

# REPORT

## *Green Customs Initiative Workshop for Indian Ocean Islands*



*23-25 July 2007*

*Swami Vivekananda Conference Centre  
Pailles  
Mauritius*

## 1. Opening

The Opening ceremony of the workshop was held on Monday 23<sup>rd</sup> July 2007, with speeches from the representatives of the different Organisations present, namely, the Representative of UNEP: Mr. Patrick Salifu and the Representative of WCO : Mr. John Bisonga.

In his Opening speech the Supervising Officer of the Ministry of Environment and NDU, Mr Grish Gunesh announced the setting up of an inter-Ministerial committee to better co-ordinate implementation of Multilateral Environmental Agreements( MEAs), to Which Mauritius is Party. He also stated that this workshop will help Customs officers of the region to better control illegal trade. It is a crucial tool which helps countries around the world to implement, in a holistic and concerted manner the requirements of the MEAs. Illegal trade in 'environmentally-sensitive' commodities such as ozone depleting substances (ODS), toxic chemicals, hazardous wastes and endangered species is an international problem with serious consequences. The Secretariats of the concerned multilateral environmental agreements MEAs, UNEP Divisions and Regional Offices, Interpol and the World Customs Organization (WCO) are cooperating on this cross-cutting initiative. This Initiative, thus, aims at strengthening compliance and enforcement of (MEAs). Customs Officers will therefore be more careful when dealing with chemicals and are on the alert whenever there are attempts to introduce plants or animal species into the country either via the airport or the port. This first Sub-regional Green Customs Initiative workshop or Indian Ocean Islands aims at fostering bilateral, as well as regional dialogues on trade-related issues and to presenting available resources to customs administration on MEA enforcement issues.

Building and reinforcing the capacity of customs officials, who are on the front line of every country's efforts to combat this illegal trade, is vital. This workshop is therefore intended to strengthen the capacity of customs officials to prevent illegal trade of items covered in MEAs while facilitating the monitoring of legal trade in these items.

The workshop will encourage information exchange, explore avenues in the implementation of conventions by customs and coordinate activities to combat environmental crime. It is hoped that the workshop will help increase awareness among customs officials about MEAs and provide them with an opportunity to discuss and explore ways to implement trade-related provisions of MEAs both national, regionally and internationally.

Environmental crimes have severe consequences on the world's flora and fauna, examples are numerous; the smuggling of ivory and tiger bones and illegal trade in rare orchids represent direct threat to species survival. At the same time criminal groups smuggle environmentally harmful products like ozone-depleting chlorofluorocarbons (CFCs) whose legal trade is subject to stringent international restrictions. The illegal traffic of toxic waste directly threatens human health and the environment, contributes to species loss, and results in revenue loss for governments.

Illegal trade in environmentally sensitive commodities also seriously undermines the effectiveness of multilateral environmental agreements by evading rules and procedures agreed in international treaties.

Finally he declared the workshop opened.

The workshop was attended by representatives of both Customs and Environment Ministries from the Indian Ocean Islands namely; Comoros Madagascar, Maldives, Mauritius and Seychelles. The representatives of the Indian Ocean Commission were also in attendance. The List of participants is annexed.

After the tea break the following presentations were made.

## **2. Introduction to the Green Customs Initiative**

Mr Etienne Gonin from UNEP introduced members present to the Green Customs Initiative, the latter started by highlighting the crucial role of custom officers in protecting the national and global environment. A Customs officer he added might encounter various chemicals such as ozone-depleting substances, hazardous wastes, pesticides, animal and plant specimens, products that include certain chemicals or wildlife parts and derivatives. He recognized that it is a complex task and large responsibility to verify shipments and their documentation, and to verify compliance with national laws and to take action when violations occur.

Mr Gonin stressed on the fact that most environmental problems are transboundary and global in impact, and they can only be addressed effectively through international co-operation and shared responsibility. A number of international agreements regulate the trade in environmentally sensitive items and products, and the requirements of these agreements are usually incorporated in national legislations. The Green Customs Initiative therefore is a series of collaborative activities carried out by its partner organizations, aimed at raising the awareness of Customs and border control officers to several trade-related MEAs and relevant treaties. Activities to date were enumerated as follows awareness-raising workshops, training workshops and the Green Customs Training Guide to Multilateral Environmental Agreements and other related treaties.

### **2.1 Objectives**

**The objectives of the Green Customs Initiative Workshop were presented as follows:**

- Reduce/eliminate illegal trade in environmentally-sensitive items covered by specific international agreements e.g. ozone depleting substances, toxic chemicals, hazardous wastes & endangered species, living modified organisms
- While protecting & facilitating legal trade in those items.

#### **2.1.1 Treaties related with trade components were enumerated as follows:**

- **CITES** - Endangered species
- **Montreal Protocol** - Chemicals/Ozone-depleting substances

- **Stockholm** - Chemicals/Persistent Organic Pollutants
- **Rotterdam** - Chemicals/Prior Informed Consent
- **Basel** - Hazardous wastes
- **Cartagena** - Living Modified Organisms
- **Chemical Weapons Convention** - Chemicals

#### **2.1.2 The various partners to the initiative was listed as follows:**

1. CITES
2. The Montreal Protocol
3. The Basel Convention
4. The Stockholm Convention
5. The Rotterdam Convention
6. The Organisation for Prohibition of Chemical Weapons
7. The Cartagena Protocol
8. The United Nations Environment Programme (DTIE – DELC)
9. The World Customs Organization
10. Interpol

#### **2.1.3 The main areas of cooperation between UNEP and the WCO were highlighted as follows:**

- MOU signed in 2003
- Mutual consultation
- Information exchange
- Reciprocal representation
- Specific cooperation in the regions
- Technical cooperation
- Example: HS Codes

