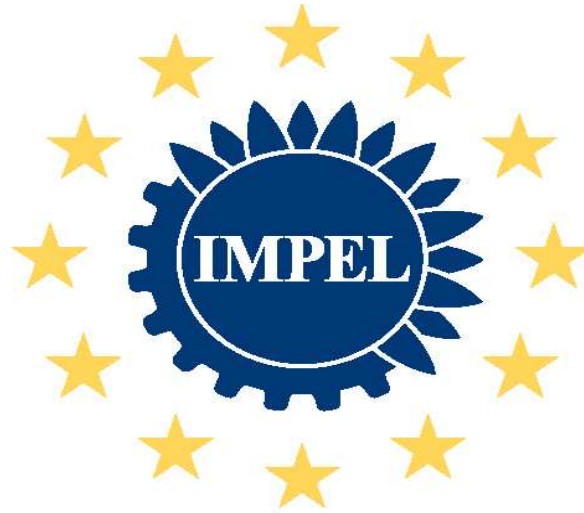




PROJECT REPORT 2009/7



European Union Network for
the Implementation and Enforcement
of Environmental Law

**REPORT ON THE IMPEL TFS WORKSHOP
“CLAMPING DOWN ON ILLEGAL WASTE SHIPMENTS TO
AFRICA”**

24- 26 NOVEMBER 2009

**IMPEL TFS EU-AFRICA COLLABORATION PROJECT
and**

LAUNCH OF THE ENFORCEMENT COMPONENT OF THE SBC E-WASTE AFRICA PROJECT

ACCRA, GHANA



BASEL CONVENTION





Introduction to IMPEL

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the EU Member States, acceding and candidate countries of the European Union and EEA countries. The association is registered in Belgium and its legal seat is in Bruxelles, Belgium. IMPEL Projects under the annual workprogramme are cofinanced by the European Commission.

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

During the previous years IMPEL has developed into a considerable, widely known organisation, being mentioned in a number of EU legislative and policy documents, e.g. the 6th Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections.

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on both technical and regulatory aspects of EU environmental legislation.

Information on the IMPEL Network is also available through its website at:
www.impel.eu

Introduction to the Basel Convention and the Basel Convention Regional and Coordinating Centres

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal is the most comprehensive global environmental treaty on hazardous and other wastes.

The Convention has 172 members (Parties) and aims to protect human health and the environment against the adverse effects resulting from the generation, management, transboundary movements and disposal of hazardous and other wastes.

The Basel Convention has two pillars. First, it regulates the transboundary movements of hazardous and other wastes applying the “Prior Informed Consent” procedure (shipments made without consent are illegal).

Second, the Convention obliges its Parties to ensure that hazardous and other wastes are managed and disposed of in an environmentally sound manner (ESM).

The Basel Convention benefits from a network of fourteen Regional and Coordinating Centres for Capacity Building and Technology Transfer (BCRCs).

The Basel Convention is unique in setting up a regional network of autonomous institutions which operates under the authority of the Conference of the Parties, the decision-making organ of the Convention, composed of all the countries party to the Convention.

The BCRCs were established in accordance with Article 14 of the Basel Convention. In Article 14, the Parties to the Convention agreed to establish regional or sub-regional Centres for training and technology transfer regarding the management of hazardous and other wastes and the minimization of their generation. The BCRCs were created to address specific regional or sub-regional needs related to the implementation of the Convention.

The BCRCs deliver training, dissemination of information, consulting, awareness raising activities and technology transfer on matters relevant to the implementation of the Basel Convention and to the environmentally sound management of hazardous and other wastes in the countries they serve. The specific activities are training workshops, seminars, pilot projects on the management of priority waste streams, the production of information material and guidelines on priority areas identified by the Parties to the Convention.



<p>Title of the report: Report on the IMPEL TFS workshop “Clamping Down on Illegal Waste Shipments to Africa”</p>	<p>Number of the report: 2009/7</p>
<p>Project Manager/Authors Joseph Domfeh, Project Lead, Climate and Pollution Agency (formerly called Norwegian Pollution Control Authority) Klaus Willke, Marina de Gier, Nancy Isarin, Piet ten Brink, Vicky Rockingham, in cooperation with the Secretariat of the Basel Convention (SBC)</p>	<p>Report adopted at IMPEL General Assembly, 15-16 April, Córdoba, Spain</p>
<p>IMPEL TFS Project Group Members Joseph Sarfo Domfeh, Climate and Pollution Agency Erik Forberg, Climate and Pollution Agency Klaus Willke, BSU-Hamburg, Germany Nancy Isarin, IMPEL TFS Secretariat Marina de Gier, VROM, Netherlands Piet ten Brink, VROM, Netherlands Mário Grácio, Ministério do Ambiente, Portugal Vicky Rockingham, Environment Agency, England & Wales Madalina Lobda, National Environmental Protection Agency, Romania</p> <p>BASEL CONVENTION Project Group Members Francesca Cenni, Secretariat Basel Convention Oladele Osibanjo, Director of the Basel Convention Coordinating Centre in Nigeria Michel Seck, Director of the Basel Convention Regional Centre for French-speaking countries in Africa, based in Senegal Hani Moubasher, Director of the Basel Convention Regional Centre for Arab States, based in Egypt</p>	<p>Number of pages Report: 36 Annexes: 31</p>
<p>Executive Summary This was the first IMPEL workshop held outside of Europe and was jointly organised by IMPEL TFS, the Secretariat Basel Convention, the Basel Convention Regional Centres and the Environmental Protection Agency of Ghana. The aims of the workshop were:</p> <ul style="list-style-type: none"> • Establish a network of contacts between European states and African countries, and • Launch the SBC E-waste Africa project component on enforcement including: <ul style="list-style-type: none"> ○ Carrying out a needs assessment to collect information regarding the current situation with respect to capacity, cooperation, legal powers and enforcement practices in five countries in Africa. ○ Developing a training curriculum for African enforcers to detect and prevent illegal shipments of E-wastes. 	



Key issues identified during the workshop included:

- African countries do not have domestic legislation to provide customs and environmental officials with the necessary powers to detain and to return containers of illegal shipments.
- A model of law on hazardous waste (with focus E-wastes) that could be adopted by each country should be developed.
- Good communication, collaboration and information sharing is essential for preventing illegal shipments.

The presentations provided are available on the IMPEL website.

The following outcomes were agreed

- Basel Convention focal points and Basel Regional and Coordinating Centres will be used to create a functional and sustainable network in Africa to facilitate information sharing and collaboration.
- Each country participating in the enforcement component of the SBC E-waste Africa project (Benin, Egypt, Ghana, Nigeria and Tunisia) will identify a ‘training group’ of relevant enforcement authorities: at least from Customs, Port Authorities, and the Ministry of the Environment/Basel Convention competent authority to participate in a ‘train the trainer’ programme which will take place in Europe.
- A training curriculum will be developed, in cooperation with BCCC-Nigeria and SBC, and the participating countries. IMPEL TFS will host the train the trainers programme at two European ports during the latter half of 2010. BCCC-Nigeria in cooperation with relevant BCRCs will lead the organization and training meetings in the participating African countries in cooperation with IMPEL TFS.

Disclaimer

This report on the IMPEL TFS workshop “Clamping Down on Illegal Waste Shipments to Africa” is the result of a project within the IMPEL Network. The content does not necessarily represent the view of the national administrations and the views of the Secretariat of the Basel Convention.



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O. SUMMARY

The IMPEL TFS workshop “Clamping Down on Illegal Waste Shipments to Africa” took place on 24-26 November 2009 in Accra, Ghana. It included activities developed under the IMPEL TFS EU-Africa Collaboration Project and the enforcement component of the SBC E-waste Africa project. It was the first IMPEL workshop held outside of Europe and it was jointly organised by IMPEL TFS, the Secretariat Basel Convention, the Basel Convention Regional and Coordinating Centres based in Nigeria, Senegal and Egypt and by the Environmental Protection Agency of Ghana. The aims of the workshop were:

- Establish a network of contacts between EU member states and African countries, and
- Launch the SBC E-waste Africa project component on enforcement including:
 - Carrying out a needs assessment to collect information regarding the current situation with respect to capacity, cooperation, legal powers and enforcement practices in five countries in Africa.
 - Developing a training curriculum for African enforcers to detect and prevent illegal shipments of E-wastes.

Key issues identified during the workshop included:

- African countries do not have domestic legislation to provide customs and environmental officials with the necessary powers to detain and to return containers of illegal shipments.
- A model of law on hazardous waste (with focus on e-wastes) that could be adopted by each country should be developed.
- Good communication, collaboration and information sharing is essential for preventing illegal shipments.

The presentations provided are available on the IMPEL website.

The following outcomes were agreed

- Basel Convention focal points and Basel Regional and Coordinating Centres will be used to create a functional and sustainable network in Africa to facilitate information sharing and collaboration.
- Each country participating in the enforcement component of the SBC E-waste Africa project (Benin, Egypt, Ghana, Nigeria and Tunisia) will identify a ‘training group’ of relevant enforcement authorities: at least from Customs, Port Authorities, and the Ministry of the Environment/Basel Convention competent authority to participate in a ‘train the trainer’ programme which will take place in Europe.
- A training curriculum will be developed, in cooperation with BCCC-Nigeria and SBC, and the participating countries. IMPEL TFS will host the train the trainers programme at two



European ports during the latter half of 2010. The BCCC-Nigeria in cooperation with relevant BCRCs will lead the organization training seminars in the participating African countries in cooperation with IMPEL TFS.

- The BCRCs and BCCCs will take a central role in maintaining a network of trained trainers

A Study into the socio-economics has found that the alliances that run the refurbishment areas in Ghana, support the efforts to prevent the export to Africa of waste electrical and electronic equipment (WEEE). It is essential that used electrical and electronic equipment (EEE) is fully functional and tested, with documentary evidence to support this, prior to export.

A number of illegal waste items from Europe were found during a visit to Golden Jubilee Terminal, Tema Port and a second-hand market at Tema.

Acknowledgements

Special thanks to the European Commission, Norway, The Netherlands and NVMP, the Dutch Recyclers Association. For their the kind contributions.



1. BACKGROUND

The IMPEL TFS workshop “Clamping Down on Illegal Waste Shipments to Africa” was organised as part of the IMPEL TFS Project “IMPEL TFS EU-Africa Collaboration”, led by Mr Joseph Domfeh, Climate and Pollution Agency. The workshop was held in Accra, Ghana, 24-26 November 2009 and included activities developed under the IMPEL TFS EU-Africa Collaboration Project, and the enforcement component of the SBC E-waste Africa Project.

The aims of the workshop were to:

- Build practical skills;
- Share enforcement strategies;
- Establish contact between European states and key African countries;
- Launch the SBC E-waste Africa project component on enforcement including:
 - Carrying out a needs assessment to collect information regarding the current situation with respect to capacity, cooperation, legal powers and enforcement practices in five countries in Africa.
 - Developing a training curriculum for African enforcers to detect and prevent illegal shipments of E-wastes.

Participants included representatives from England & Wales, Germany, the Netherlands and Norway, (the IMPEL TFS project team), Secretariat Basel Conventions (SBC), Basel Regional Co-ordinating Centre for the African Region in Nigeria (BCCC-Nigeria), Basel Convention Regional Centres based in Egypt and in Senegal (BRCC-Egypt and BCRC-Senegal), Benin, Egypt, Ghana, Nigeria, and Tunisia. The workshop was also attended by representatives from Basel Action Network (BAN), Ports Environmental Network Africa, - the Öko-Institute and the French Embassy in Accra. A list of participants is provided in Annex 1.

