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Item 5 of the provisional agenda*

**Follow-up to and implementation of the outcomes of
United Nations summits and major intergovernmental
meetings, including the decisions of the Governing Council**

**Progress report on the implementation of Governing Council
decision 24/4 on the prevention of illegal international trade**

Report of the Executive Director

Summary

The present report has been prepared pursuant to Governing Council decision 24/4 of 9 February 2007 on the prevention of illegal international trade and provides information on progress in the implementation of the decision.

* UNEP/GCSS.X/1

I. Introduction

1. At its twenty-fourth meeting, held in February 2007, the Governing Council of the United Nations Environment Programme (UNEP) discussed illegal international trade in hazardous chemicals and waste, the outcome of which was its decision 24/4 of 9th February 2007 on the prevention of illegal international trade.
2. By that decision, the Governing Council requested the Executive Director of UNEP to promote the implementation of paragraph 18 of the Overarching Policy Strategy of the Strategic Approach to International Chemicals Management.
3. Paragraph 18 of the Overarching Policy Strategy states that the objectives of the Strategic Approach with regard to illegal international traffic are:
 - (a) To prevent illegal international traffic in toxic, hazardous, banned and severely restricted chemicals, including products incorporating these chemicals, mixtures and compounds and wastes;
 - (b) To strengthen mechanisms and domestic and regional implementation supporting existing multilateral agreements that contain provisions relating to the prevention of illegal international traffic;
 - (c) To promote information sharing and to strengthen the capacity of developing countries and countries with economies in transition at the national and regional levels for the prevention and control of illegal international traffic.
4. By the decision, the Governing Council furthermore requested the Executive Director to transmit the decision to the secretariats of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants.
5. In addition, the Executive Director was requested to forward a report on progress in implementing the decision to the Governing Council/Global Ministerial Environment Forum at its tenth special session.

II. UNEP activities to implement paragraph 18 of the Overarching Policy Strategy

6. The UNEP Symposium on Illegal International Traffic in Hazardous Chemicals that was held in Prague, Czech Republic, from 6 to 8 November 2006, concluded that illegal traffic comprised a number of elements, including the substance in question, the generation or manufacture of the substance, its movement, its transboundary movement, and its use and disposal.
7. It was recognized that if one or more of the elements were illegal then the traffic was “illegal”. It was stressed, furthermore, that a number of measures were indicated for each of these elements:
 - (a) Legislation;
 - (b) Enforcement of legislation;
 - (c) Information exchange;
 - (d) Training of national authorities;
 - (e) Awareness-raising;
 - (f) Others.
8. It was agreed that activities related to each of the measures were necessary to address illegal international traffic. A number of UNEP activities contributing either directly or indirectly to the achievement of the objectives set out in paragraph 18 of the Strategic Approach are underway and are outlined below.

A. UNEP Chemicals

9. In 2007, the Chemicals Branch of the United Nations Environment Programme's Division of Technology, Industry and Economics (UNEP Chemicals) finalized a project on assistance to customs, including training, in the implementation of the Stockholm Convention. The project was funded by the Government of Canada and included:

- (a) Development of assistance tools and training material for customs;
- (b) Development of a module for a training of trainers subregional workshop based on information technology;
- (c) Endorsement of tools for chemicals identification in international traffic;
- (d) Establishment of contacts with customs organizations at the national and international levels;
- (e) Delivery of the training of trainers subregional workshops on relevant obligations of the Stockholm Convention;
- (f) Dissemination of assistance material at the regional and national levels.

10. Based on the above, UNEP Chemicals, in cooperation with Cotecna, a trade inspection, security and certification company, was responsible for convening a training workshop for customs officers on the implementation of the provisions of the Stockholm Convention held in Senegal from 17 to 19 April 2007.

11. In order to identify the legal or illegal import or export of a chemical, the government ministry responsible has to be able to monitor transboundary movements of chemicals of concern or interest. This requires the analytical capacity to securely identify the chemical in question (qualitative aspect) and quantify its concentration in products, formulations, waste, among other things. Reliable analytical results and substance-specific determination are the basis for the enforcement of legislation related to transboundary movements as well as to domestic transport and trade.