#### **Mr Gonin informed that Green Customs training workshops have also been carried out in the following countries:**

- Green Customs first TTT Workshop, Shanghai, China, 2007
- Green Customs pilot national Workshop in **Mauritius**, 2006
- Green Customs Workshop, Tashkent, Uzbekistan, 2006
- Green Customs Workshop, Arusha, Tanzania, 2005
- Green Customs Workshop, Bhutan, South Asia, 2005
- Green Customs Workshop, Tbilisi, Georgia, 2005
- Green Customs Workshop, Trinidad and Tobago, 2005

#### **Participation in partner activities (examples)**

- COP-3 of the Rotterdam Convention, Geneva, Switzerland, 11 Oct. 2006
- 11th WCO Regional Heads of Administration Conference for Asia and the Pacific, Beijing, China, 2006

## **2.2 Green Customs Guide**

A brief presentation of the Green Customs Guide to Multilateral Environmental Agreements and other relevant treaties was made;

- Chapter 1 explains MEAs and the role of Customs in their national implementation
- Chapter 2 provides an overview of the main international trade-related MEAs and relevant treaties
- Chapter 3 explores practical aspects of implementing controls for these agreements

### **2.2.1 Green Customs workplan 2007**

The Green Customs workplan for 2007 was presented.

- Publication & distribution of the **Green Customs** Guide
- Train-the-trainer workshops for Customs:
  - First workshop was held at Shanghai Customs College, 15-18 May 2007
  - Mauritius / Senegal
- National workshops
- On-line training, e-learning
- One-stop source for reference materials for customs [www.greencustoms.org](http://www.greencustoms.org)

### **2.2.2 Assistance and Support**

Mr Gonin explained the various possible fields of assistance and support possible throughout the Green Custom Initiative;

- The implementation of MEA provisions in national legislation can demand a great deal of effort and commitment, but Customs officers are not expected to do this alone
- At the national level, there are agencies and institutions that are responsible for MEA implementation and that can assist you in your work, and they also rely on your efforts to ensure national compliance with the MEAs
- International support, such as through the **GreenCustoms** Initiative on training, is also a source of information and advice
- Through your efforts, you are helping deliver a better environment and a sustainable future for your country and for all nations

### **2.2.3 Small Island Developing States**

The specificities of SIDS were pointed out as follows:

- SIDS: Small Island Developing States
- Challenges faced by SIDS for environmental protection and work of customs
- High stakes of environmental protection
- SIDS successes - and lessons to the World

### **2.2.4 Objective/ Expected outcome of the workshop**

Mr Gonin referred to the expected outcome of the workshop in the following words:

- Awareness raised
- Information Sharing
- Potential collaboration at national and regional level
- Feedback received

At the end of the presentation there was a request to have the materials presented in soft copy and also in French version. Mr Gonin informed the floor that copies of the presentation will be circulated but French version is not yet available, he added that may be in the next meeting this will be possible.

### **3. Multilateral Environmental Agreements and the roles of Customs**

Ms Anne Bourdy of UNEP then proceeded with a presentation on Multilateral Environmental Agreements and the roles of Customs

Multilateral Environmental Agreements (MEAs) she pointed out is motivated by worldwide concerns about the serious and sometimes irreversible environmental effects of human activities. She then went into the various steps which an MEA has to go through when the latter come into force, these are enumerated below:

- (i) When an MEA enters into force: implementation measures that will result in compliance become mandatory for the Parties
- (ii) MEAs implementation: through a set of national legislative and institutional frameworks
- (iii) Compliance and Enforcement of MEAs

#### **3.1 Global shift from development of MEAs to implementation**

Ms Bourdy pointed out that there has been a proliferation of MEAs throughout the world but there has been a general lack of implementation due to various reasons including the following:

- Limited awareness
- Limited capacity
- “Convention congestion” at the national level
- Limited resources (to develop implementing legislation and regulations, to identify violations, to prosecute cases, to decide cases, etc.)

#### **Ms Bourdy suggested the following to remedy the situation:**

- Agenda 21, UN Secretary General’s report, UNEP Governing Council decisions
- Development of implementing legislation, regulations, policies, and standards
- Establishment and strengthening of institutions, and promotion of institutional coordination
- Capacity building of government officials
- Engagement of stakeholders
- International cooperation and coordination

#### **3.2 Roles of customs officers**

The roles of custom officers were defined as follows:

##### **General**

- Regulate Legal Trade

- Detect and Interdict Illegal Trade

### **3.2.1 The tasks of customs in relation to the concerned MEAs**

- Check the validity of transit documents
- Ensure that the documents correspond to the actual goods
- Combat fraud
- Ensure that restriction measures are complied with
- Assess and collect applicable duties and taxes
- Be involved in investigations regarding alleged illegal trade
- Inform the public about the impacts and consequences of illegal trade and measures to curb such trade

#### **Ms Bourdy provided some tips to customs officers to carry out their duty;**

- Familiarize themselves with legislation and regulations
- Identify the controlled items
- Know what exemptions may exist
- Ensure that your health and safety are protected
- Make sure storage for the seized items is safe (for the items and the public)
- Collect the necessary evidence (documents, etc.)
- Know and communicate with the relevant national authority on an ongoing basis (before and after seizure of items)

#### **Ms Bourdy pointed out other issues that Customs Officers should be aware of;**

- Profiling of common smuggling schemes
- Disposal of confiscated items
- Free Trade Zones
- Use of Harmonized Codes

### **3.2.2 The various partners were enumerated as follows:**

- International Partners: MEA Secretariats, UNEP, Interpol, World Customs Organization
- Regional Partners: Lusaka Agreement Task Team, East African Customs Union etc.
- National Partners: You are part of a chain of enforcement, which links together parliamentarians, the public (importance of awareness raising), MEA focal points, customs, prosecutors, the judiciary...