Participants were provided with an assessment form prior to the workshop. The assessment form asked for information on the following points:

- Their legal framework to support enforcement activities;
- Their training needs to enhance enforcement capacity at national level;
- Details of enforcement case studies;
- Contact points for illegal shipments and repatriations of illegal hazardous wastes shipments.

A copy of the assessment form is provided in Annex 2 and a summary of the responses is provided in Annex 3.



The two and a half day workshop included:

- a number of presentations by the participants. The presentations are available on the IMPEL website
- a visit to Golden Jubilee Terminal and Customs scanner, Tema Port;
- a visit to Tema Town second-hand market and a disposal area at the back of the market;
- Subgroup sessions to discuss the training curriculum for enforcement authorities and suggestions to improving communication and collaboration between IMPEL TFS and African countries.

The main focus of the workshop was on the illegal shipment and disposal of WEEE but other waste issues such as End-of-Life vehicles (ELV) were also discussed. The workshop was chaired by Erik Forberg, Climate and Pollution Agency and Professor Oladele Osibanjo, Director of the BCCC-Nigeria.



2. PRESENTATIONS

Details of each presentation and the remarks are set out in sections 4, 6 and 7. The presentations provided are available on the IMPEL website.

The key points raised in the presentations are summarised below.

2.1 Presentations from African participants

The African participants welcomed this workshop and perceived it as key to move forward in combating illegal waste imports. Their key messages were:

- Most African countries do not have the domestic legislation to support enforcement of E-wastes transboundary movements so they are unable to detain and return illegal waste shipments.
- Many African countries do not have structures in place to deal with the import of illegal WEEE shipments. However, Tunisia informed that they are testing a pilot recycling facility to address domestically produced WEEE and that they banned imports of WEEE, the Tunisian representative was not aware of cases of illegal traffic.
- A legislative framework on WEEE is a key requirement; a model should be developed that can be adapted and implemented by each country.
- Raising political awareness has resulted in direct action; for example, Nigeria now has draft regulations on EEE and WEEE.
- Good communication, collaboration and information exchange internationally, nationally and regionally is essential to combating illegal imports and disposal of hazardous waste
- A number of countries have established networks within their own countries involving relevant enforcement agencies. In addition, some countries have set up partnerships and initiatives with non-governmental organisations.
- There is a demand for used EEE but the African countries want EEE that is functional and which are not near-end-of life.
- Many African countries are considering introducing policies regarding the age of EEE. For example, Ghana is considering a ban on EEE that are older than 5 years; Uganda has a ban on used EEE; Tunisia classifies all WEEE as hazardous.

2.2 Presentations from IMPEL-TFS members

The key messages from the EU participants were as follows:

- The IMPEL-TFS project's aim is to clamp down on illegal shipments to Africa to protect human health and the environment.
- The establishment of good contact points in each African country is essential.
- Joint enforcement projects and intelligence led enforcement activities can successfully prevent illegal shipments of waste.



- Determining whether a used EEE is waste or non-waste can be difficult and a clear definition of WEEE is essential.
- Methods such as matrix criteria can be used to determine whether or not to detain a container.
- Returned containers must be notified in accordance with the Basel Convention procedures for transboundary movements of hazardous wastes.
- Establishing good take-back systems at country level is important.

2.3 Presentation from the BCCC-Nigeria

Key messages from the BCCC-Nigeria were the following:

- Most African countries do not have the domestic legislation to transpose both the Basel and the Bamako Convention.
- E-legislation does not exist in Africa.
- EEE imported into Africa as a mixture of new, second or used with majority being waste.
- Custom tariff does not differentiate new, used and e-scrap.
- Many African countries do not have structures in place to deal with their own domestic solid and hazardous waste management system and the import of illegal hazardous waste shipments adds to this problem.
- Co-disposal of hazardous waste and non-hazardous waste into available land space, dumpsites, surface water or burrow pits is common.
- Engineered landfills are rare.
- The municipal solid waste landscape has changed as the WEEE component ranges between 2-10 % in e.g. Ibadan, Nigeria.

An overview of information on illegal waste shipments in Africa is provided by Oladele Osibanjo, Director of the BCCC-Nigeria is provided in **Annex 5** to this report.

2.4 Presentations from NGOs

A number of NGOs provided presentations and their key messages are detailed below:

- Öko Institut—initial findings of the socio-economic study in Nigeria and Ghana are that EEE is wanted for refurbishment; for non-working items copper, aluminium and steel will be recovered but in general, the plastics and precious metals are not recovered.
- Basel Action Network – raising political awareness is key; African countries must implement the Basel and the Bamako into domestic legislation as, until this is achieved, enforcement will be unlikely; the establishment of a good, collaborative network that is visible is essential; BAN would recommend that the import of near end-of-life items into African countries is prohibited and all WEEE is classified as hazardous waste.
- Ports Environmental Network Africa - the vision of this network is to build a network between African ports for co-operation and sharing of information and best practice.



3. AGREEMENTS AND OUTCOMES

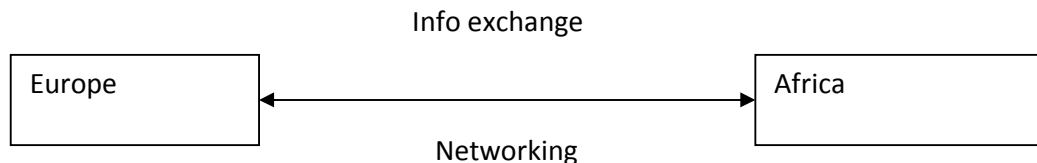
The workshop focussed on two outcomes that the project team wanted to achieve:

1. To establish a communication and collaboration network between IMPEL TFS members and African countries.
2. To identify capacity building needs of enforcement authorities in relation to E-wastes shipments and discuss a training curriculum that would address these needs.

Participants were divided into three subgroups on day two to address each issue and each group provided feedback on the final day, day three.

3.1 Communication and Collaboration

The subgroup identified the following points:



- Raising awareness at the political level is essential.
- Establishment of a communication network is key to preventing illegal imports.
- Communication should be via the Basel Convention competent authorities and focal points.
- Each country should establish their own internal communication network among port authorities, customs, police and the Basel Convention competent authority.
- Teleconferences, websites and questions forum were identified as useful tools.
- Joint inspections between countries, particularly at borders, should be encouraged.
- BCRCs were encouraged to adopt in Africa, the same approach adopted by IMPEL in Europe.

A copy of the subgroup's summary notes is provided in **Annex 4**.

3.2 Training

The two sub-groups identified the following training needs:

- the decision making process – what to stop, waste/non-waste, when to prosecute;
- methods to use – inspections, sampling, intelligence and evidence gathering;
- where to find sources of information, advice, guidance, best practice;



- how to repatriate waste;
- to focus on Basel Convention hazardous wastes and start at a basic level;
- Each country should identify which enforcement authorities require training in the respective countries.

A copy of the subgroup's summary notes is provided in **Annex 4**.

3.3 Plenary Agreements and Outcomes

The plenary identified the following needs and agreed on a number of outcomes, following the feedback from the subgroups:

Needs

1. To raise awareness amongst politicians and policy makers at a national and regional level; this is an essential component that should result in ensuring that regulations and legislation are improved.
2. To create a functional and sustainable network in Africa at both national and regional level, similar to the IMPEL network structure in Europe, where the Basel Convention Regional Centres in Africa function as the nodes of the network with a coordination role.
3. To develop a capacity building training programme that will result in the improvement of enforcement operations and the control of the illegal traffic of hazardous waste, in particular WEEE.
4. To adopt a train the trainers approach to WEEE enforcement trainings in the participating countries.

Agreed Actions

1. The official Basel Competent Authority in each country will take the central role in the exchange of practical information between sending and receiving countries. The competent authority will channel questions, information to the relevant organisations within their own country. This does not exclude the possibility to involve other parties.
2. The BCRCs and BCCC-Nigeria will take a central role in maintaining a network of trained trainers. The creation and maintenance of this network will be part of the training programme.
3. Each country participating in the enforcement component of the SBC E-waste Africa project (Benin, Egypt, Ghana, Nigeria and Tunisia) will identify a 'training group' of relevant enforcement authorities: at least from Customs, Port Authorities, and the Ministry of the Environment/Basel Convention competent authority to participate in a 'train the trainer' programme which will take place in Europe. SBC, BCCC-Nigeria and IMPEL will propose a training curriculum to the participating countries.



4. The training programme will be designed in a modular form and will start at a basic level.
5. All participants and participating countries will input into the training curriculum. This includes the input of points raised by the subgroups and plenary during the workshop.
6. The BCCC-Nigeria and BCRCs will operate a coordination role by keeping the curriculum updated, such as updating the SBC inventory on existing training institutions, programmes and training materials. They will also keep track of training needs.
7. The BCCC and BCRCs will collaborate with existing training institutions and/or appoint consultants to facilitate training.
8. The BCRCs will coordinate and support their countries in keeping the 'trained trainers' updated and well equipped. However, it is the responsibility of the authorities in each country to ensure training is passed on within their respective countries and organisations.
9. Mrs Francesca Cenni and Professor Oladele Osibanjo will coordinate future developments on behalf of the Basel organisations; Mrs. Marina de Gier will coordinate on behalf of IMPEL TFS.

Agreed Time Frame

What?	Who?	When?
Finalize and disseminate report from Accra workshop	IMPEL-TFS, SBC	January 2010
Finalize the completion of the Training Needs Assessment Form	All workshop participants	January 2010
Update the work plan for component 4 under the SBC E-waste programme	SBC, IMPEL-TFS	February 2010
Appoint participants for the training group	BCCC, BCRCs and the 5 target countries	As agreed in the work plan
Propose Training Curriculum	BCCC, IMPEL-TFS	As agreed in the work plan
Give comments and input Training Curriculum	All workshop participants	As agreed in the work plan
Make inventory of existing Training materials	BCCC and BCRCs	As agreed in the work plan
Draft implementation plan for the training curriculum	SBC, IMPEL-TFS, BCCC-Nigeria and BCRCs	As agreed in the work plan



4. DAY 1 MORNING: FOCUS ON INTRODUCTIONS

The workshop was opened by Mr Jonathan Allotey, (Director, Ghana EPA).

4.1 Welcome and Key notes – Mr Jonathan Allotey, Director, Ghana EPA

Jonathan Allotey welcomed participants to the workshop and highlighted that the UNEP estimated that 20-50 million tonnes of WEEE was produced each year in the world with less than 10% of it being recycled. The transfrontier shipment of WEEE is likely to increase as the number of countries discarding EEE increases. The illegal disposal of WEEE places a heavy burden upon human health and the environment. Therefore, strong collaboration and cooperation between enforcement authorities is essential.

4.2 Welcome and Key notes – Mr Gerard Wolters, Chair of the IMPEL Board

Gerard Wolters highlighted that this was the first IMPEL workshop to be held outside of Europe. He stated that good communication channels were crucial to preventing the illegal dumping of hazardous waste.

4.3 Introduction to Participants – Mr Erik Forberg, Climate and Pollution Agency, Norway

Erik Forberg introduced the workshop programme and then asked each participant to introduce themselves.