12. Since 2005, UNEP Chemicals has developed guidelines to identify and quantify persistent organic pollutants in various matrices, has trained laboratories in developing countries in the analysis of persistent organic pollutants, and is maintaining a searchable and Web-accessible databank with persistent organic pollutant laboratories worldwide (<http://www.chem.unep.ch/databank/Home/Welcome.aspx>).

13. UNEP Chemicals is responsible for activities related to awareness-raising, information access, capacity-building, development of training materials related to sound chemicals management and the development of legal and institutional infrastructures. In that regard, UNEP Chemicals has produced several guidelines for the identification and safe management of chemicals as well as for their environmentally sound disposal.

14. Many developing countries do not have the financial capacity to ensure the sound management of chemicals, including the control of illegal traffic. To facilitate access to increased funding for the sound management of chemicals, the United Nations Development Programme (UNDP) and UNEP have started the Partnership Initiative for the Integration of Sound Management of Chemicals Considerations into Development Planning Processes. The partnership initiative is underway in six countries (Belarus, Cambodia, Ecuador, the former Yugoslav Republic of Macedonia, Uganda and Zambia) and, if prioritized by the countries, illegal traffic will be subject to analysis and possible integration into national poverty reduction strategies, which is intended to ensure a broader funding basis for activities related to the sound management of chemicals.

B. OzonAction Branch

15. The UNEP Division of Technology, Industry and Economics OzonAction Branch assists developing countries and countries with economies in transition to achieve and sustain compliance with the Montreal Protocol on Substances that Deplete the Ozone Layer by reducing and eliminating the production and consumption of man-made chemicals that destroy the stratospheric ozone layer. An important element of the assistance provided by OzonAction, and one which addresses the relevant objectives of the Strategic Approach is the prevention of illegal international traffic in ozone-depleting chemicals.

16. Since 1997, when the requirement to establish licensing systems was introduced under the Montreal Amendment to the Protocol, UNEP has been at the forefront of assisting developing countries to tackle the illegal trade in ozone-depleting substances. Through effective use of its regional networks of ozone officers, OzonAction has developed a range of activities and tools to support countries in their efforts to combat smuggling of these chemicals. These include:

- (a) Capacity-building for enforcement and compliance:
 - (i) OzonAction provides assistance for developing countries to strengthen mechanisms to facilitate implementation of the Montreal Protocol. Through the regional networks, a platform is provided for these countries to exchange experiences, information and best practice to combat illegal trade and improve environmental governance. This has given rise to a greater awareness of the problem, greater national and international cooperation, and the exchange of information and actionable intelligence. In some regions there has been a development of an informal prior informed consent mechanism and sharing of information of importers and exporters in the participating countries, which has greatly enhanced the ability of countries to detect illegal and unwanted shipments;
 - (ii) The training of customs officers, facilitated by OzonAction, is a key activity in addressing the smuggling of ozone-depleting substances and enforcing the related import and export licensing systems;

(b) Partnerships and building on existing infrastructure: one of the greatest successes of the actions to address the illegal trade in ozone-depleting substances has been the development of partnerships with organizations such as the World Customs Organization, particularly its regional intelligence liaison offices. Various other partnerships have been developed as appropriate with international, regional and national organizations, including the Green Customs Initiative;

(c) Cooperation: OzonAction was fundamental to the success of the “Project Sky Hole Patching”, a joint operation by customs administrations and international organizations in the Asia Pacific Region, launched on 1 September 2006, which established a monitoring and notification system among member administrations to keep track of the movement of suspicious shipments of ozone-depleting substances and hazardous waste which are imported, re-exported or trans-shipped across international borders. An initiative was recently launched by OzonAction in collaboration with the Swedish International Development Agency (Sida) and the UNEP Regional Office for Asia and the Pacific to develop integrated regional cooperation between countries in North-East, South and South-East Asia. This will enable participating countries to gain better control over their import and export of chemicals (ozone-depleting substances, persistent organic pollutants and hazardous waste) by promoting further regional cooperation for the control of transboundary movements of those chemicals. The project will establish improved communication channels for informal information exchange and develop common tools for data management and collaboration by extending the existing ozone-depleting substances enforcement networks and by integrating the control of transboundary movements of chemicals covered by the Montreal Protocol, and the Rotterdam, Stockholm and Basel conventions.