#### **Knowing Your National Partners is important**

- Office in charge of implementing the MEA in your country (e.g., *National Ozone Unit, Designated National Authority*,...)
- Relevant Ministries, Agencies, and Authorities
- Prosecutors and judges (for cases of illegal trade)
- Training institutes for customs
- NGOs, private sector, and other relevant non-governmental institutions

- Weakening of criminal organizations as a result of increased detection and prosecution of illegal trade and removal/reduction of revenue stream
- Improved effectiveness related to implementation of MEAs, through better coordination at the national level and more effective use of limited resources
- Improved national compliance with MEAs
- Protection of human health and the environment

### **Tools available**

Ms Bourdy informed members present that a number of tools are available for custom officers to help them in delivering their tasks;

- Green Customs Guide (support document for this workshop)
- Lessons learnt from previous undertakings at national and regional levels
- Green Customs Guide topics for each MEA or treaty
  - Definitions
  - Provisions for regulating trade
  - The specific role of Customs in implementing the MEA/treaty
  - Official documents to be aware of
  - Practical considerations
  - Health and safety
  - Identification
  - Seizures and disposal
  - Derogations

## **3.3 The Green Customs Guide**

- The **Green Customs** Guide to Multilateral Environmental Agreements and other relevant treaties
  - Chapter 1 explains MEAs and the role of Customs in their national implementation
  - Chapter 2 provides an overview of the main international trade-related MEAs and relevant treaties
  - Chapter 3 explores practical aspects of implementing controls for these agreements

### **3.3.1 The Green Customs Web Site**

- Web site is partnership
- Description and background material about Green Customs
- Offers consolidated links to training resources for customs
- Regular news updates on related activities
- Launched in June 2003

### **3.3.2 The UNEP Manual on Compliance with and Enforcement of MEAs**

- Rational for the Manual
  - Practical, tangible Guidance through
  - Explanatory text
  - Practical examples



- Case studies
- Checklists
- Other concrete assistance

•On-line Manual at: <http://www.unep.org/dec/onlinemanual/>

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#### **4. Tuesday 24<sup>th</sup> July 2007**

The 2<sup>nd</sup> day for the Green Customs Initiative workshop started with a presentation on the Stockholm Convention by Mr A. Yadallee of the Ministry of Environment & NDU, Mauritius.

Mr Yadallee informed that the main objective of the Convention was to protect human health and the environment from Persistent Organic Pollutants (POPs). He gave an overview of the status of ratification of the Indian Ocean Islands whereby it was noted that only Seychelles had not ratified the Convention. A request was made to the representatives of Seychelles Island to look into the issue.

A definition of POPs in terms of their characteristics of high toxicity, persistent, mobile and bioaccumulating/ biomagnification was given. Mr Yadallee related the 12 Stockholm POPs and their field of use as pesticides, industrial chemicals and by-products. These are Aldrin, Chlordane, DDT, Dieldrin, Dioxins, Endrin, Furans, Heptachlor, Hexachlorobenzene (HCB), Mirex, PCBs, and Toxaphene.

An exposé of the Trade limits of i-POPS was given whereby for imports, it was stated that only 9 chemicals in Annex A and DDT listed in Annex B are only allowed for the purpose of environmentally sound disposal or for an exempted use. Concerning exports, these are only allowed for chemicals in Annex A or B for which specific exemptions are still in effect, and only –

- (1) for purpose of environmentally sound disposal, or
- (2) to party which has an exempted use of the chemical,
- (3) to a non-Party that certifies that it will comply with the stockpile and wastes provisions of the Stockholm Convention and will take necessary measures to prevent or minimize releases

Mr Yadallee also presented on the **control of i-POPs** – prohibition and measures to take to eliminate/ restrict production, use, import and export of POPs chemicals. The following issues were also explained:

Exemptions and Registered Uses

- Some permitted uses and purposes still allowed for some i-POPs chemicals (No production, no use/ no production, some use/ some production, some use)
- Parties must register for a specific exemption
- Each exemption has an expiry date.

#### For PCBs

- Identification and labeling of equipment which is to be removed from use by 2015,
- Should be exported for environmentally sound disposal only
- Should be managed appropriately while still in use
- Should be disposed of/ eliminated by 2028

#### For DDT

- Production and use are to be restricted, not eliminated
- Can be produced and used for disease vector control,

Mr Yadallee also gave an explanation on the control of i-Pops and u-Pops. For i-Pops it was stated that the goal to be achieved is environmentally sound management of stockpiles, wastes and products and articles upon becoming wastes that consist of, contain or are contaminated by POPs. For the control of u-Pops, parties must take measures to reduce releases of chemicals in Annex C derived from anthropogenic sources (furans, dioxins, HCB, PCBs)

An overview of the general obligations was given such as:

- designation of a National Focal Point,
- development, implementation and update an implementation plan to help meet the obligations of the Convention,
- Promotion and facilitation of wide range of public information, awareness and educational measures.

Mr Yadallee informed about the status of implementation of the Stockholm Convention in Mauritius where the National Focal Point is the Ministry of Environment & NDU. He also stated that POPs inventory was done in Mauritius and about 116 tons of DDT is used only for malaria vector control, there is no PCB contaminated site, and all capacitors in operation on the CEB network are PCB free.

An exposé was also given on how the customs can play an important role for:

- Control of import of i-pops
- Control of export of i-pops
- Information exchange and reporting

Mr Yadallee explained that in Mauritius, the Ministry of Environment acts as coordinator with the Ministry of Health and Ministry of Labour.

A request was made by a member present to have a workshop for the islands on the issue. Request was made by customs officers to be more involved in conventions.

Moreover customs requested that a team with skilled personnel including a chemist would be beneficial for control of the imports and exports of goods.

The following websites were given for additional informational:

- Website for the Convention: [www.pops.int](http://www.pops.int)
- Website for Mauritius legal Database: <http://muelex.gov.mu>

The second presentation was made by **Mr Yusuff Boodoo** of the Ministry of Agro Industry and Fisheries on **Biosafety**.