4.4 Presentation 1 – IMPEL TFS EU-Africa Collaboration Project – Mr Joseph Domfeh, IMPEL TFS Project Lead, Pollution Control Authority, Norway

Joseph Domfeh outlined that the objective of the IMPEL TFS project is to clamp down on illegal shipments to Africa to protect human health and the environment, detailing how joint enforcement projects can successfully prevent illegal shipments of waste. He outlined that products of the project are to establish a communication structure, an operational network of contacts and trained officers. Joseph also emphasised the importance of countries responding to the EU commission questionnaire on the controls for green-list waste shipments.

Remarks:

Adel Shafei Osman, Egypt stated that it was unclear where the completed questionnaire should be returned to; was it the trade department or another department? Delays would also occur if the questionnaire was sent to the wrong contact point.

Professor Oladele Osibanjo, Nigeria thanked Joseph highlighting that for the last ten years they had wanted such a workshop.



4.5 Presentation 2 - Basel Convention E-Waste to Africa Project, with a focus on component 4 - Professor Oladele Osibanjo, Director of the Basel Convention Coordinating Centre, Nigeria

Professor Oladele Osibanjo stated that the BAN film “The Digital Dump; Exporting Re-use and Abuse to Africa” had raised awareness in Nigeria of the impacts of illegal disposal of WEEE. They had approached the SBC for help in resolving the problems of illegal imports of WEEE and this has resulted in the “SBC E-Waste Project”, which started in January 2009. He outlined each component of the project and in particular component four on Enforcement. The work on enforcement under the SBC E-waste Africa project has the following objectives:

- Improve monitoring and control of exports from Europe to Africa of used and end-of-life e-products;
- Prevention of illegal traffic
- Establish a network of enforcement authorities in Europe and Africa.

The project activities include:

- Carrying out a needs assessments to enhance enforcement capacity in five countries in Africa;
- Drafting of an inspection and customs control manual;
- Developing a training curriculum;
- Delivering of hands-on training to enforcement authorities in five African countries illegal traffic of E-wastes;
- Training of regulatory authorities (Ministry of Environment/EPA), customs and port authorities from the five African countries in Europe;
- Exchanging information on end-of-life e-equipment between exporting and importing states in Africa and in Europe.

Also, Oladele Osibanjo raised the following points:

- Most African countries cannot handle their own domestic solid waste so the addition of illegal imports of WEEE compounds the problem.
- The lack of domestic legislation means that enforcers are not currently empowered to detain and return illegal imports of waste.
- 0.5 million ‘second-hand’ computers arrive in Lagos each month; only a quarter of these are fully functional but many of these will be near end-of-life.
- It is essential to raise awareness of the WEEE issue both within Africa and amongst the African communities in the dispatch countries.

Remarks:

Adel Shafei Osman, Egypt emphasised that sharing information is essential and that near end-of-life and refurbishment were a real issue due to gaps in the Basel convention.



4.6 Presentation 3 - Introduction to Components 1 and 3 of the SBC E-wastes Africa Project – Mr Andreas Manhart, Öko-Institut, Germany

Andreas Manhart stated that the Öko-Institut is undertaking an in depth socio-economic study on the functioning and sustainability impacts of the WEEE sector. The study is being undertaken in Nigeria under component three of this project, but also in Ghana in the framework of bilateral cooperation between Ghana and the Netherlands. In Ghana they are working with local partners to obtain information through interview-style questionnaires; local partners include the EPA, Ghana, Green Advocacy, Ghana and BCCC-Nigeria. In Nigeria the work is being conducted in cooperation with BCCC-Nigeria. The work of the Öko-Institut contributes also to component 1 of this project (E-waste flow studies into West Africa conducted by EMPA, BCCC-Nigeria and BCRCs). The study, both in Ghana and in Nigeria, is focussing on the informal sector and looking at the numbers employed and to understand the reasons they undertake this work. Initial findings have shown that electronics are wanted for refurbishment; for non-working items copper, aluminium and steel will be recovered but in general, not the plastics and precious metals.

4.7 Presentation 4 - The Digital Dump; Exporting Re-use and Abuse to Africa – Mr Jim Puckett, BAN

Jim Puckett introduced the BAN film “The Digital Dump; Exporting Re-use and Abuse to Africa.” A copy of this film and “Exporting Harm; The High-Tech Trashing of Asia” was provided to each participant. He stated that 95% of computers imported to Nigeria are non-functioning. The alliances are broadly in support of efforts to reduce illegal exports of WEEE to African countries whilst the market traders are not. There is little evidence that the metals from non-functioning items are recycled. He outlined that African countries have ratified the Basel Convention but that this has not been implemented into domestic legislation. There is an evolving IT industry within Africa. BAN supports re-use but not dumping; it is essential that equipment is properly tested prior to export. He also emphasised the importance of pushing manufacturers to use non-toxic elements in EEE.

Remarks:

Ronke Soyombo, Nigeria, highlighted that things had changed in Nigeria since the film was made in 2005 and details would follow in her presentation.

Joseph Domfeh, Norway, indicated that the film had been presented to their Customs, Police and to the management of his own Climate and pollution Agency. The latter resulted in further resource allocation for the enforcement of WEEE.

Hani Moubasher, Egypt, indicated that similar problems with WEEE are experienced by the Arabic countries but not on the same scale. The control has to start from the exporting coun-



tries. There is a need for used computers but these must be tested and certified prior to export and should have a life expectancy of at least three to four years.

Faabeluon Lambert, Ghana highlighted that Uganda has an outright ban on used EEE and asked Jim Puckett what the reaction had been to the film. Jim stated that after he presented it to the EU Correspondents, they had produced guidance (the Correspondents' Guidance Note 4 on waste electronic and electrical equipment (WEEE)

<http://www.basel.int/industry/compartnership/ECGuidelines.pdf>) and that the draft of the new EU WEEE Directive includes the EU correspondents' guidance on functionality being key to distinguishing between EEE and WEEE. Jim Puckett emphasised that it is very important that this is kept in the WEEE Directive when adopted.

Francesca Cenni, SBC, indicated that in the framework of the Partnership Programme of the Basel Convention, The Mobile Phone Partnership, an open group composed of countries, industry and NGOs (MPPI) produced guidelines on refurbishment and recycling of mobile phones.

In the framework of the same programme the Partnership on Computing Equipment (PACE) is developing similar guidelines on personal computers. Any Basel guidance that is adopted by the Parties is not binding, none the less it represents an approach to refurbishment and recycling agreed by each country who is a Party to the Convention. She also indicated that the Basel Convention Parties are developing, through the Secretariat, guidelines on WEEE transboundary movements focussing on waste/non waste criteria and hazardous/non hazardous criteria for EEE and WEEE moved across borders.

Anastasia Akhigbe, Nigeria highlighted that African countries must implement the Basel Convention into domestic legislation.

4.8 Presentation 5 - Activities and developments in Ghana – John Pwamang, Environmental Protection Agency, Ghana

John Pwamang detailed that a technical committee had been established on waste shipment prevention that includes Ghana ports, harbour authorities, Ghana EPA, Green Advocacy (an NGO), Customs and the Standards board. Achievements include that they plan to adopt an adapted version of the EU Correspondents guidelines, they plan to draft domestic legislation and they are co-operating with Nigeria to improve and facilitate enforcement operations in Ghana.

5. DAY 1 AFTERNOON: VISIT TO TEMA PORT AND TEMA TOWN

5.1 Visit to 'Golden Jubilee Terminal', Tema port

The participants visited Golden Jubilee Terminal, the customs area where items that are described as 'Vehicles' are taken for unloading and inspection to check that the correct tariff has been paid. We visited on a Tuesday, one of the quietest days for business; Thursdays and Fridays are the busiest days due to exchange rates. We located;

- vehicles from the UK and Germany containing waste newspapers
- fridges from the Netherlands and UK containing R12 CFC refrigerant.
- ELVs, vehicle parts, lead acid batteries, used tyres from unknown sources

Photograph 1-Vehicles from UK



Photograph 2 – Vehicle from Germany



Photograph 3 – R12 CFC refrigerant alleged to be from UK



Photograph 4 – R12 CFC refrigerant alleged to be from the Netherlands



Photograph 5 – ELVs unknown source



Photograph 6 – ELVs unknown source



Photograph 7 – Vehicle parts, unknown source



Photograph 8 – Vehicle parts, unknown source



Photograph 9 – Vehicle batteries, unknown source



5.2 Visit to the Customs X-Ray Scanner site, Tema Port

We were also permitted to visit one of Tema Port's two customs scanners. This scanner has been operational for ten years and is able to scan 120 containers each day. Risk profiling is

undertaken at Customs head office to identify suspicious containers (for tax purposes). This technology could be used to identify suspicious waste shipments. The scanner operative is able to log on the computer, sections of the container which are suspicious, to direct officers when unloading items.

Photograph 10 – Entrance to Customs Scanning Area



5.3 Visit to Second hand market, Tema Town

We also visited a small second-hand market that was located close to Tema Port. There were many fridges and freezers for sale including those containing CFCs alleged to have been imported from Europe.

Photograph 11 – Fridges & Freezers for sale



Photograph 12 – R12 CFC Refrigerant on a fridge for sale that was alleged to have been imported from Europe



We also saw a small scale scrap area at back of the second hand market. Photograph 14 shows waste from fridges and freezers, with the insulation foams used on the huts that the workers occupy.

Photograph 13 – Cathode ray tubes



Photograph 14 – Scrap Area at back of market



6. DAY 2 - FOCUS ON BEST PRACTICES AND TRAINING CURRICULUM

6.1 Presentation 1 - Steps African States can take to prevent Illegal and hazardous E-Waste trafficking using the Basel Convention and National Law and Recommendations for OECD and non-OECD Country to Prevent Hazardous E-waste trafficking – Mr Jim Puckett, Basel Action Network, BAN

In his presentation Jim Puckett outlined that the BAN mission is to prevent toxic trade, promote a toxic free future and establish environmental justice. He gave an explanation of the Basel Convention and the Bamako Convention, indicating that the Bamako Convention might be easier to implement into domestic legislation than Basel. He underlined the importance of distinguishing waste from non-waste, hazardous waste from non-hazardous waste and emphasized the importance of EEE with long life expectancy being imported for direct re-use. He presented a division of different categories of used EEE arriving in Africa, which can be used to determine which EEE you allow to import and which you do not. He told us that Australia has made a very good technical guideline on WEEE. He recommended the following actions:

- that the African countries ratify the Basel Convention ban amendment on hazardous waste and ratify the Bamako Convention;
- that all used EEE is classed as hazardous WEEE;
- that Basel implement guidance on the age of used EEE;
- that a register is set up of all legitimate sellers and importers of used EEE.

Remarks:

Ronke Soyombo, Nigeria stated that Nigeria has made a draft technical guideline. In this guideline, it is stated that the used EEE must have a certain life span. However, it is difficult to find out the life span of a product as manufacturers are reluctant to provide this information. She also indicated that the Basel Convention ban is difficult to implement due to ambiguity as to when to implement it.

Philippe Courbet, French Embassy, indicated that it is costly for exporters to properly test and package EEE. Jim Puckett agreed but responded that this cost can be passed down the chain and that it is still economic to export where there is a market for the item. Smart manufacturers are economically refurbishing.

