wires to remove the valuable copper for reuse. Once the copper has been removed, the plastic coating is burnt, releasing polyvinyl chloride and brominated flame retardants into the en-

### Why should we be concerned by it?

The prevention of illegal traffic in hazardous wastes will ensure that only those who are able to dispose of the wastes in an environmentally sound manner receive them.

Preventing illegal traffic will improve human health, particularly among the poor, and will eventually lead to a general improvement in the quality of life of the vulnerable. Furthermore it will protect our environment from possible further degradation at the hands of improperly regu-

lated disposal of hazardous wastes.

The prevention of the negative consequences of illegal traffic will also help countries to develop with limited detriment to the environment, allowing continued enjoyment of the environment and the resources it provides in the long-term.

This will take us one step closer to achieving our Millennium Development Goals.

### What is being done about it?

Efforts are being made to strengthen the prevention, detection and control of illegal traffic in hazardous wastes, but much more is needed. This can be done on many fronts:

#### At the national level:

- The training of enforcement personnel (customs,

port authorities, environment agencies) on techniques to better identify and deal with cases of illegal traffic;

- Encouraging better exchange of information and cooperation on transboundary shipments between different national authorities, so as to better identify

possible illegal cases and to ensure a consistent approach;

- Adopting relevant national legislation imposing sanctions for illegal traffic;
- Effective exchange of information and enhanced cooperation between countries in a region, particularly those which share border crossings or waterways, would ensure that all countries are informed of waste movements in the region.
- Sharing of best practices in a region would also help to improve the capacity of countries to deal with this problem.



#### At the international level:

- Strengthening efforts to build the capacity of countries, particularly developing countries, to effectively deal with illegal traffic.
- Development of guidelines and information materials with a view to assisting countries to meet the goals of the Basel Convention. This work is already undertaken by the Secretariat of the Basel Convention, and existing guidelines may be found on its website: [www.basel.int](http://www.basel.int).
- Raise awareness of the implications illegal traffic has on human health and the environment.