He informed that the objective of this Protocol is to contribute in ensuring the safe transfer, handling and use of LMOs resulting from modern biotechnology that may have adverse effects on the biological diversity, taking also into account risks to human health

The protocol applies to transboundary movement, transit, handling and use of all LMOs that may have adverse effects on biodiversity, taking also into account risks to human health

The different topics covered in the presentation are as follows:

### **Categories of LMOs under the Protocol**

- LMOs for intentional introduction into the environment (e.g. seed, live fish, etc)
- LMOs intended for direct use as food or feed or for processing (e.g. agricultural commodities – maize, soya bean, cotton, etc)
- LMOs for contained use (e.g. bacteria for laboratory scientific experiment)

### **General provisions**

- Parties required to take legal, admin., and other measures to implement the Protocol
- Parties can take actions more protective of biodiversity; consistent with the Protocol objective and provisions
- Parties have a right to subject all LMOs to risk assessment prior to taking a decision on import

### **Procedures for Transboundary Movement of LMOs**

The Protocol establishes rules and procedures to facilitate the safe transfer, handling, and use of LMOs.

### **Advance Informed Agreement (AIA) Procedure**

#### *Application:*

The first intentional transboundary movement of LMOs for intentional introduction into the environment of the Party of import

#### *Procedural steps:*

- Notification by the Party of export
- Acknowledgement of notification by Party of import (90 days)
- Decision-making (with 270 days) – the precautionary approach, risk assessments and socio-economic considerations
- Review of decision (new information/change in circumstances)

#### *Exemptions:*

- *LMOs in transit; LMOs for contained use; LMOs-FFP*

### **Procedure for LMOs-FFP**

- Registering with the BCH a decision on domestic use (and marketing) of an LMO-FFP
- A Party can subject import of an LMO-FFP to its laws, regulations & guidelines (consistent with the Protocol objective). Copies of these must be availed to the BCH

- A Party without a regulatory framework can declare, through the BCH, its intent to subject the first import of an LMO-FFP to a risk assessment & prior approval

### **Other measures for fostering the safe transfer, handling and use of LMOs**

- Safe handling, transport, packaging and proper identification of LMO shipments
- Information sharing through BCH
- Capacity-building and public awareness (Action Plan, projects, etc)
- Compliance procedures & mechanisms
- Liability and redress

### **Biosafety – Mauritian Context**

GMO Act – enacted 2004 but some sections still to be proclaimed

Sections 1-5, 6(1)(a) to (c) and 24 proclaimed

### **Role of Customs Officials**

- Collaboration with NCA
- Enforcing regulations under GMO Act at borders
- Ensuring that LMO shipments are accompanied with proper documentation
- Detecting illegal LMO imports/movements
- Taking appropriate measures

### **Enforcing approvals for LMO imports**

- Verify if the shipment has proper import approvals from the CNA (and if any conditions are attached); also check for the decision in the BCH
- Check the decisions posted on the BCH regarding domestic use and marketing of LMOs-FFP

*Need to be familiar with:*

- The AIA procedure and the domestic administrative/ decision-making procedures and requirements
- Contact details of the CNA and other relevant officials
- Previous national decisions regarding specific LMOs
- Any bilateral or multilateral agreements/arrangements

### **Inspecting documentation accompanying LMOs**

- Verify if the documentation is complete & follows applicable international and domestic requirements
- Cross-check the shipment against the documentation
- Enforce any special handling/packaging requirements

*Need to be with familiar with:*

- Identification requirements for different categories of LMOs adopted by COP-MOP
- Any additional documentation and identification requirements in the domestic regulatory framework
- Access to and use of the BCH
- Contact details of CNA & other authorities

### **Identification requirements for LMOs intended for introduction into the environment**

MOP Decision BS-1/6:

- Clear identification as “LMOs” and a brief description of the organisms
- Any requirements for the safe handling, storage, transport and use
- Name/address of exporter and importer
- Contact point in case of emergency
- A declaration that movement of the LMOs is in conformity with the Protocol requirements
- Further information (e.g. commercial name, risk class, and import approval for the LMO)

### **Identification requirements for LMOs-FFP**

COP-MOP Decision BS-III/10:

The documentation must clearly state:

- Where identity of the LMO is known, that the shipment contains LMOs-FFP
- Where identity of the LMO is not known, that the shipment "may contain" one or more LMOs-FFP
- That the LMOs are not intended for intentional introduction into the environment
- The common, scientific & commercial names
- The transformation event code
- The BCH Internet address for further information

### **Identification requirements for LMOs destined for contained use**

MOP Decision BS-I/6:

The documentation should contain:

- Clear identification as “LMOs” and as “destined for contained use”
- Name & address of the consignee, and exporter or importer
- Any requirements for the safe handling, storage, transport and use
- Further information (e.g. commercial name, new or modified traits, transformation events, risk class, use, and any unique identification)

### **Types of documentation formats**

- A commercial invoice;
- A document required or utilized by existing documentation systems; or
- Other documentation as required by domestic regulatory/administrative frameworks

### **Other general responsibilities**

- Regular communication with the CNA regarding LMOs arriving at the ports of entry
- Forwarding LMO import documents to relevant national authorities
- Detecting and alerting relevant authorities about possible illegal imports and unintentional transboundary movement of LMOs

### **General Remarks**

- CPB recognises the potential of biotechnology if developed and used with adequate safety measures
- CPB intended to ensure safety of LMOs, not to prohibit their trade
- Not all GMOs can potentially pose risks to the environment – case by case assessment
- Customs officials have a central role to play in implementation of the Protocol

- It is important to obtain relevant information and keep abreast with new developments (see information sources below)

The following websites were given for additional informational:

- Protocol website: <http://biodiv.org/biosafety>
- Biosafety Clearing-House: <http://bch.biodiv.org>

## 5. Chemical Weapons Convention

The 3<sup>rd</sup> presentation was done by Mr Krishna Juggroo on **Chemical Weapons Convention** and the issues covered are as follows:

- Examples where CW have been used; First large scale CW attack with chlorine on 22 April 1915 at Ypres (Ieper) – 5000 dead, 15000 casualties. Use of choking agents chlorine and phosgene gases initially released from cylinders on the battlefield and dispersed by the wind – many friendly fire casualties)
- Another example is the chemical terrorism in Japan - The two most recent examples of the use of chemical weapons were in Japan in the mid 1990s by the Aum Shinrikyu doomsday cult using the nerve agent sarin (GB); Matsumoto in 1994 - 7 dead 144 injured and Tokyo subway in 1995 – 12 dead 5000 injured.