6.2 Presentation 2 - European Waste Shipment Regulation and EU Guidelines - Mr Piet ten Brink, VROM-Inspectorate, the Netherlands

Piet ten Brink gave an explanation on the Waste Shipment Regulation and the EU WEEE guidelines. He also underlined the importance of having a good definition on what is WEEE



and what is second-hand EEE. Furthermore, he explained the enforcer's dilemma; in spite of a good definition, as an enforcer it is still difficult to decide if an item is EEE or WEEE.

Remarks:

Ronke Soyombo, Nigeria stated that as an inspector, they recognize the difficulty to decide what waste is and what is not.

Adel Shafei Osman, Egypt explained that they do not allow the import of used EEE that is older than 5 years. He asked how this information should be communicated.

Vicky Rockingham, England & Wales, suggested that this could be provided through their response to the EU Commission on the green list waste questionnaire as column D allowed you to indicate that there are local controls in the country of destination.

6.3 Presentation 3 - The Basel Convention - Professor Oladele Osibanjo, BCCC, Nigeria

Professor Oladele Osibanjo gave an overview of the Basel Convention and its procedure to control transboundary movements of hazardous wastes. He gave examples of hazardous characteristics of WEEE linking them with the annexes of the Basel Convention. He explained what illegal traffic is in the definition of the Basel Convention.

- Most African countries do not have the domestic legislation to transpose at national level both the Basel and the Bamako Convention.
- E-legislation does not exist in Africa.
- EEE is imported into Africa as a mixture of new, second or used with majority being waste.
- Custom tariff does not differentiate new, used and e-scrap.
- Many African countries do not have structures in place to deal with their own domestic solid and hazardous waste management system and the import of illegal hazardous waste shipments adds to this problem.
- Co-disposal of hazardous waste and non-hazardous waste into available land space, dumpsites, surface water or burrow pits is common.
- Engineered landfills are rare.
- The municipal solid waste landscape has changed as e-waste component ranges between 2-10 % in e.g. Ibadan, Nigeria.

He highlighted that there is a need:

- to raise awareness of WEEE;
- to increase political will in order to solve the WEEE and solid waste management problem;



- for capacity building;
- for better compliance;
- for international and regional cooperation.

He indicated that the workshop provided a great opportunity to address many of these issues.

Remarks:

Adel Shafei Osman, Egypt stated that to raise political will and awareness the Basel Secretariat could send a letter to the Ministers of Environment to stress the importance of good implementation of the Basel Convention. He detailed that the best way forward to the domestication of the Basel Convention was to:

- Make use of the structures of the Bamako convention;
- Libya has offered to host a permanent secretariat for this convention;
- Operate under the flag of the African Union;
- Countries should comply with their Basel Convention obligations to report statistics on waste-traffic;
- African countries should share multi- or bilateral agreements and harmonize them
- The African Ministerial Conference on the Environment is already established (AMCEN) and should discuss policies to improve WEEE management.

Faabeluon Lambert, Ghana stated that the problem in Ghana is that there is no domestic collection system, no place to store the WEEE and there are also problems associated with the burning of WEEE. He emphasized that this is why component 3 of the SBC E-waste Africa project is so important.

6.4 Presentation 4 - Waste shipments in and out of the port of Hamburg – Mr Klaus Willke, State Ministry of Urban Development and Environment, Hamburg, Germany

Klaus Willke detailed how the Waste Shipment Regulation is implemented and the enforcement structure in Germany, focussing on Hamburg. He detailed their matrix criteria for determining whether used EEE could be exported or stopped. He used case studies to examine whether the items should or should not be exported to Africa. He underlined the importance of contact points in each African country and he stressed the importance of following agreed and established procedures; for example, he stressed that returned containers must be notified in accordance with the Basel Convention procedures.

Remarks:

Ronke Soyombo, Nigeria stated that they are working on a national contact point.

Ronke Soyombo, Nigeria, Hani Moubasher, BCRC, Egypt, Adel Shafei Osman, Egypt all raised the issue of detaining containers, returning them and who should pay. The Basel Convention



states that the cost of taking back the waste to country of dispatch must be paid by the sender and if the sender cannot be found or cannot pay, then the cost must be paid by the country of export. This point was also emphasised by Francesca Cenni, SBC, later in the day. Information exchange between the country of export, transit and final destination is essential.

6.5 Presentation 5 - Measures to mitigate illegal exports of waste to Africa – Mr Joseph Domfeh Norwegian Pollution Control Authority, Norway

Joseph Domfeh underlined the importance of communication with exporters of used EEE (WEEE) and detailed the drivers that led to exports of used EEE (waste and non-waste). They believe that most illegal exporters are ignorant of the law and some also perceive export of EEE as a form of employment as it is often difficult to get a job. Norway has developed a plain English guide, which explains the difference between WEEE and EEE in simple terms that can be understood by the general public; this is sent out by some shipping companies to anyone who orders a container. Copies can also be obtained in some African shops and churches. Joseph Domfeh also underlined the importance of communication and coordination with other authorities as well as establishing good take-back systems in your own country.

Remarks:

Dr Dada Oludayo Olesegun, Nigeria thanked Joseph Domfeh for providing copies of their guidance document and indicated that collaborating with customs and police is key.

Adel Shafei Osman, Egypt highlighted again the problems they have with the Note Verbale sent by the EU commission. The questionnaire for the Note Verbale was sent to the Ministry of Trade and not the Ministry of Environment. This causes delays so that Ministry of Environment has little time to comment on the proposed Note Verbale or no time at all. This must be raised within the EU.

Ronke Soyombo, Nigeria agreed that preventive mechanisms such as communication are essential. They also mentioned that it is difficult to send the waste back because the sender cannot afford it. She stressed this must not be used as an excuse not to return the hazardous waste as the country of dispatch must take responsibility.

6.6 Presentation 6 - Enforcement of Transboundary Movement of Hazardous Waste and other Waste - Measures taken by Egypt - Adel Shafei Osman, Ministry of Environment, Egypt

Adel Shafey highlighted that Egypt had domestic legislation since 1994 and had established a partnership agreement within the EU. He showed the enormous growth in the use of EEE in Egypt; for example mobile phone ownership has increased from 4.4 million in 2001 to 44 million in 2009. He explained that the Ministry of the Environment hosts an inter-ministerial committee that looks at the issue of WEEE. Egypt has strict import restrictions, partly to protect the market for domestic producers. For imports, they have established age limits for



certain used EEE. The growth of domestic WEEE is rapid due to increased use of EEE. There is a very active informal refurbish, repair and reuse sector but there is no official structure for collection and recycling of WEEE. Egypt has established an **Egyptian Green ICT Initiative** that takes many factors into account, including the promotion of enforcement, raising public awareness and is developing a WEEE collection and recycling structure.

6.7 Presentation 7 - Nigeria Networking to Clamp Down Illegal Shipments - Mrs. Ronke Soyombo, Director Inspection and Enforcement at NESREA

Ronke Soyombo explained that various major incidents over the past 20 years have raised the issue of hazardous waste imports on the political agenda. Nigeria has ratified the Basel Convention but that was not fully translated into national legislation. However, there is an institutional framework in place, such as the newly formed NESREA. There is legislation in place, such as the “Harmful Waste (Special Criminal Provisions) Act Cap H1 LFN 2004” but this has not prevented an influx of WEEE, which is considerable. The Federal Ministry for the Environment has developed a three point approach to address the issue of WEEE:

- National policy on WEEE;
- National guidelines on WEEE management and
- National action plan for the management of WEEE.

NESREA has taken an important role, by organising a WEEE conference that took place in July 2009 and resulted in a declaration, known as “**The Abuja platform on E-waste control**”. This declaration looks further than the borders of Nigeria and includes a list of challenges and recommendations. NESREA has also developed draft Regulations on EEE and WEEE which has been circulated for consultation and they would welcome any comments from the workshop participants.

Remarks:

Dr Dada Oludayo Olesgun, Nigeria highlighted that a manual was being prepared for enforcers on how to handle seized goods.

6.8 Presentation 8 - Waste Management in Tunisia; for an Integrated and Sustainable Waste Management - Mrs. Amel Guinoubi Abbes of the National Agency for Waste Management, Tunisia.

Amel Guinoubi detailed that Tunisia, like Egypt, has a rapidly increasing amount of EEE. Tunisia has implemented several initiatives for the management of Hazardous waste, including a structure of three regional collection points and a new treatment centre. The principle of “producer / polluter responsibility” is fundamental in Tunisia. Amel Guinoubi presented very detailed information about the quantities, properties and the regional spread of WEEE. The import of second hand equipment is prohibited. Two major WEEE management



initiatives are currently being launched in Tunisia. One is a pilot project for the collection and recycling of WEEE and includes awareness raising and training. The second project involves a technical and economic study that will focus on implementing a nationwide recovery system for WEEE.

Remarks:

Jim Puckett, BAN, asked whether there was any evidence of illegal imports of WEEE. Amel Guinoubi stated that she had no evidence.

Ronke Soyombo, Nigeria asked how illegal imports would be dealt with and Amel Guinoubi responded that there are severe penalties.

6.9 Presentation 9 - E-waste activities in North Africa 2006 - 2009 - Mr. Hani Moubasher, BCRC -Egypt

Hani Moubasher documented the reasons for the urgency in addressing the WEEE issue, by explaining the adverse effects that WEEE can have on human health and the environment. He stated that the BCRC Egypt co-operates with many international initiatives, such as the STEP (Solving the E-waste Problem) initiative, GESI, PACE and others. The BCRC supports policy development, organises training sessions and promotes awareness raising events. Currently, BCRC Egypt is involved in pilot WEEE assessments in Algeria, Egypt, Tunisia and Morocco and in the assessment of WEEE recycling facilities in Algeria, Jordan and Saudi Arabia. They are also hosting a WEEE workshop for Arabic states in December 2009.

Remarks:

Adel Shafei Osman, Egypt asked about the figures presented showing that the United Arab Emirates (UAE) import WEEE. Hani responded that the UAE has a large recycling facility.

Jim Puckett, BAN, asked about functionality testing. Hani Moubasher responded that they felt that the age of EEE (that life expectancy was at least 5 years) was key.

6.10 Presentation 10 - Turn back the toxic tide by Mr Jim Puckett, (BAN).

Following his earlier presentation Jim Puckett used the occasion to show the possibilities of 'container tracking'. Volunteers of BAN have spotted suspected containers, loaded with second-hand equipment, destined for export from the USA. They make use of the specific container identification numbers and web-sites that enable you to track and trace the location of a particular container. BAN followed one container to Hong Kong and then on to mainland China. Jim states that the same method of track-and-trace also gives possibilities for African destinations. (www.track-trace.com).



6.11 Presentation 11 - Securing compliant WEEE exports – Mrs Vicky Rockingham Environment Agency, England & Wales

Vicky Rockingham explained how the problem of WEEE exported from the UK has emerged; its origin and its typical material flow. She provided figures taken from customs data on volumes of EEE exported from the UK to Africa, including actual trends (Nigeria: down, Ghana: up). She detailed the results of intelligence led enforcement activities. These activities revealed the estimated profits that are made by the various parties involved in illegal WEEE trade, such as the operators of a waste collection site in the UK, middle men, traders, recyclers in the UK, exporters and importers. These specific enforcement activities have led to 17 arrests to date.