17. This will result in the participating countries gaining greater control over the transboundary movements of chemicals in their region so that control strategies can be efficiently enforced. It will also enable countries to integrate control strategies for hazardous chemicals, building on the existing achievements developed for the control of ozone-depleting substances. This will lead to optimizing the use of available resources within the countries.

C. Green customs initiative

18. The Green Customs Initiative implements the objectives of the Strategic Approach by enhancing the capacity of customs officers and other relevant enforcement personnel to detect and take action against illegal trade in environmentally-sensitive commodities covered by the relevant international agreements and to assist them in the facilitation of legal trade in those items. This initiative has developed a unique international collaboration and cooperation between three international organizations and seven multilateral environmental agreement secretariats. Of these, five multilateral environmental agreements deal with toxic, hazardous, banned and/or severely restricted chemicals.

19. The partners to the Green Customs Initiative are the secretariats of the World Customs Organization; the International Criminal Police Organization (Interpol); the Convention on International Trade in Endangered Species of Wild Fauna and Flora; the Basel Convention; the Rotterdam Convention; the Stockholm Convention; the Montreal Protocol; the Cartagena Protocol on Biosafety to the Convention on Biological Diversity; and the Organization for the Prohibition of Chemical Weapons. UNEP participates as the coordinator of the initiative. The secretariat is located within the Division of Technology, Industry and Economics, with the OzonAction Branch taking the lead. The Division of Environmental Law and Conventions and UNEP regional offices are closely involved in the conception and implementation of the initiative's activities.

20. The Green Customs Initiative offers an integrated approach for providing information, training and awareness-raising to enforcement officials to help them monitor trade in commodities of environmental concern. The initiative has conducted coordinated customs training and developed training materials for capacity-building. It disseminates its training module through regional training of trainers workshops and national pilot consultations, and is developing e-training packages. A number of subregional and regional Green Customs awareness-raising workshops have been conducted in different regions. Following these, and with the adoption of the Green Customs guide by the partner organizations, a strategy was adopted to disseminate the guide and have it integrated within national customs curricula. Regional training of trainers workshops began to be conducted in 2007, and were complemented by national consultations. The Green Customs guide presents to customs officers the key issues related to their activities, as well as providing details on where additional information and assistance can be obtained. This is complemented by a website containing further information, links to training resources and background information on partner organizations (www.greencustoms.org).

21. The objectives of the Strategic Approach with regard to illegal international traffic have been addressed by the Green Customs Initiative with the following results:

- (a) Increased awareness within national customs administrations (to a higher number of customs offices) of the need and means to implement the trade components of multilateral environmental agreements in a coordinated manner;
- (b) Creation of a pool of trainers on Green Customs in each region, available to deliver training at the national level;
- (c) Closer coordination between environmental officials and customs officers on these tasks;
- (d) Regional and bilateral cooperation initiated or enhanced;
- (e) Increased support within administrations of developing countries and countries with economies in transition;
- (f) Increased media awareness on the issue of environmental enforcement and its impacts;
- (g) Strengthened cooperation between partner organizations.

22. The Green Customs Initiative has been widely recognized as an innovative and successfully developing approach to addressing issues associated with trade in environmentally sensitive commodities. Several multilateral environmental agreement documents and country declarations have highlighted the benefits of collaboration between multilateral environmental agreement secretariats to deliver common capacity-building programmes to enforcement officers. On 20 September 2007, the Green Customs Initiative was awarded the Partners Ozone Protection Award on the occasion of the twentieth anniversary of the signing of the Montreal Protocol. The award recognizes the critical role that civil society and international organizations have played in the development or implementation of the Montreal Protocol.

23. The development of training materials, increased capacity in the target countries and regions, and the development of effective partnerships have created a strong basis and foundation for the Green Customs Initiative to further develop by mainstreaming its activities and extending its reach to better address the compliance and enforcement chain associated with trade in environmentally sensitive commodities. The initiative will continue increasing its cooperation with other agencies in synergy with existing projects in the field of customs and enforcement.

III. Conclusion

24. There are many aspects of the illegal traffic in hazardous chemicals. These aspects are covered by both generic and specific UNEP activities that aim to assist countries to control the illegal traffic in chemicals and thereby to fulfil the objectives set out in paragraph 18 of the Overarching Policy Strategy.