### 5.1 Steps towards chemical disarmament which led to the

- Chemical Weapons Convention (CWC) opened for signature on 13 January 1993 in Paris
- Preparatory Commission set up in The Hague to prepare for Entry-into-Force (180 days after the 65th State ratified the CWC). **Entry-into Force on 29 April 1997.**

The implementing body of the Chemical Weapons Convention (CWC) established pursuant to Article VIII of the CWC; OPCW

The objective of the OPCW is that it commits the Organisation for the Prohibition of Chemical Weapons and its Member States to work together to promote the peaceful uses of chemistry and for the purpose of economic and technological development of countries that are OPCW members

### 5.2 Chemical Weapons Convention features

First disarmament and non-proliferation agreement with global application, banning an entire category of weapons of mass destruction under strict international control

Comprehensive verification system

#### States Parties undertake to

- declare and destroy all their chemical weapons (CW) and CW production facilities under strict international verification
- ensure that toxic chemicals and their precursors are only used for legitimate purposes (national implementation measures, declarations and international verification)

- provide assistance and protection through the OPCW in case of use of CW against a State Party
- facilitate international cooperation in the peaceful application of chemistry for permitted purposes

### **5.3 Key CWC prohibitions**

- developing, producing, otherwise acquiring, stockpiling or retaining CW, **or transferring directly or indirectly** CW to anyone
- using CW
- engaging in any military preparations to use CW
- assisting, encouraging or inducing anyone, in any way, in any activity prohibited to a State Party under the Convention
- use of riot control agents as a method of warfare

### **5.4 Status of participation in the CWC: 182 States Parties**

#### **International cooperation and assistance -**

- Capacity building for Member States in the area of protection
- Protection network, data bank
- Investigations of alleged use
- Emergency assistance
- Coordination and delivery of assistance pledged by Member States
- Voluntary fund

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## **6. Session On MEAs**

A session on MEAs was held in the presence of the Mrs Ng, Director of Environment, for the Environment Unit of the Ministry of Environment & NDU and other focal points of the MEAs.

Mrs Ng informed that we should adopt the best ways for the smooth implementation of the different MEAs and we should learn from the past mistakes.

Mr Gonin stated that the 3 days workshop is not sufficient to cover all the conventions but we should capitalize to cover all common issues in the different conventions. Moreover political will is very important for the smooth implementation of the conventions.

Request was also made to produce common documents and all countries must nominate their focal points.

Mr Yadallee spoke about clustering of MEAs and synergies amongst countries. And requested to look into the issue about the Padalia Programme for capacity building and any assistance UNEP can provide.

Mrs Ng added that the MEA committee has been set up and actually we are seeing how best the MEA could be implemented as there are many cross-cutting issues. She informed that the main committee comprise of 10-12 members.

It was also pointed out that all focal points and executive agencies are implementing the MEAs and problems are faced mainly for enforcement and compliance.

Upon a question from Dr Ramdin about whether there would be only one focal point, Mrs Ng informed that the focal point would remain the same but only the coordination will be done at level of the Ministry of Environment & NDU.

Mr Pathel added that more capacity building needs to be done and more logistics need to be provided to customs officers. In addition, there should be more collaboration between customs department and focal points.

Ms Gina Bonne of the Indian Ocean Commission stated the case of hydrocarbon spill and the weaknesses and skills of the Indian Ocean Islands.

She informed that the IOC is working with Madagascar for protection of plants. Setting up of a laboratory for identification of pesticides residues is being set up.

It was also pointed out that many countries have ratified conventions but there is lack of follow-up, capacity building, information, and lack of public awareness.

Ms Bonne also informed about the “autoroute maritime” and suggested that countries must work together as in case of spills, pollution, and toxic wastes, this may affect several countries.

Mrs Ng thanked all delegates present and officers of the UNEP for organizing the workshop.

### **GCI Workshop: Reporting on Wednesday 25<sup>th</sup> July 2007**

#### **7. THE STRATEGIC APPROACH TO INTERNATIONAL CHEMICALS MANAGEMENT (SAICM)**

Mr Gonin gave a brief presentation on SAICM’s Quick Start Programme (QSP), which consists of a trust fund as well as bilateral, multilateral and other forms of cooperation. He mentioned that the aims were to support initial enabling activities in developing countries, least developed countries, Small Island developing States and countries with economies in transition. He informed that SIDS have priorities over other countries and Governments and, under exceptional circumstances, NGOs can receive support for projects (of maximum 2 years duration) from \$50,000 to \$250,000. He moreover mentioned that all projects proposals need the endorsement of the SAICM National Focal Point and Information as well as application forms were available on [www.chem.unep.ch/saicm](http://www.chem.unep.ch/saicm). He elaborated on the application process, eligibility and criteria for project appraisal and mentioned that the deadline for project submission for the third round is 24 September 2007 while stressing that only one SIDS has submitted project as at to-date. He emphasized that SAICM Overarching Policy Strategy include illegal traffic.



## Plenary

To the question of Mr Yadallee on the absence of the chemical profile in Mauritius and Mr Gonin informed that the latter could be prepared under the SAICM funds and same should be submitted as earliest as possible as the funds are allocated on a first come first serve basis. On the issue of co-funding which is a criteria for approving projects, he also mentioned that the co-funding could be Government or other stakeholders.