6.12 Introduction to Subgroup Sessions – Marina de Gier – VROM-Inspectorate, the Netherlands

Marina introduced the subgroups, highlighting that there were two points to address:

1. How can we establish and improve communication and collaboration between IMPEL TFS and African countries
2. The Training Curriculum

The participants were invited to attend one subgroup: there was one subgroup for communication and two for training. The subgroup leaders were:

- Subgroup 1 – Communication and collaboration – Marina de Gier, VROM Inspectorate, the Netherlands
- Subgroup 2 – Training – Hani Moubasher, BCRC, Egypt
- Subgroup 3 – Training – Michel Seck, BCRC Senegal



7. DAY 3 – FOCUS ON CONCLUSIONS AND FOLLOW UP

7.1 Presentation 1 – Harry Barnes-Dabban – Ports Environmental Network Africa (PENAF) – African Ports Environmental Initiative

Harry Barnes-Dabban detailed that the vision of this network is to build a co-ordinated platform at African ports for cooperation and the sharing of information and best practice. The network is divided into three regions:

- West and central Africa – met in March 2009
- East and south Africa – date to meet has been set
- North Africa

7.2 Feedback from Subgroup 1 - Communication and collaboration – Marina de Gier, the Netherlands.

The subgroup outlined that the establishment of a good communication network was essential to combating and preventing illegal imports. They recommended that communication should be via the Basel focal points as this is an official role that has already been established. Each country would need to establish their own internal communication network with relevant enforcement authorities. Teleconferences, websites and questions forum were identified as useful tools for facilitating communication. Joint inspections between countries, particularly at borders should be encouraged. BCRCs were encouraged to adopt the IMPEL approach.

Plenary remarks:

Jim Puckett, BAN, stated that the use of focal points for a communication network is key but it is also important that the participants don't lose the collaboration that has started at this workshop. He outlined that it is essential that the BCRCs communicate and that a further meeting for the focal points should be arranged so that network is visible.

Francesca Cenni, SBC, indicated that the Probo Koala programme coordinated by the Basel Convention Secretariat, was designed for African countries with Port facilities, the programme had, among others, the objective of assisting countries in the development national legislation, norms and regulations to monitor and control transboundary movements of hazardous chemicals and wastes, including customs control procedures. Oladele Osibanjo, BCCC-Nigeria, explained that the Basel Convention Coordinating Centre had experience with raising awareness of the need to transpose the Basel Convention into national legislation among parliamentarians.



7.3 Feedback from Subgroup 2 - Training – Hani Moubasher, BCRC-Egypt

The group identified that the training should address the following:

- Decision making process - when to open and check a container, risk profiling.
- Safety measures and methods when inspecting.
- Where to look for information, advice, guidance on waste/non-waste, sampling.
- What to do when items are illegal – repatriation process, when to prosecute.
- Communication between Africa and Europe and within Africa

Plenary remarks:

Joseph Domfeh, Norway asked who, in the opinion of the audience, should be trained

Marina de Gier, Netherlands, stated that it is essential that the right people are trained and that a ‘train the trainer’ approach is adopted. Each country will have a different enforcement structure and this must be considered when selecting the correct people to be trained.

7.4 Feedback from Subgroup 3 - Training – Ronke Soyombo, Nigeria

The following was highlighted:

- Training needs to focus on Basel and start at a basic level; include evidence and intelligence gathering, waste recognition, inspection techniques.
- Each country needs to consider which enforcement authorities require training.
- Consider types of training materials - UNITAR and other existing sources.
- Consider using training institutions - BCRCs to be centre of excellence and BCCC to co-ordinate.
- Long term training scheme with train the trainer, share with other organisations in own country depending on enforcement structure.
- Consider how to proceed as project is for three years.

Plenary remarks:

Dr Dada Oludayo Olesgun, Nigeria, Jim Puckett, BAN and John Pwamang, Ghana identified that sensitisation of politicians is key as enforcement structures are useless without a legal basis. They identified that the following three points need to be achieved:

- Awareness raising of politicians/legal decision makers.
- Establishment of a good network.
- Practical training.



IMPEL cannot deliver all three; therefore, there is a need to decide which will be provided by Basel and which will be provided by IMPEL.

Adel Shafei Osman, Egypt stated that the training should include how to prevent corruption and that a road map was required; what to do and when. After training a workshop would be required to see or determine how BCRCs can cooperate and collaborate.

Francesca Cenni, SBC clarified that the project needs to develop a training curriculum that meets the needs of participants with practical training in Europe. She recommended that BCRCs should meet to discuss training that has already been developed and identify training needs.

Adronicos Phylactopoulos, Brussels, highlighted the following:

- Firstly identify needs and what the project can achieve;
- then look for funding.

There is much training that is already available and it is important not to “re-invent the wheel”. Need to identify who will coordinate a list of available training.

Marina de Gier, Netherlands stated that the project can prepare a curriculum but each country needs to adapt it in accordance with their own structures. She highlighted that “on-the-job” training is very effective. Training would start with a visit to two European Ports for a total of fifteen people from the 5 participating African countries in June or September 2010.

Francesca Cenni, SBC, stated that the available budget for training seminars would be only sufficient to cover the participation of the five participating countries. Klaus Willke, Germany stated that further funding may be available from the EU¹ and Adel Shafei Osman, Egypt, indicated that further funding may be available from the BCRCs.

¹ ‘Other key changes under **Lomé IV** included the **banning of toxic waste movements between ACPs and EC member states** and more EDF monies for decentralised cooperation and diversification of the economy’ excerpt of the website http://ec.europa.eu/development/geographical/cotonou/lomegen/lomeitoiv_en.cfm#lomeIV
The Cotonou Agreement superseded **Lomé IV**. The financing of the implementation is done similar, mainly via the European Development Fund (EDF). At the moment the 10th EDF is now in place http://ec.europa.eu/development/how/source-funding/10edf_en.cfm



7.5 Conclusions Agreements

The plenary produced a summary of needs, agreements, outcomes and a time frame. This is detailed in section 2.3

7.6 Close of the Workshop – Erik Forberg, Climate and Pollution Agency

Erik Forberg thanked all the workshop participants highlighting that the workshop had gone beyond the project teams expectations, with concrete decisions and agreements made. He thanked Joseph Domfeh for arranging the workshop and Professor Oladele Osibanjo for co-chairing it. Professor Oladele Osibanjo responded that the workshop is an historic event for Africa, that by working together we can ensure a healthy environment but that it is essential that the project follow up on the outcomes and agreements. He also thanked Joseph Domfeh, IMPEL, the Basel Secretariat, the project sponsors, the participants and Jim Puckett. Marina de Gier thanked the EPA Ghana for hosting the workshop.

END



Annexes to the

**REPORT ON THE IMPEL TFS WORKSHOP
“CLAMPING DOWN ON ILLEGAL WASTE SHIPMENTS TO
AFRICA”**

**24- 26 NOVEMBER 2009
IMPEL TFS EU-AFRICA COLLABORATION PROJECT
and
LAUNCH OF THE ENFORCEMENT COMPONENT OF THE SBC E-WASTE AFRICA PROJECT**

ACCRA, GHANA







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Annex 1 - List of participants of the Workshop

Country	Name	Job title	Organization	Email/Telephone
Benin	Maman-Sani, Issa Did not attend. Represented by mr. Faton, Laurent	Head of the Department for Environmental Management	Cotonou Port Authority	issa.42@live.com issa.42@hotmail.com , +229 97 87 86 76
Benin	Faton, Laurent	Environmental Inspector	Cotonou Port Authority	favilaut2000@yahoo.fr + 229 97 13 09 80
Benin	Kerelodjou, Atta Bruno			kerelodjou@yahoo.fr douanes_beninoises@yahoo.fr
Brussels	Andronicos Phylactopoulos	Senior Monitor	CMTP ROM	andronicos@epu.ntua.gr +32 (0)2 513 61 13
Egypt	Adel, Shafei Osman	General Director, Hazardous waste Department	Ministry of Environment	adelshafei@eeaa.gov.eg adel221261@yahoo.com Direct: 00 202 25262588 Fax: 00 202 25256475 Mobil: 00 2010 5582275
Egypt	Gabr, Omar Elsaid Isayed			
Egypt	Moubasher, Hani			moubasher@bcrc-egypt.org basel_cairo@bcrc-egypt.org (202) 35719688
England & Wales	Rockingham, Vicky	Regulatory Specialist	Enironment Agency	vicky.rockingham@environment-agency.gov.uk +44 1925 542920
Germany/ Hamburg	Willke, Klaus	Senior desk officer	BSU-Hamburg (State Ministry of Urban Devel. and Environ.)	Klaus.willke@bsu.hamburg.de +49/40/42845-2249
Germany	Andreas Manhart	Senior Researcher	Öko-Institut e.V – Institute of Applied Ecology	a.manhart@oeko.de +49-89-12590077
Germany	Siddharth Prakash	Senior Researcher	Öko-Institut e.V – Institute of Applied Ecology	s.prakash@oeko.de +49-761-4529544
Ghana	Pwamang, John A.	Director	Environmental Protection Agency, Accra	jpwamang@epaghana.org +233(0)24-2803284 +233(0)27-7530969 +233(0)21-604697-8
Ghana	Faabeluon, Lambert	Deputy Director	Environmental Protection Agency, Tema	ifaabeluom@hotmail.com +233(0)27-7443960 +233(0)20-6441002
Ghana	James Ben Gaisie		Ghana Ports & Harbours Authority, Tema	paapagaisie@yahoo.com +233(0)24-4529011 +233(0)24-4810059
Ghana	Garvin Amarvie		Ghana Ports & Harbours Authority, Tema	gamarvie@ghanaports.net +233(0)261870155 +233(0)244268325
Ghana	Dinah Brandful		Customs Excise & Preventive Service	dbrandful@yahoo.com +233(0)24-4505264

Country	Name	Job title	Organization	Email/Telephone
Ghana	Kwabena Biritwum		Environmental Protection Agency, Tema	kwabenabiritwum@hotmail.co.uk +233(0)24-2650644
Ghana	Anthony A. Mensah		Customs Excise & Preventive Service	mensahanthony77@yahoo.com +233(0)24-4077729
Ghana	Henry Okine		Ports Environmental Network Africa (PENAf)	hokine@penaf.org info@penaf.org +233(0)24-3575890
Ghana	Harry Barnes-Dabban		Ghana Ports & Harbours Authority, HQ	hbarnes-dabban@ghanaports.net +233(0)24-667206
Ghana	F C Edmund	Agriculture Department Directive	Environmental Protection Agency, Ghana	jedmunde@epaghana.org +233(0)20-8168907
Ghana	William Abaidoo	Public Relations Officer	Environmental Protection Agency, Ghana	+233(0)20-8211485
Ghana	Hannah Abrahams-Appiah	Senior Programme Officer	Environmental Protection Agency, Tema, Ghana	+233(0)20-8864147
Ghana	F Kofi Nazetey	Chief Scientific Officer	Ghana Standard Board	+233(0)20-7104113
Ghana / France	Philippe Courbet	Environment Sector	French Embassy	courbert@yahoo.fr +233 24-6865857
The Netherlands	Gerard Wolters	Inspector-General International Enforcement	VROM-Inspectorate, Ministry of Housing, Spatial Planning and the Environment	Gerard.Wolters@minvrom.nl +31 (0)70 339 0694
The Netherlands	Jenny van Houten	Programme Manager International Enforcement Cooperation	VROM-Inspectorate, Ministry of Housing, Spatial Planning and the Environment (VROM)	Jenny.vanHouten@minvrom.nl +31 (0)70 339 0694
The Netherlands	de Gier, Marina	Programme manager international waste affairs	The Inspectorate of the Ministry of Housing, Spatial Planning and the Environment VROM-Inspectorate	marina.degier@minvrom.nl + 31 40 2653012
The Netherlands	ten Brink, Piet	Inspector	The Inspectorate of the Ministry of Housing, Spatial Planning and the Environment (VROM-Inspectorate)	Piet.tenbrink@minvrom.nl + 31 40 2652966
The Netherlands	André Habets		Vereniging NVMP (NVMP Association)	habets@verenigingnvmp.nl +3173 511 62 07
The Netherlands	Jan Vlak		Vereniging NVMP (NVMP Association)	jva@fme.nl +3170 3000 119
The Netherlands	Jan Stap	Film maker	Jan Stap Research & Communication	info@janstap.nl +31 6 15 61 08 03
Nigeria,	Prof Oladele Osibanjo	Director	Basel Convention Coordinating Centre for	oosibanjo@yahoo.com +234 803 301 3378



