Illegal shipments of environmentally regulated substances

Capacity Building for Vietnamese Customs Officers
Haiphong, Dec. 16-18, 2015

General overview

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Preliminaries and outline

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1. International policy and regulation
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4. Role of cooperation

Creating value through compliance
Preliminaries and Outline
Acknowledgements

This training has been made possible via international support and cooperation. INECE wants to acknowledge:

European Commission – TAIEF program
(Philip Mellen and Martyna Paszkowska)

WCO/UNODC Container Control Program
(Long Nguyen, Peter Timmerman, Norbert Steilen, Ketil Ottersen)

Vietnamese Customs
(Tran Thuy Linh)
Acknowledgements

Embassy of the Netherlands, Hanoi/Singapore
(Rick Lighthart, Trang Thi Van Nguyen)

INECE Secretariat
(Meredith Koparova)

Bremen Police

United States Environmental Protection Agency

Human Environment and Transport Inspectorate, NL
Environmental Technical Assistance and Information Exchange Facility (TAIEF)

Jan 2014 – Dec 2016

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Implemented by NIRAS IC Sp. z o.o.
The purpose of TAIEF:

“To allow the efficient delivery of expertise on EU environment policies and instruments at short notice in response to demand from stakeholders in emerging and middle-income countries in Asia, Latin America and Africa”
TOPICS

- Eco-innovation
- Waste management
- Chemicals
- Waste
- Air quality
- Civil protection
- Industrial pollution prevention and control
- Green Public Procurement
- Policies on environmental assessments (EIA, SEA)
- Environmental liability
- Forest law enforcement, governance and trade policies, including the EU Timber regulation
- Biodiversity policies including the protection of habitats and species and trade in endangered species
- Policies on access to information, public participation in decision-making and access to justice in environmental matters
Environmental Technical Assistance and Information Exchange Facility (ENV-TAIEF)

This project is financed by the European Union

Target groups

- National, sub-national public authorities
- Non-governmental and private organisations concerned with environmental policy and instruments, and their implementation.

What is offered?

Peer-to-peer exchanges with experts from EU Member State government institutions
- Expert missions
- Training seminars or workshops
- Study visits
Days, not weeks; series of missions possible
Examples

China: Study Visit to the United Kingdom and Portugal on river restoration and fish passages at dams, 24 to 30/08/2015

- Professor Baiyinbaoligao: Director of the River Research Laboratory, China Institute of Water Resources and Hydropower Research (IWHR)
- Mr. Ziyi Huang: Engineer at IWHR
- Professor Jianhua Li: Yangtze River Water Environment Laboratory, Tongji University.

Topics:
- Securing ecological base flows from dams
- Proper operation of fish passes at dams
- Restoring river ecosystem health
- Best available techniques
Examples

TAIEF support to implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, CITES (cont’d)

Thailand, 21-24/10/2014: “CITES Detect Managers Special Investigation Group – Cobra 2 de-brief, Cobra 3 planning”

Partners: Stakeholders from Police, Customs, UNODC, INTERPOL, World Customs Organisation, CITES Secretariat, The World Bank, US Homeland security and several NGO's

Grant Miller, Head of the National CITES Team, UK Border Force

Goals:
Lessons from Operation Cobra 2
Outline EU engagement in Operation Cobra 3
Examples

TAIEF input to the 3rd ASEM Sustainable Development Seminar on Water Management – Fostering Prosperity and Stability Through (Inter)Regional Cooperation, 1-4/06/2014

- Dr Anne Schulte- Wülwer - Leidig (DE), Deputy Head of the Secretariat of the International Commission for the Protection of the Rhine
- Prof. Joaquin Andreu (ES), Director of the Department of Hydraulic and Environmental Engineering at the Institute of Water and Environmental Engineering, Valencia, Spain

**Topics:** Political leadership and transparency
Institutional framework for integrated river basin management
Addressing water scarcity and droughts
The Team of Trainers

Deborah Kopsick
Jürgen Braun
Henk Ruessink
Rules for this Training

Follow the Interactivity Principle:

Ask us questions

Let us ask you questions

Room for informal discussions
Training Approaches

Plenary lectures – day 1 and 2

Group exercises – day 1 and 2

Practical instructions/exercises – day 3
Subject Focus

Illegal transboundary shipments of:

Hazardous and other wastes
&
Ozone Depleting Substances (ODS)

(Handouts distributed, materials online afterwards)
What About Waste?
Definitions of waste…

United Nations:

*Wastes are substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law.*

European Union:

*Waste is any substance or object which the holder discards or intends or is required to discard.*
Product and Waste cascades

The product cascade:
manufacturing → product use → product discard → waste

The waste cascade:
waste generation → waste management → waste treatment
The Waste Cascade

**Waste generation:**
- by consumers/households, industries, services
- waste is a direct consequence of economic activity

**Waste management:**
- collection, transport, storage
- sorting, bulking, storage, transport
- treatment
- involvement of authorities and/or private sector
- to protect public health, safety and environment

creating value through compliance
Waste treatment

- **Reduce**: lowering the amount of waste produced
- **Reuse**: using materials repeatedly
- **Recycle**: using materials to make new products
- **Recovery**: recovering energy from waste
- **Landfill**: safe disposal of waste to landfill

**Most favoured option**: Reduce

**Least favoured option**: Landfill
Waste treatment

Incentives for export & import of waste!

