Illegal Traffic in Hazardous Wastes
Under the Basel Convention

What is illegal traffic?

Under the Basel Convention, illegal traffic occurs if the transboundary movement of hazardous wastes is taking place under the following conditions:

- without notification pursuant to the provisions of the Convention to all States concerned;
- without the consent of a State concerned;
- through consent obtained by falsification, misrepresentation or fraud;
- when movement does not conform in a material way with the documents;
- or when movement results in deliberate disposal of hazardous wastes in contravention of the Convention and of general principles of international law.

Many cases of illegal traffic will take the form of deliberate mixing of hazardous wastes with non-hazardous wastes. There are also cases involving large-scale illegal traffic of hazardous wastes, usually involving money laundering activities and sometimes linked to illegal trade in arms. There have also been cases of ships containing waste cargo wandering the world's oceans, seeking ports to discharge their waste cargos. Such "toxic trade" led to the creation of the Basel Convention.

What can be done if illegal traffic occurs?

In case of illegal traffic as the result of conduct on the part of the exporter or generator, the State of export shall ensure that hazardous wastes be taken back by the exporter, generator or itself or, if impracticable, otherwise disposed of in accordance with the Convention, importer or disposer. The State of import shall ensure that the wastes in question are disposed of in an environmentally sound manner by the importer, disposer or itself. If the responsibility cannot be assigned either to the exporter or the generator or to the importer or the disposer, the Parties concerned or other Parties shall ensure, through cooperation, that the wastes are disposed of in an environmentally sound manner.

How do I report illegal traffic?

Confirmed cases of illegal traffic should be reported to the Secretariat using the "Form for Confirmed Cases of Illegal Traffic".

How can illegal traffic be prevented and punished?
Under the Basel Convention, illegal traffic in hazardous wastes is considered criminal. Each Party shall introduce appropriate national/domestic legislation to prevent and punish illegal traffic. Parties shall cooperate to prevent illegal traffic.

**How can illegal traffic be combatted?**

The third meeting of the Conference of the Parties requested the Parties to cooperate with each other and the SBC on alleged cases of illegal traffic in order to:

- promulgate or develop stringent national legislation on the control of transboundary movements of hazardous wastes
- incorporate in their legal systems appropriate sanctions or penalties for the illegal traffic in hazardous wastes
- provide the SBC with replies regarding reported cases of illegal traffic
- extend cooperation with Interpol and the Secretariat in order to assist Parties in developing national legislation to deal with illegal traffic
- cooperate with regional commissions, secretariats, NGOs, industry, private sector and WCO (World Customs Organization)
- to improve control and monitoring of illegal traffic
- train, in cooperation with WCO, IMO (International Maritime Organization), Interpol etc., customs and port officers, judiciary personnel and police forces
- prevent and monitor illegal traffic with the help of the regional/Sub-regional Centres for Training and Technology Transfer established under the Basel Convention.

The United Nations General Assembly at its 44th session in 1989 adopted the Resolution 44/226 entitled: Traffic in Toxic and Dangerous Products and Wastes. It requested each UN Regional Economic Commission to contribute to the prevention of the illegal traffic in toxic and dangerous products and wastes by monitoring and making regional assessments of this illegal traffic and its environmental and health implications in each region, in cooperation with UNEP and other relevant bodies.

The Basel Convention cooperates with the Interpol in relation to illegal traffic in hazardous wastes. Moreover, both organizations participate in international conferences aimed at raising awareness concerning environmental crime. It was pointed out that criminal activities involving hazardous wastes are on the rise as substantial profits can be gained at the cost of irreparably damaging the environment. The problem of illegal traffic has also been the subject of consideration by the Commission of Human Rights during its 51st, 52nd and 53rd sessions.