Country	Name	Job title	Organization	Email/Telephone
			Africa (BCCC Nigeria)	
Nigeria	Mrs. Soyombo O.A.	Director	National Environmental Standards and Regulations Enforcement Agency (NESREA)	+234 803 309 0864
Nigeria	Dada, OLUDAYO OLESEGUN (Dr)	Director Pollution Control Department	Federal Ministry of Environment	d.roodada@yahoo.co.uk +234 807 227 7770
Nigeria	Eze E.O. (Mrs.)	Head	Lagos Office and Ports Operations	eeze@nesrea.org +234 8051709962
Nigeria	Akhigbe A. (Mrs.)	Desk officer for e-waste	National Environmental Standards and Regulations Enforcement Agency	Aakhigbe@nesrea.org/ +2347068620411
Nigeria	Mrs M. L. Adegoke	Deputy Comptroller General	Nigerian Customs Service	mladegoke@yahoo.com + 234 803 339 8203
Norway	Domfeh, Joseph Sarfo	Adviser	Norwegian Climate and Pollution Agency (KLIF)	joseph.domfeh@klif.no +47 2257 3780
Norway	Forberg, Erik	Special adviser	Norwegian Climate and Pollution Agency (KLIF)	erik.forberg@sft.no +47 2257 3446
Senegal	Seck, Michel		BCRC-Senegal	michelseck@gmail.com , +221 33 823 89 77
Switzerland,	Cenni, Francesca	Programme Officer	Secretariat of the Basel Convention	Francesca.cenni@unep.ch Tel: +41(0) 22-917-8364
Tunisia	Guinoubi, Amel (Ms)			cooperation@anged.nat.tn
USA	Puckett, Jim		BAN	apex@seanet.com



Annex 2 – Assessment Form



BASEL CONVENTION



Workshop 'CLAMPING DOWN ON ILLEGAL WASTE SHIPMENTS TO AFRICA'

24 – 26 November 2009

Accra – Ghana

ASSESSMENT FORM

Introduction

One of the aims of this workshop is to gain insight into the training needs of enforcement authorities in charge of controlling transboundary movements of e-wastes in the participating countries both in Africa and in Europe. This needs assessment is the first activity of the enforcement component of the E-wastes Africa project, implemented by the Basel Convention Secretariat, the Basel Convention Regional and Coordinating Centres based in Africa and the IMPEL TFS network.

Another aim is to set up communication between countries when it comes to tracking and verifying movements of waste and treatment at their destination. The European Regulation furthermore includes various take-back obligations in case of the detection of an illegal waste shipment, such as informing the relevant competent authorities about the illegal shipment, taking back the waste or if this impracticable have the waste alternatively recovered or disposed in another country if all competent authorities concerned agree. In these cases communication between the countries is crucial.

To collect the necessary information, you are kindly requested to fill out this needs assessment form and return the completed form ultimately **20 November 2009** by email to: info@impeltfs.eu

The input given in the forms will be used for the subgroup sessions on the Wednesday afternoon, 25 November.

1. Legal Framework

To actually implement and enforce the provisions of the Basel Convention, a national legislative framework is required.

Is your National Legal System dualistic or monistic with regard to International law? (Dualistic, if to transpose an International Convention a national law is needed; Monistic if the International Convention applies automatically after the deposition of the act of ratification.) Is there a legal or policy framework specifically focussing on the transboundary movements of e-wastes, or e-wastes management in your country?

Yes No If not, is it currently being prepared? Yes No

Does national law include enforcement powers?

Yes No

If so, what type of competences and powers? (*possible answers: yes, no, unknown in drop-down field*)

Yes Stop vehicles / containers

Yes Open vehicles / containers

Yes Inspect vehicles / containers

Yes Carry out a company inspection (all types of facilities, sites, companies, offices, etc)

Yes Enter port terminals

Yes Inspect documents

Yes Take samples

Yes Analyse samples

Yes Detain shipments for further investigation

Yes Criminal investigation measures

Yes Criminal enforcement measures

Yes Administrative investigation measures

Yes Administrative enforcement measures

Other competences (please specify)

Is there a policy or legal framework regulating the transboundary movements of second hand goods, including electric and electronic products?



2. Training needs

For the SBC's E-wastes Africa project, five trainings will be carried out in each participating country (Benin, Ghana, Nigeria, Egypt and Tunisia) on the enforcement of transboundary shipments of e-waste. In order to develop a suitable training curriculum, we are interested in your current training programmes and training needs. The European countries are also invited to complete this section.

Are there training programmes currently performed in your country concerning the enforcement of transboundary movements of e-waste?

Yes No

By who?

For who?

How are these trainings performed?

What specific training needs to you have for your country?

List training institutions and enforcement authorities which could be involved in a training programme on e-waste transboundary movements in your country.

If a long term training programme on the enforcement of hazardous wastes (and e-wastes) transboundary movements would be put in place in your country/region, which training scheme or strategy would you suggest?

3. Case studies

Does your country have any experience with inspections and enforcement of transboundary movements of hazardous waste (including e-wastes)?

Yes No

If so, can you give one or two examples of cases your country has encountered recently? (e.g. type of waste involved, origin, destination, was the shipment considered illegal?, why?, was the waste returned?, prosecution, etc)

Case 1

- Type of waste and how it was classified:
- Origin of the waste:
- Destination of the waste:
- Why the shipment was considered illegal?
- Was the waste returned to the place of origin?
- Did prosecution take place?
- Other information on the case

Case 2

- Type of waste and how it was classified:
- Origin of the waste:
- Destination of the waste:
- Why the shipment was considered illegal?
- Was the waste returned to the place of origin?



- Did prosecution take place?
- Other information on the case

4. Contact Points

In case of an (suspicion of) illegal waste shipment or repatriation, who is to be contacted in your country? (several authorities possible)

Name:

Job title:

Organisation:

Email:

Phone:

Name:

Job title:

Organisation:

Email:

Phone:

Name:

Job title:

Organisation:

Email:

Phone:

Thank you form completing this form!



Annex 3 - Assessment Results





ASSESSMENT FORM RESULTS

Country		Focal point	Legislation			Policy	Training					Experience	Additional Contacts
			Dual / Mono	E-specific	Enforce-Powers		E-specific	Actual	Institutions	Needs	For whom		
Egypt	MoE (Adel Shafei M.O.)	Yes	Dualistic	Yes	Yes	In Development	Yes: EU-Twinning MoE Egypt – Federal MoE Germany	Egypt Environmental Agency Training Centre + BCRC Egypt	Enforcement, Monitoring and Control	Government Officers	Communication mechanism, both with EU and within country (different authorities)	No	Department of Environment of Ministry of Foreign Affairs. Tel: 00 202 - 25747847 (tel and fax)
	Customs	No										Yes	
Ghana	EPA Accra (John Pwamang)	Yes	Dualistic	Not in place, but being prepared	Yes + Permitting + Prosecution	No	No	Yes; EPA Training School + School of Nuclear (and...) Sciences, Univ.Ghana	Inspection Techniques, Inspection Equipment, Investigation Techn., Sampling, Health and Safety of inspectors. Communication skills		1) Run programme as a module course in an academic Institution either in Europe of Africa, 2) Could be made as basic, intermediate, etc.	No	Anthony Mensah, Chief Collector Customs Laboratory Tema Mensahanthony77@yahoo.com 0244-027729 020-9003359
	EPA Tema (Lambert Faabeluon)	No	"	"	"	No	No	As above + EPA cleaner production centre, Univ. of Ghana Kwame Nkrumah Univ. of Sc. + Techn.	As above + assessment and monitoring equipment, investigation procedures, prosecution		As above and: 3) Hands on training with EU countries with experience 4) Workshops by EU Expats	Yes, WEEE from US, Germany, UK. No powers for seizure	



	CEPS (Dinah Brandful)	No	"	"	"	No	No	As above + Customs Academy	As above + hazardous waste recognition, reporting, collaboration, repatriation procedures.		-) Train the trainer --> Incorporate into existing programs of EPA, CEPS, GPHA + University	No	Garvin Amarvie, Terminal Manager, GPHA.
	GPHA	No											
Nigeria	NESREA	Yes	"	Not in place, but being prepared	Yes; No detaining of shipments, Yes return shipment	No	Yes	Actual: - NESREA - University of Ibadan Future: - BCCC - Federal MoE - Customs Service - Police - Ports Authority	1 Basic techniques 2 Procedure lab analysis 3 Intelligence information sharing 4 Inform. Management 5 Surveillance 6 Mid-stream discharge monitoring ! 7 Physical investigat'n 8 Prosecution techn. 9 Security measures	- Staff of public organisations and - Post-graduate students	"Build the capacity of BCCC-Nigeria for training on illegal waste control."	Yes, WEEE from Europe and North America. Tested, 75 % proved bad. No return shipments, no prosecution	Dr. O.O. Dada of the Federal MoE. (Director) Dr. (Mrs.) Ngeri S. Benebo of NESREA (Director General) Mrs. M.L. Adegoke of Nigeria Customs Service (Dep. Comptroller General)
	MoE												
Benin													
Tunesia													



Annex 4 – Outcomes Subgroups



Subgroup 1

Open and check a container or not

Profiling, risk approach, intelligence information gathering, set priorities, tools for tracking

If yes how

Safety measures, how to inspect the container

Where to look for

Methods to recognize waste or not waste, waste hazardous or not hazardous, testing, chemicals involved or not, sampling (procedures) how to deal with a container which is partly waste and partly second hand (procedures)

When illegal

Repatriation procedures (how, who, how to deal with practical problems), when to prosecute, which legislation is needed for a good follow up, the role and tasks of different authorities, communication.

Communication

Between Africa and EU, in between Africa, contact points in each country, which information needs to be shared and how, network in Africa needed.

But also communication with the good guys who are not aware, also in importing countries.