## 8. STRENGTHENING CAPACITY OF CUSTOMS OFFICERS IN THE REGION

Mr John Bisonga of WCO Regional Capacity Building Centre in Nairobi (Kenya) *gave a brief presentation on the work of his organization and informed* of its mission to provide leadership in the WCO East and Southern Africa region in the areas of sustainable customs capacity building and change management. He elaborated on the overall objectives, which were to build the capacity of the customs administrations to develop and implement effective common programs that enhance the effectiveness, efficiency, transparency and predictability of their operations as well as to increased levels of implementation of agreements, conventions and programmes. Towards implementation of the framework of standards in the WCO programme, he added that out of 21 countries in the region, 18 have completed the diagnostic missions and mentioned that WCO is committed to ensure that the process is completed.

He stressed that one of the pillars for effective collaboration was enforcement and control. He also made mentioned that the effective collaboration depends on the customs business cooperation partnerships involving the importers among others. The idea of nations to enter a memorandum of understanding with business to enhance cooperation, sharing of knowledge of trade practices was evoked. He also mentioned that specialized programmes with focus on MEAs would create enormous benefits by rreviewing or updating Customs laws & regulations, by analysing/ modify organizational structure, preparing a threat assessment for each programme area and devising enforcement strategy to address the threat.

He also pointed out that a modern customs administration should find possible ways to improve the situation namely identification of national authority to establish a working relationship, establish an , fostering multi-agency cooperation, development of contact with enforcement controls in illicit trade., development of institutional expertise and continuity of staff as well as implementation of all recommendation of WCO.

He also elaborated on the capacity building aspects and emphasized that training to reach more staff in cooperation with partners on the subject & specifically on the control, investigative techniques & collection of information & intelligence have to be ensured.

**Concerning the Customs Enforcement Network (Cen), he informed that it consisted of the DATABASE of seizures** and offences for collecting the data needed for the analysis of illicit traffic in the various areas of Customs competence; the website for the information and reference needs of Customs services; the communication system to facilitate co-operation and communication between Customs services at international level. He detailed the cen system structure, which include database function system, communication system, and mailbox, and pointed out that it is a multi functional tool, which is user-friendly, cost effective and operational. He mentioned that the CEN system

is accessible at the Internet address: <https://195.99.88.100/cen> and users must have a "CEN identity" (Cen User ID) and a password, both of which are issued by the WCO Secretariat.

### **Plenary**

The representative of Mauritius informed that Mauritius would be the first country to benefit from the access of the cen system.

To a question on the accessibility to the WCO and cen website, Mr Bisonga replied that when the cen system would be in operation in September, both website could be accessible at the same time to the member user of the WCO.

## **9. STUDY VISIT *of CUSTOMS FACILITIES.***

On the final day of the workshop the participants proceeded to a site visit at the port situated in the capital, Port Louis. The custom officers explained the security measures which are in place at the port to track illegal imports of goods including refrigerants. All the containers are scanned using powerful computers to trace illegal items. Furthermore the containers are visually checked on a sample basis to counter verify the computer scanning.





## **10 Working group**

Working groups were constituted for devising recommendations on two areas namely strengthening Capacity of Customs Officers in the region and modalities to organize national training. Among the different points, which were tabled, were Green Customs capacity building, enhancing coordination with regional and international organizations, implementation and enforcement in free-trade zones. Concerning training aspects, available material, Possibilities to incorporate the Green Customs training in the curriculum of Regional / National Training Centres and available support at the regional and international levels also formed part of the discussion.

## **11. RECOMMENDATIONS FROM THE WORKSHOP**

### **Issues and Recommendations**

The following issues have been highlighted during the discussions and should be considered by the appropriate national authorities of the participants from Indian Ocean Islands Countries, the Partners of the Green Customs Initiative and other relevant bodies.

#### **1. Information Management and Cooperation:**

There is a lack of readily available information to customs officers about the potentially environmentally harmful goods regulated by the MEAs as well as about (other) national enforcement measures for these MEAs.

##### **Possible Recommendations:**

- Establish a national Committee composed of all the relevant Agencies/Parties concerned such as ministries of Health, Environment, Trade and Agriculture, and administration as Customs department and police. This Committee would be:
  - led by the Ministry of Environment
  - formalized through a Memorandum of Understanding

- in-charge of convening regular meetings and informing the committee, as well as its regional partners and international partners (emails, newsletter and website)
- in contact with all MEA focal points and contact persons at national and regional level
- able to alert other countries in case of suspicious shipment

## **2. Harmonisation of the control measures on trade related MEAs:**

There is a lack of coordination on control measures within the Indian Ocean Island region on trade related MEAs, and a lack of information exchanges among the countries in the region on their national mechanisms to implement these MEAs.

### **Possible Recommendations:**

- Regional harmonization of inspection forms when needed and where possible;
- Development of a Regional Guide for the implementation of trade related MEAs by Customs;
- Regional harmonization of trade measures where possible;
- Consider the rules of WTO and the different participation of States into regional organizations such as COMESA, SADC, and IOC in order to oversee improvements in the implementation of MEAs in the region;
- Create a National team of experts to support the implementation of trade related MEAs;
- Consider the possibility of joining conventions related to containers (in Mauritius and in the region);
- Establishment of a national legal framework for the implementation of trade related MEAs.

## **3. On the Job Training, Know-how and Expertise:**

There is a need for additional and more extensive capacity building and knowledge in this area to appropriately empower the officers for their daily tasks and to address the limited know-how and expertise available in the Indian Islands region as well as increase the overall efficiency of enforcement actions taken.