Normalised options

- **Reduce**: lowering the amount of waste produced
- **Reuse**: using materials repeatedly
- **Recycle**: using materials to make new products
- **Recovery**: recovering energy from waste
- **Landfill**: safe disposal of waste to landfill

**Most favoured option**

**Reduce**

**waste shipments**
Waste Moves Around the Globe

Creating value through compliance

- Chemical waste
- E-waste
- Plastics
- Medical waste
- Used paper
- ODS
- Lead-acid batteries
- Metal scrap
- Obsolete pesticides
- Old vehicles
- Used tyres
Waste shipments: international policies and regulations
International environmental policies

Multilateral Environmental Agreements

Examples of MEAs (Conventions):
Montreal Protocol (ozone depleting substances)
Rotterdam (hazardous chemicals)
Stockholm (pesticides)
CITES (endangered flora & fauna),
Marpol (marine pollution),
Basel (hazardous waste)
International environmental policies

Some conventions quite successful, others largely failing

National implementation often weakest aspect

Most relevant MEAs for this training:

- **Basel Convention** (hazardous waste)
- **Montreal Protocol** (ozone depleting substances)
the Basel Convention

Official name:

*The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal*

- Into force in 1992, after waste dumping scandals in ‘70s/’80s;
- Objective: protect human health and the environment against the adverse effects of hazardous wastes;
- Parties: most countries of the world
The Montreal Protocol

Official name:

*The Montreal Protocol on Substances that Deplete the Ozone Layer*

- Into force: 1989, after evidence for destruction of the earth’s ozone layer
- Objective: to reduce the production and consumption of ODS in order to reduce their abundance in the atmosphere, and thereby protect the fragile ozone layer
- Parties: 197 (all countries of the world)
3

Backgrounds of illegal shipments
Legal and illegal waste shipments

- International shipment of waste is not by definition illegal.
- Under strict conditions/rules, it is *legal* to ship: non-hazardous, recyclable, uncontaminated wastes.
- It is generally *illegal* to ship to developing countries: hazardous, non-recyclable, and contaminated wastes.
- The bulk of waste shipments is legal; a fraction is illegal.
Drivers for illegal waste shipments (1)

- The regulation is complex in nature;
- Unclarity in definitions (what is precisely waste?)
- Implementation of BC in countries differs;
- Lack of coordination and collaboration of authorities;
  → At local, regional, national and international levels
- Missing expertise/capacity for inspections;
- Possibility to act under the radar of controls;
- Complex chain of actors around export/import;
Drivers for illegal waste shipments (2)

- Seemingly victimless character of the offence;
- Modest level of fines/punishment;
- High waste treatment costs in developed countries;
- Actual demand for recycled materials on global scale;

Illegal shipments pay for the offenders....
Global hotspots for illegal exports

Asia/South-East Asia region:

- China, Hong Kong, India, Vietnam, Malaysia, Indonesia,...
- Major streams: contaminated paper and plastic wastes;
  contaminated metal scrap; hazardous waste (e.g. E-waste)

West-Africa region:

- Particularly Nigeria, Ghana, some other countries
- Major streams: E-waste; End-of-life vehicles
The Rule of Law is Essential
“Law without enforcement is only good advice”

Abraham Lincoln, 1865
16th U.S. President
It is all about Implementation..

1. Implement the conventions in national legislation
2. Make sure that permits/licenses are issued
3. Inspect if the rules are followed
4. Bring offenders to compliance
5. Enforce if non-compliance persists
Crucial Aspects of Inspections

- Preparation for inspections
- Selection of containers for inspection
- Approaches to inspections of containers
- Safety considerations for inspections
- Follow-up of the inspection findings
- Cooperation with other authorities, nationally and internationally
Role of cooperation
Cooperation: not an easy thing…

Why often so difficult?

- Parties have different interests and approaches
- Language problems
- Cultural issues
- Different political systems
- Different judicial systems
- Formal approaches are tedious and take long time

- Informal, practical cooperation is often more effective
- Important role for networks
Compliance and Enforcement Networks

Role/Function of C&E networks

Raise awareness of importance of effective environmental compliance and enforcement.

Collect, define and exchange good (international) practices

Share expertise, tools and information

Join forces w.r.t. education and training

Stimulate concrete cross-border collaboration
Compliance and Enforcement Networks

Examples of C&E networks with main focus on issue of waste trafficking

**IMPEL** - Waste and TFS Expert Group

**CEC** - North American Commission for Environmental Cooperation

**Asian Network** for Prevention of Illegal Transboundary Movement of Hazardous Wastes

**WANECE** - West-African Compliance and Enforcement Network

**ENFORCE** - The Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic

**INECE-Seaport Network** - Seaport Environmental Security Network
INECE Seaport Network

Activities & products

Organising of training courses, often with international partners
Development of training curricula
Preparation and dissemination of training materials
Manuals, guidance documents and tools for practical enforcement
Stimulation and facilitation of international collaboration projects
Expert meetings, seminars, workshops, conferences

*Strong focus on joint interdisciplinary training and collaboration*
INECE Seaport Network

Partners/stakeholders

Compliance and enforcement professionals
(environmental inspectors, customs, police, prosecutors, judges – assigned through their national structures)

International organisations
(UNEP, WCO, Interpol, UNODC, EC)
Some recent activities of the Seaport Network:

- with UNODC and Ghana Customs a 1 week theoretical and practical training in West-Africa;

- with Interpol and UNEP a 3 day theoretical and practical training for Indonesian customs and police in Jakarta;

- with UNODC and Dutch Customs a 1 day train-the-trainer course in Rotterdam
And now we are here:

- December 2015, a 3-day theoretical and practical training on illegal shipments of environmental regulated substances, in collaboration with WCO/UNODC /Container Control Program and Vietnam Customs