Subgroup on Training needs to develop the training curriculum

Participants

1	Michel Sech	BCRC Senegal
2	Ronke Soyombo	Nigeria
3	Piet teu Brink	Netherlands
4	Oladele Osibanjo	BCCC -Nigeria
5	Francesca Cenni	SBC
6	Faton V. Laurent	Benin Port de Cotonou Authority
7	Kereloajow Abuno	Benin Dowane Recette Pat lot
8	John Pwamang	Ghana EPA
9	Andronicos Phylactopoulos	Greece ICCS-MVA
10	Vicky Rockingham	England & Wales
11	Adel Shafi	Egypt

1. Training needs identified to be focus on Basel Convention and background information on other related MEA:

- All those identified in program with the following change & addition;
- Legal and institutional framework;
- Evidence gathering;
- Intelligence gathering;
- Waste recognition and what to do with such waste,
- Inspection techniques in the ship wastes and land waste;
- Inspection techniques by the environment officers at the ports;
- Inspection techniques of facilities;
- Administrative inspection for identifying of parties involved in illegal traffic on hazardous waste;
- Such training needs should be grouped into clusters, prepare module for each cluster and graduated into
 - Basic General Environment issues;
 - Medium: Compliance and enforcement issues, risks, toxicity, safety etc;
 - Final: Case studies with different scenario,

2. Authorities to be trained in each participating country:

- Judiciary including those in the Customs;
- Environmental Enforcers/Inspectors;



- Ports Authority officers,
 - Police;
 - Security Agents.
3. Type of training materials:
- Liaise with UNITAR for training material;
 - Source for other available existing material, though general can be used in developing the curricular.
4. Training Institutions that could be used in the training program;
- BCRCs as center of excellence to drive the process and the BCCC to coordinate
 - To coordinate all the participants in each country.
5. Long term training Scheme:
- Train the trainer to disseminate within their countries;
 - Each country to develop and shares with other according to country needs, such curriculum should be dynamic and evolving.
6. How to proceed with the projects realizing it is for three years:
- Use the findings of this meeting and completed assessment form to identify all the needs;
 - The PACE projects and the participants to drive the initial process by formulating the nation groups,;
 - Prepare TOR by the BCS/Project managers;
 - Get the consultants to prepare the modules Prepare TOR by the BCS.



Annex 5 – Overview of information on illegal waste shipments in Africa and the workshop

**BY PROF. OLADELE OSIBANJO, DIRECTOR, BASEL CONVENTION COORDINATING CENTRE FOR AFRICA,
UNIVERSITY OF IBADAN, NIGERIA (EMAIL : OOSIBANJO @YAHOO.COM)**

1. Introduction

Waste is an inevitable by-product of human activities since the creation of life on earth. Waste is also a complex issue as there are many definitions of wastes, for example, according to international conventions (e.g. Basel), regional political blocks (e.g. European Union) and individual countries. The production and consumption of goods and services to meet global human needs and demands involve a number of activities, which introduce large quantities of diverse wastes into the environment, some of which are hazardous, and in several instances contribute to environmental degradation and multimedia environmental pollution. ¹Basel Convention on the control of the transboundary movement of hazardous wastes and their disposal has identified 47 categories of hazardous wastes.

However waste when not properly managed can cause harm in many different ways namely: (i) Direct impairment of human health; (ii) Damage to organisms in an ecosystem with loss of biodiversity and (iii) Damage to ecosystems that creates economic losses. Dealing with the wastes problem is one of the key elements in sustainable development.

Globalization of trade in hazardous waste has been in the front burner at the international arena in the last three decades. This is because illegal trade in waste has been a global phenomenon affecting each and every country in the world. Strict environmental regulations in developed countries, exorbitant costs of hazardous waste treatment (\$3000 to \$ 10,000 per ton), enlightened citizenry and Not in My Backyard Syndrome were drivers for the unprecedented, first cycle of illegal dumping of hazardous wastes in developing countries and countries with economies in transition during the mid-1980s and early 1990s. The destination countries were those of Africa, Middle East, South America, Asia and the former Eastern European countries.

A common feature of these countries was low awareness of environmental issues by the citizenry, absence of environmental protection infrastructure including hazardous waste control laws and lack of competence and facility for environmental sound management of hazardous wastes. These constraints are compounded by huge national debt burdens to Brentwood institutions such as the International Monetary Fund (IMF), the World Bank and countries of the "Paris Club". The wastes were dumped under various guises such as for: Recycling or Establishment of fertilizer plants.

¹ Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal

2. Historical Perspective of illegal Waste Shipments to Africa

African countries that were victims of dumping of the aforementioned dangerous wastes or " cargoes of death " include Nigeria, Benin, Guinea, Sierra Leone, Somalia, Djibouti and Zimbabwe. The hazardous wastes dumped and abandoned in the recipient countries



included a cocktail of assorted industrial wastes and waste persistent organic pollutants (POPs) as well as radioactive wastes in some cases. Incidents of ecological and human health disaster episodes were reported in some of the affected countries. For example about 4,000 tons of assorted toxic wastes in 12,000 drums from Italy, illegally dumped in ²Koko port in Nigeria were discovered in May 1988. Chief Nana, the landlord of the compound/property where the waste consignment was stored after evacuation from the port died as well as his cousin while the youths abandoned the town. International print and electronic media were awash with these unpleasant stories with strong condemnation of the perpetrators of this dastardly act.

The 1989 Basel Convention on the Control of the Transboundary Movement of Hazardous waste and their disposal, which came into force in 1992, and celebrates its 20th anniversary this year, is the international community's response to the continual dumping of toxic wastes from developed countries in developing and economy in transition countries. Nigeria influenced 19 of the 29 articles of the convention. Under the Basel Convention, Parties have the right to prohibit the importation of waste, and Parties are prohibited from exporting waste without pre-consent from the importing country. Under the Basel Ban Amendment, developed countries are forbidden to export hazardous wastes to developing countries.

³Bamako Convention (yet to hold its first Conference of Parts, COP1) which came into force in 1998 was introduced by the Organization of African Unity (now African Union) for additional protection of Africa from dumping of hazardous wastes by developed countries. This Convention is a replica of the Basel Convention except that it includes radioactive wastes which are not covered by the Basel Convention.

The existence of Basel and Bamako Conventions and greater public awareness has reduced the spate of dumping in Africa and other places. An "African Dump Watch " was established in 1989 at the peak of hazardous waste invasion of the continent, as an alert mechanism for exchange of information between countries in the region on ships carrying hazardous wastes. It has since become moribund. Attempts to dump hazardous waste in the region continue unabated however, but majority did not succeed because of enhanced vigilance by government agencies and the public.

The Probo Koala incident in which hazardous petroleum wastes from Estonia and Holland were illegally dumped in Cote D'Ivoire in 2006 is the most prominent in West Africa in recent years. There was gross contamination of the coastal environment, while several human victims of exposure to hazardous substances were recorded.

² Osibanjo O. (1988): Report of Investigation of Toxic Wastes from Italy illegally dumped at Koko Port, Bendel State, Nigeria. Report submitted to the Federal Government of Nigeria.

³Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, which entered into force in April 1998. For further information: http://www.ban.org/Library/bamako_treaty.html.



3. Electronic Waste Problems in Africa

E-waste is one of the topical environmental issues of the 21st century. The useful life of consumer electronic products is relatively short, and decreasing as a result of rapid changes in equipment features and capabilities thereby causing unprecedented generation of large volumes of electronic waste. E-waste is an emerging environmental problem in Africa and the rest of the world. It is one of the major emerging global policy issues adopted at the Second International Conference on Chemicals Management (ICCM2) in Geneva in May 2009. E-wastes are characterized as hazardous wastes under the Convention when they contain components such as accumulators and other batteries, mercury-switches, glass from cathode-ray tubes and other activated glass, PCB-capacitors or when contaminated with cadmium, mercury, lead or PCBs. Also, precious ash from incineration of printed wire boards and glass waste from cathode-ray-tubes and other activated glasses will be characterized as hazardous wastes.

Another wave of intercontinental trade in hazardous substances began early in the 21st century; that is early 2000s. This is associated with the trafficking this time, of non-functioning or “used” electrical and electronic equipment (EEE), so called WEEE or e-waste from developed to developing and economies in transition countries. Currently the main route of disposal of e-waste in most developed countries is through export to developing countries in the name of ‘bridging the digital divide’. According to the Basel Action Network (BAN) too often, justifications of ‘building bridges over the digital divide’ are used as excuses to obscure and ignore the fact that these bridges double as toxic waste pipelines to some of the poorest communities and countries in the world.

The ⁴Basel Action Network/Silicon valley Coalition, BAN/SVC (2002) film and report entitled: “Exporting harm: The High tech trashing of Asia” and the, ⁵BAN (2005) film and report on “The Digital Dump: Exporting Re-use and Abuse to Africa” drew international attention to the adverse environmental and human health consequences of global e-waste trade between developed and developing countries. These films have stimulated and catalyzed international, regional and national awareness and reactions on the need for sustainable control of the e-waste trade. The ⁵Basel Action Network(BAN) coordinated study in Nigeria –Exporting Reuse and Abuse to Africa- revealed the level of transboundary movement of secondhand and scrap EEE into developing countries exemplified by Nigeria. Estimated 5 million PC units, with a weight estimated at 60,000 metric tons is imported annually into Nigeria through the major sea port of Lagos only. The BAN study observed that about 25–75% of the imported secondhand computer wares are unusable junk that are non-functional or unrepairable.

⁴BAN/SVTC, 2002. Exporting harm: the high tech trashing of Asia. The Basel Action Network and Silicon Valley Toxics Coalition. February 25, 2002.

⁵BAN, 2005. The digital dump: exporting re-use and abuse to Africa. Basel Action Network. October, 24, 2005. Jim Puckett (Editor). <www.ban.org>.

This amount to an importation of 15,000–45,000 tons of scrap recyclable electronic components, which may contain as much as 1000–3,600 tons of lead. In Nigeria, and other African countries, there is virtually no capacity for material recovery operations for electronic waste, as a result of which these items become discarded in local dumps. Assuming this trade continues unabated, with an annual increase of 10%, then an estimated 40 million units of PCs or monitors (or 468,000 metric tons of e-scrap) would have been imported over the period 2005–2010.^{6,7} This will amount to an importation of about 40,000 metric tons of Pb for the period under consideration or 77,000 tons of e-scrap/year. Secondhand computer wares are also imported through donations by charities to organizations and educational institutions (a minor source of import) which imports have also been found to contain 20-80% junk.

While waste generation itself is not illegal, it is the actual transboundary movements in violation of applicable rules of law that render them illegal. The Basel Convention identifies any of the following as illegal traffic:

- Without notification to all states concerned;
- Without the consent of a state concerned;
- Through consent obtained by falsification, misinterpretation or fraud;
- When the movement does not conform in a material way with the documents;
- When the movement results in deliberate disposal of wastes in contravention of the Convention and of general principles of international law.

A considerable part of the e-waste exported from developed countries is exported illegally in contradiction to International (Basel convention) or Regional (EU waste shipment regulation; African Bamako Convention) legislation from either of the following perspectives:

- completely illegal shipment, where the rules applicable are not respected; or
- e-waste that is shipped under a false pretence, e.g. e-waste reported to be post-consumer products for re-use, while they are clearly are no longer fit for re-use.
- At times Africans travel to Europe and buy e-scrap and load them into used vehicles destined for Africa

A major concern of developing countries is that the consignment of admixture of EEE and WEE are not shipped as wastes, but as second hand products. Therefore, technically they do not fall under the Basel Convention at this point. However, many of these products are near their end-of-life, so many developing countries have the challenge of dealing with these wastes in an environmentally sound manner for which local capacity is lacking.