### **Possible Recommendations:**

- Review the curricula of the Training Institutes in order to incorporate the Green Customs Training;
- Organize regularly national training workshops for customs with agencies related or concerned to customs activities which are multi-sector and multi-skills oriented;

- Organize regional workshops to share experiences and techniques;
- Conduct exchange visits among customs of different countries in the Indian Ocean Region;
- Establish and sign a Memorandum of Understanding among customs authorities in the Indian Ocean Region;
- Development of training materials approved by WCO, and MEAs Secretariats, as well as COMESA;
- Add the WTO links with MEAs into the Green Customs training;
- Consider to include Green Customs modules in already-existing programmes of other institutions (e.g. national trade facilitation committee as recommended by UNCTAD).

#### **4. Modalities for Organizing National Green Customs Training**

The regional workshop aimed at trained the trainers from customs institutes on trade related MEAs. It is thus expected that Green Customs training will be undertaken in the future at the national level by the trained customs. A training package has been developed and resources from UNEP and MEAs Secretariat can be made available for these national trainings. Considering the possibilities to duplicate Green Customs trainings at the national level, your suggestions on the modalities needed for organizing these trainings in your countries would help us to assist you to improve the tools and methods of the Green Customs Initiative

##### **Possible Recommendations:**

- Elaborate Terms of References for national Green Customs training in cooperation with all stakeholders within the national customs training schools;
- Establish a budget/trust funds from the government dedicated to green customs for training (following the example of the conservation funds in Mauritius which includes a training component);
- Designate 2 focal points from the Ministry of Environment and Customs in charge of the national Green Customs training;
- Simplify the training materials on MEAs from the Green Customs training;
- Identify and select local and regional experts (inventory of experts) to carry out the national and regional workshops;
- Follow up of the Mauritius Green Customs training workshop at the national level, in cooperation with UNEP, and support the organization of national trainings

## **EVALUATION QUESTIONNAIRE**

### **Results – Comments and suggestions**

#### **Q8: What type of assistance would you require for each convention?**

- Basel/Rotterdam: Collaboration of focal points to meet the desired objectives
- All: Development of implementation texts (texts d'application)
- Basel/Rotterdam/Montreal/Stockholm: Storage and disposal of waste;
- All: to elaborate laws and regulations;

#### **Q9: Suggestions and comments to improve future regional workshop:**

- We must meet again after two or three years to see whether the resolutions have been put into practice;
- For the first time, I really appreciated it but in future, hand out prior to the workshop will help to better understand everything;
- Valorisation des acquis et des experts dans les pays de l'Océan Indien.
- A one week workshop;
- Regional workshop should notify participants well in advance so that we will be prepared on the different issues that is being covered in the workshop;
- More participants from other ministries or partners concerned in relation with customs department;
- To have more time for the workshop and presentations of the experiences of other countries;
- The workshop has been conducted in an excellent manner. I congratulate the organisms for the success of this workshop;
- Could have been more useful if each participating country made a presentation of the status of their respective country;
- The time frame is not enough; this workshop should take at least five days.

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## Annex II: AGENDA

# GreenCustoms Initiative

**23<sup>rd</sup> -25<sup>th</sup> July, 2007**

**Port Louis, Mauritius**

### MONDAY, 23 JULY 2007

8.00 – 9.00	REGISTRATION OF PARTICIPANTS – BRIEFING WITH RESOURCE PERSONS
9.00 – 10.00	<b>OFFICIAL OPENING OF THE WORKSHOP</b> <i>Chairman: The Permanent Secretary</i> <ul style="list-style-type: none"><li>▪ Welcome address by the Permanent Secretary</li><li>▪ Statement by Representative of UNEP: Mr. Patrick Salifu</li><li>▪ Statement by Representative of WCO : Mr. John Bisonga</li><li>▪ Statement by Comptroller of Customs</li><li>▪ Statement by the Minister of Finance</li><li>▪ Official Opening Statement by the Guest of Honour</li></ul> <b>GROUP PHOTOGRAPH</b>
10.00 – 10.30	<b>TEA / COFFEE BREAK</b>
10:30– 11.30	<b>INTRODUCTION TO THE GREEN CUSTOMS INITIATIVE</b> <i>by Mr. Etienne Gonin (United Nations Environment Programme, DTIE)</i> <ul style="list-style-type: none"><li>○ Participants' Introduction</li><li>○ Introduction to the Green Customs Initiative</li><li>○ Customs and Environment in the context of Small Island Developing States</li><li>○ Objectives of the Workshop</li></ul>
11: 30 – 12.30	<b>WHAT ARE MULTILATERAL ENVIRONMENTAL AGREEMENTS AND WHAT IS THE ROLE OF CUSTOMS?</b> <i>by Ms. Anne Bourdy (United Nations Environment Programme, DELC)</i> <ul style="list-style-type: none"><li>○ What are MEAs? Why should Customs care?</li><li>○ Lessons and results of the National workshop in Mauritius held in February 2006</li><li>○ Overview of available tools: the Green Customs Guide; the UNEP Manual on Compliance with and Enforcement of MEAs</li><li>○ <b>Questions and Discussion</b></li></ul>
12:30 – 14:00	<b>LUNCH BREAK</b>