⁶Osibanjo, O; Nnorom, I.C. (2007) The challenge of electronic waste (e-waste) management in developing countries. *Waste management & research* 25:489-501. doi: 10.1177/073424x07082028. (international solid waste association, iswa). available online at www.sagepub.com/journalsprod/mansub.nav ; ⁷ Nnorom, I.C; Osibanjo, O. (2008) Overview of electronic waste (e-waste) management practices and legislations, and their poor applications in the developing countries *Resources conservation and recycling* 52:843-858. doi:10.1016/j.resconrec.2008.01.004. Available online at www.sciencedirect.com

Equally noteworthy is that many African countries have ratified Basel and Bamako Conventions but have not domesticated these conventions into national laws. Furthermore national laws on e-waste hardly exist while custom tariffs in Africa do not differentiate between used or unserviceable EEE from new EEE which makes it difficult to block or impound or control the illegal import of e-waste into the region. Developed countries are approaching the peak time for phasing out old-style electronic and electrical appliances, for example broadcast equipment would change to digital by 2010. Invariably all the equipment phased out will be shipped to Africa and Asia thereby worsening the e-waste problem.

The fate of WEEE once they arrive in Africa is also of concern. E waste management practices in Africa are unregulated and employ rudimentary techniques. These include manual disassembly of WEEE without consideration of the hazardous constituents, recovery of solder and chips from printed wire boards (PWBs) by heating them; melting and extruding plastics; and the burning of plastics to isolate metals. The e-waste management options in the region comprise four options namely:

- (i) Sale of reusable and serviceable parts
- (ii) Repair and refurbishment of used EEE for reuse
- (iii) Disposal by dumping in non-engineered landfill, with subsequent open burning of irreparable e-waste components to reduce solid waste volume
- (iv) Materials recovery of recyclables such as copper, gold and silver from non-repairable e-waste by open burning of cables (for copper).

These crude disposal methods may cause environmental pollution and threaten human health.

African countries are at cross roads on electronic waste as the issue of used EEES and WEEE provides a sweet and sour scenario. Used electrical electronic equipment (UEEE) is critical to bridging the digital divide and improving the socio-economic development of Africa as most ICT activities in cybercafés, educational institutions and small businesses etc in the region depend on imported secondhand computers mostly from Europe and United States of America. Other benefits include employment generation, e- commerce, e—governance, tele-medicine etc.

Yet the limited ^{8,9}studies available indicate that most of the used EEE exported to Africa are hazardous wastes with concentrations of heavy metals several fold higher than permissible levels in developed countries. Crude methods are used in the informal sector to extract precious metals such as copper, aluminium, gold, silver etc from e-waste; causing the release of heavy metals and environmental multimedia contamination⁹. The current flood of e-waste into Africa is therefore considered a risk factor to the attainment of sustainable development and the millennium development goals in the region.

⁸Olubanjo K. A(2009): Heavy metals in used computers in Nigeria; MSc Dissertation , University of Ibadan, Chemistry Department, Nigeria.

⁹Nnorom I. C (2009): Heavy metal pollution at selected electronic waste disposal sites in parts of southern Nigeria. Draft PhD thesis, University of Ibadan, Chemistry Department, Nigeria.



Uganda has placed a total ban on imports of refurbished computers while Kenya has imposed a 25 percent tax on refurbished computers. Rwanda and Tanzania are still accepting refurbished computers for rural communities and schools. Nigeria has placed administrative ban on the importation of non-serviceable computers but still allow importation of used computers. There have been criticism of total ban in Uganda as the "The worst-affected people will be the poor people and rural-based [people] who make up a big percentage of computer users in Uganda. These are people who cannot afford a brand-new computer. With this ban, it means that these people will not be able to access ICT at all,".

The Nigerian government in response to the BAN film on e-waste in Nigeria issued an administrative directive in February 2007 banning the importation of non-serviceable EEE into the country. The enforcement of this directive is constrained due to lack of extant mechanism for identifying used, non-serviceable and new EEE. Furthermore there is no pre-shipment testing and /or destination testing of the EEE cargo. The Nigerian National Environmental Standards and Regulations Enforcement Agency (NESREA) organized an international workshop in July 2009 as a contribution to further elaborate ICCM2 decision on e-waste in May 2009 in Geneva as well as being a platform for advancing the e-waste issue towards ICCM3

4. Level of Knowledge about the issue

After BAN blew the lead on the e-waste problem in Africa in 2005, African Ministerial Conference on Environment (AMCEN) at its meeting in Congo Brazzaville in May 2006 expressed concern about the emerging problem of e-waste dumping in the region and the resultant environmental and human health problems that may arise from their improper disposal. The eight meeting of the Conference of the Parties to the Basel Convention (2006) recognized that the issue of the management of e-waste required urgent attention and made the Nairobi Declaration on the Environmentally Sound Management of electronic waste. The ¹⁰Durban Declaration on e-Waste in Africa prescribed some of the actions to tackle e-waste problems in Africa but without specific response to clamping down on illegal shipments.

NGOs have played and continue to play a key and active role in promoting global awareness on e-wastes issues in Africa within a global perspective (for example BAN, Green Peace). Print and electronic media stories of e-waste dumping in Africa by developed countries and disseminated by foreign media including the BBC, CNN, Independent Newspaper of London, and Financial Times London, etc. African Newspapers and TV networks in the continent have also enhanced awareness of the issues.

The Basel Convention has developed two initiatives in order to foster the participation of the private sector in the efforts towards the environmentally sound management of e-waste. In 2002 the Mobile Phone Partnership Initiative (MPPI) was launched when 12 manufacturers signed a Declaration entering into sustainable partnership to develop and promote the environmentally sound management of end-of-life mobile phones.

¹⁰ The Durban Declaration on e-Waste Management in Africa 2008



In addition three telecommunication operators also signed a Declaration entering into sustainable partnerships in July 2005. The overall objective of the MPPI work programme which involved many stakeholders besides the partners, was to promote the objectives of the Convention which are applicable to the issue of end-of-life mobile phones.

Most recently the Partnership for Action on Computing Equipment (PACE) was adopted, together with its work plan, at the ninth meeting of the Conference of Parties to the Basel Convention in June 2008. It was created as a multi-stakeholder partnership between industry, government, academia and civil society to address the environmentally sound management of used and end-of-life personal computers. The terms of reference, scope of work and structure of the PACE was developed through an interim group comprised of representatives of personal computer manufacturers, recyclers, international organizations, academia, environmental groups and governments. PACE formally came into existence early this year. The objective of the PACE is to provide new and innovative approaches for addressing emerging issues on used and end of life computing equipment.

PACE has almost concluded the development of guidelines on the repair, refurbishment and recycling of used computers. These guidelines would be tested in pilot projects to be sited in selected developing countries including those in Africa.

5. Clamping Down on illegal Waste Shipments to Africa

Trafficking in, and improper management of hazardous waste may cause degradation and pollution of soil, water, plants and animals and in the process adversely affect people's health and living conditions. Illegal trafficking in e-waste in Africa occurs unchallenged because there are no national and regional mechanisms in place to confront the problem. Public awareness of the adverse environmental and health impacts of e-waste are low. Regional strategy to combat the problem is also lacking.

The first worldwide, joint Customs operation on waste tagged " Operation "Demeter " was organized by World Custom Organization among Customs administrations of 64 countries with focus on illicit cross-border shipment of hazardous and other waste en route from Europe to countries in Asia/Pacific and Africa between 23 March and 11 May 2009. 13 African countries (Angola, Cameroon, Gabon, Cote d'Ivoire, Egypt, Ghana, Kenya, Mauritius, Mozambique, Nigeria, Senegal, South Africa and Morocco) participated in the study. The latter aimed at undertaking root cause analysis and seeking strategies and actions to improve awareness and knowledge of waste trafficking, and know-how on ways to tackle it. IMPEL-TFS members who are part of the steering group for this week's workshop participated in the Demeter study. Their experience will be very useful to us in the discussions at this week's Accra meeting.



11 World Customs Organisation 2009: OPERATION DEMETER - Customs Joint Operation to Combat Illegal Transboundary Movement of Waste between Europe, Asia/Pacific and Africa . Draft Final Report

The key issues and lessons learnt from the Demeter study which would be most useful in our discussions at this week's workshop on "CLAMPING DOWN ON ILLEGAL WASTE SHIPMENTS TO AFRICA" include the following:

- Definition of waste. When is used EEE waste? etc
- Need for quantifying and qualifying the scale and seriousness of the illegal trade in waste (that is understanding the materials flow)
- Preventing illegal transboundary movements of waste through capacity building, communication, field officers (Customs, EPAs, Security agencies) training and re-training continually, etc.
- Keeping track of, and verifying the final destinations and further treatment of the waste exported from European countries (need for an information exchange network and two way communication mechanism with regular feed backs)
- The importance of waste tracking in delivering tangible results in terms of the detection, interception and seizure of goods..
- Need of identifying and clamping down on operators involved in the illegal trade in waste.
- Improving Customs' knowledge of the illegal trade in waste and with the support of the environmental agencies.
- Need of identifying, and further improving, a proper mechanism for daily information exchange between collaborating enforcement agencies and Customs
- Development of specific risk indicators and profiles regarding illegal traffic in e-waste.

6. E-Waste Africa Project

Successful planning of policies, actions and strategies to clamp down on illegal waste shipments to Africa require basic data which are lacking such as national and regional baseline studies of situational analysis, material flows, study of activities at the ports and export–import activities between European ports for example and African ports, socio-economic conditions and enforcement to prevent illegal export of e-waste from Europe and Africa. The implementation of the Secretariat of Basel Convention E-Waste Africa Project would provide much needed data for the development of solutions for prevention of illegal shipment of E-waste to Africa.

In May 2009, the Secretariat of Basel Convention launched an E-waste Africa project with funding from European Union and other donors. The overall objective of this project is to equip West Africa and other African countries to be able to tackle the growing problem of e-waste imports coming from industrialized countries and thereby protect the health of citizens.

This project has 4 components:

- 1) A study of the flow of e-waste into Benin, Cote d'Ivoire, Ghana, Liberia and Nigeria;
- 2) A national assessment on e-waste in Benin, Ghana and Nigeria;



3) A socio-economic study on e-waste in Nigeria with a feasibility of international cooperation between African SMEs and European recycling companies. The same study will be carried out in Ghana;

4) An enforcement programme in Benin, Egypt, Ghana, Nigeria and Tunisia led by IMPEL, with the aim to prevent illegal exports from Europe to West Africa. The programme consists of 2 training workshops in Europe and one in each of the five countries.

7. Concluding Remarks

The present workshop on clamping down on illegal waste shipment to Africa, an environmental crime, is timely and appropriate in view of the flooding of Africa, West Africa in particular, with e-waste on a continual basis from the early 2000 to date. This initiative has a multiplier effect as it can be used to address in an integrated manner, illegal traffic in hazardous wastes and substances covered under the waste and chemical MEAs (Basel, Rotterdam and Stockholm Conventions). Regulatory infrastructure in the countries has to be strengthened with capacity building of customs, and environmental regulatory officers. African countries should ratify Basel and Bamako conventions (for those yet to do so) and domesticate the conventions into national laws,

Past experiences from the African Dump Watch in the early 1990s to clamp down on toxic waste trafficking in Africa; as well the strategy adopted in combating illegal trade in ozone depleting substances, and the recent World Customs Organisation operation Demeter, underscore the importance of networking and collaboration between different countries in the developed countries and Africa, the customs and environmental regulatory agencies in each country and the region as well as the security agencies. A good database and efficient communication system is important in this regard. The involvement of the ECOWAS and the African Union is important for political support to the programme.

An African Impel equivalent needs to be established with active partnership between customs and regulatory officers in Europe and Africa.