14:00 – 15:00	<p><b>INTRODUCTION TO THE MONTREAL PROTOCOL</b>  <i>by Mr. Patrick Salifu, United Nations Environment Programme – DTIE/ROA and the National Ozone Unit of Mauritius.</i></p> <p>Implementation of the Montreal Protocol in Africa and Mauritius</p> <ul style="list-style-type: none"> <li>○ The role of Customs &amp; practical examples in Mauritius</li> <li>○ Who and what can help you in your daily work?</li> <li>○ Lessons learnt – Questions and Answers</li> </ul>
15:00 – 16:00	<p><b>INTRODUCTION TO THE BASEL CONVENTION ON TRANSBOUNDARY MOVEMENT OF HAZARDOUS WASTE AND THEIR DISPOSAL</b>  <i>by Dr. John Mbogoma, Basel Regional Centre, Pretoria (South Africa)</i></p> <ul style="list-style-type: none"> <li>○ The role of Customs &amp; practical examples</li> <li>○ Who and what can help you in your daily work?</li> <li>○ Specificity of implementation of the Basel Convention the Indian Ocean Region</li> <li>○ Lessons learnt in this session - Questions and Answers</li> </ul>
16:00 – 16:30	<b>TEA BREAK</b>
16:30 – 17:30	<p><b>INTRODUCTION TO THE ROTTERDAM CONVENTION ON THE PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADE</b>  <i>by Dr. Parvin Kumar Ramdin, Designated National Authority - Mauritius</i></p> <ul style="list-style-type: none"> <li>○ The role of Customs &amp; practical examples</li> <li>○ Who and what can help you in your daily work?</li> <li>○ Specificity of implementation of the Rotterdam Convention the Indian Ocean Region</li> <li>○ Lessons learnt in this session - Questions and Answers</li> </ul>
17:30 – 18:00	<p><b>THE STRATEGIC APPROACH TO INTERNATIONAL CHEMICALS MANAGEMENT (SAICM)</b>  <i>by Mr. Etienne Gonin</i></p> <ul style="list-style-type: none"> <li>○ SAICM Focal Points, the SAICM Secretariat and the Quick Start Programme</li> </ul>
<b>TUESDAY, 24 JULY 2007</b>	
9: 00 – 10 :00	<p><b>INTRODUCTION TO THE STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS</b>  <i>by Mr. Mohammad Aslam Yadallee – Member of Stockholm Convention’s Chemical Review Committee</i></p> <ul style="list-style-type: none"> <li>○ The role of Customs &amp; practical examples</li> <li>○ Who and what can help you in your daily work?</li> <li>○ Specificity of implementation of the Stockholm Convention the Indian Ocean Region</li> <li>○ Lessons learnt in this session - Questions and Answers</li> </ul>

10:00 – 10:30	<b>TEA/COFFEE BREAK</b>
10:30 – 11:30	<b>INTRODUCTION TO CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)</b> <i>by Mr. Etienne Gonin</i> <ul style="list-style-type: none"> <li>○ Short Introduction to the Convention and the role of Customs</li> <li>○ Who and what can help you in your daily work? – the CITES CD-Rom</li> <li>○ Questions and Answers</li> </ul>
11:30 – 12:30	<b>INTRODUCTION TO THE CARTAGENA PROTOCOL ON BIOSAFETY</b> <i>by Mr. Yussuf Boodoo (or alternate) – National Focal Point – Biosafety Protocol - Mauritius</i> <ul style="list-style-type: none"> <li>○ The role of Customs &amp; practical examples</li> <li>○ Who and what can help you in your daily work?</li> <li>○ Specificity of implementation of the Cartagena Protocol in the Indian Ocean Region</li> <li>○ Lessons learnt in this session - Questions and Answers</li> </ul>
12:30 – 14:00	<b>LUNCH BREAK</b>
14:00- 15: 00	<b>INTRODUCTION TO THE CHEMICAL WEAPONS CONVENTION (CWC)</b> <i>by Mr Krishna Jhugroo, for the Mauritius Chemical Weapons Authority</i> <ul style="list-style-type: none"> <li>○ The role of Customs &amp; practical examples</li> <li>○ Who and what can help you in your daily work?</li> <li>○ Specificity of implementation of the CWC in the Indian Ocean Region</li> <li>○ Lessons learnt in this session - Questions and Answers</li> </ul>
15:00- 15: 30	<b>TEA/ COFFEE BREAK</b>
15: 30 – 16:30	<b>PRACTICAL ASPECTS OF IMPLEMENTING MEA CONTROLS – PREPARING TO PLAY YOUR ROLE</b>  Roundtable discussion <i>Common issues for customs</i> Health and safety - Seizures and storage – Communication – Identification – Legislation – Derogations - Non-Parties - Free trade zones <i>Reporting cases of illegal traffic in environmentally-sensitive items:</i> The WCO Customs Enforcement Network (CEN) – Interpol's EcoMessage
16:30 – 17:30	<b>DISCUSSION OF NATIONAL CUSTOMS EXPERIENCES and EXPERTISE</b>
<b>WEDNESDAY, 25 JULY 2007</b>	
9:00 – 10:00	○

10:00 – 10:30	<b>TEA/COFFEE</b>
10:30 – 12:00	<p><b>STRENGTHENING CAPACITY OF CUSTOMS OFFICERS IN THE REGION</b>  <i>By Mr. John Bisonga, WCO Regional Capacity Building Centre in Nairobi (Kenya)</i></p> <ul style="list-style-type: none"> <li>○ Group discussions on Green Customs capacity building, enhancing coordination with regional and international organizations, and implementation and enforcement in free-trade zones, and other issues</li> <li>○ Specific issues to be highlighted in the context of SIDS</li> </ul> <p>Lessons, feedback, way forward and recommendations from the Green Customs training</p> <p><b>DISCUSSION OF MODALITIES FOR ORGANIZING NATIONAL TRAINING</b>  <i>Facilitated by Mr. Yahyah Pathel, Mr. Patrick Salifu, Ms. Anne Bourdy (To be confirmed)</i></p> <ul style="list-style-type: none"> <li>○ The available material</li> <li>○ Possibilities to incorporate the Green Customs training in the curriculum of Regional / National Training Centres</li> <li>○ Available support at the regional and international levels</li> <li>○ Discussion of training methods and possible practical exercises</li> </ul>
12:00 – 12:30	<b>ADOPTION OF RECOMMENDATIONS FROM THE WORKSHOP</b>
12:30 – 14:00	<b>LUNCH BREAK</b>
14:00 – 16:30	<b>STUDY VISIT (<i>of CUSTOMS FACILITIES</i>)</b>
16:30 – 17:00	<b>CLOSING CEREMONY</b>