
THE INTERNATIONAL CONTROL OF TRANSBOUNDARY ILLEGAL SHIPMENT OF HAZARDOUS WASTES: A SURVEY OF RECENT CASES THAT HAPPENED IN CHINA

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SUMMARY

Based upon a brief review of the international and the Chinese regulation on the control of transboundary movements of hazardous wastes and a survey on a number of cases taken place in China, the effectiveness of the international and the relevant domestic regulation are evaluated. Loopholes and weak points of the regimes are identified. Suggestions for improving the regimes are provided.

1 THE INTERNATIONAL AND THE CHINESE DOMESTIC REGULATIONS ON TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES

1.1 The international regulation established by Basel Convention

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989)¹ established the international regime for the control of transboundary movements of hazardous wastes and other wastes. The cornerstone of the regime is the procedural provisions on the transboundary movement of hazardous wastes². The heart of the procedure is the requirements on prior notification and informed consent.

The Basel Convention defines the following transboundary movement of hazardous wastes and other wastes as illegal traffic:

- without notification pursuant to the provisions of the convention to all states concerned;³
- without the consent pursuant to the provisions of the convention of a state concerned;⁴
- with consent obtained from states concerned through falsification, misrepresentation or fraud;⁵
- that does not conform in a material way with the documents;⁶and
- that results in deliberate disposal (e.g., dumping) of hazardous wastes or other wastes in contravention of the convention and of general principles of international law.⁷

The Basel Convention provides that in case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the exporter or generator, the state of export shall ensure that the wastes are taken back by the exporter or the generator or, if necessary, by itself into the state of export or, if impracticable, are otherwise disposed of in accordance with the provisions of the convention within 30 days from

the time the state of export has been informed about the illegal traffic or such other period of time as states concerned may agree.⁸ If the illegal traffic is deemed to be the result of conduct on the part of the importer or disposer, the state of import shall ensure that the wastes are disposed of in an environmentally sound manner by the importer or disposer or, if necessary, by itself within 30 days from the time the illegal traffic has come to the attention of the state of import or such other period of time as the states concerned may agree.⁹ If the illegal traffic cannot be assigned either to the exporter or generator or the importer or disposer, the parties concerned or other parties shall ensure, through cooperation, that the wastes are disposed of as soon as possible in an environmentally sound manner either in the state of export or the state of import or elsewhere as appropriate.¹⁰

1.2 Comments on the regulation established by Basel Convention

1.2.1 The requirements of prior notification and informed consent

One of the most important provisions of Basel Convention is the procedure of prior notification and informed consent. It is a key means to regulate the transboundary movement of hazardous wastes and other wastes. Under the convention, no party can export hazardous wastes to other states or areas beyond its jurisdiction without a prior written notification to and a written consent from the import states or areas. To the party which export hazardous wastes or other wastes, the prior notification to the states concerned is its international legal obligation. To the states and areas which import hazardous wastes or other wastes, or the proposed hazardous wastes movement may transit through, the prior notification and informed consent procedure is a critical legal safeguard to the environment within their jurisdictions.

There are two things which are crucial to the success of the procedure of prior notification and informed consent. They are the political will and the legislative, institutional and technical capacity of the state concerned to monitor, supervise and regulate the activities of the generator, exporter, importer, disposer and carrier of hazardous wastes and other wastes.

Sometimes, local economic interests and local environmental concerns undermine the political will of a domestic authority to strictly monitor, supervise and regulate the transboundary movement of hazardous wastes and other wastes. Shipping the wastes to other countries, especially the developing countries, and storing and disposing the wastes there would save both money and environment of the exporting countries. With a weak political will to regulate the transboundary movement of hazardous wastes and other wastes, it is impossible for a state to fulfill its obligation under Basel Convention.

Sometimes, a state does not put under control activities of transboundary movement of hazardous wastes or other wastes, not because the state has no strong political will to do so, but because it lacks the necessary legislative, institutional, and technical means to regulate. With an inadequate legislative, institutional and technical capacity to control the transboundary movement of hazardous wastes and other wastes, it is also impossible for a state to meet the requirements of prior notification and informed consent.

1.2.2 Domestic implementation and enforcement

Just the same as other environmental treaties, domestic implementation and enforcement is crucial to the success of Basel Convention. Without effective and vigorous domestic implementation and enforcement, the convention will simply be a piece of paper only. In addition to the general obligation of taking appropriate legal, administrative and other measures

to implement and enforce the provisions of the convention, the convention specifically requires the parties to introduce appropriate national/domestic legislation to prevent and punish illegal traffic.¹¹

There is a lot of work to be done in implementation and enforcement of the regulation established by Basel Convention. As much illegal traffic exists in the world, it is hard to say that the parties have made substantial progress to implement the Convention. For industrialized countries, how to strengthen their control on the illegal export of hazardous wastes and other wastes remains a serious problem. It is frequently reported that companies of industrialized countries ship hazardous wastes or other wastes to developing countries. For developing countries, how to stop the domestic companies involved in the illegal traffic is also a serious problem. Because of the seductive high profit of the illegal traffic, there are always some companies in the developing countries willing to accept the hazardous wastes or other wastes in spite of their inadequate capacity to handle the wastes in an environmentally sound way and the disastrous environmental impacts on their home land and environment. Both the industrialized and developing countries need to strengthen their domestic legislation and regulations and administrative control on the transboundary movement of hazardous wastes and other wastes.

It should be pointed out that the governments of industrialized countries play a critical role in the control of transboundary movement of hazardous wastes and other wastes. That is because almost all hazardous wastes and other wastes under illegal traffic were generated and moved out from industrialized countries. It is also because the industrialized countries have the necessary financial, scientific and technological resources to dispose the wastes in an environmentally sound way. The governments of the industrialized countries have an obligation under Basel Convention to minimize the hazardous wastes and other wastes and to strictly ban the illegal traffic from the sources. If the industrialized countries tighten their law and enforcement against the illegal traffic and greatly reduce the wastes generated there, the quantity of the hazardous wastes and other wastes which may enter into the illegal traffic will be greatly reduced.

1.2.3 International cooperation

International cooperation is very important for the successful control of transboundary movement of hazardous wastes and other wastes. The priorities for the cooperation are, according to Basel Convention; 1) cooperation in making and enforcing laws and regulations for eliminating illegal traffic of hazardous wastes and other wastes; and 2) cooperation in developing technology for the treatment and disposal of hazardous wastes and other wastes in environmentally sound way.

Parties to Basel convention should make their domestic legislation and regulations meet the basic requirements of the convention, so as to eliminate the loopholes for the illegal traffic. The laws and regulations should be in detail and strict enough to enable the administrations to closely supervise the conducts of entities involving with the generation and movement of the wastes and closely follow the movement of the wastes.

Just like the importance of information exchange in the combat against international drug smuggling, constant and prompt information exchange, to a large extent, decides the effectiveness of the regulation on illegal traffic of hazardous wastes and other wastes. The parties and other states should increase the information exchange on the illegal traffic. To achieve a better information exchange, the states should have a strong political will to do so and should tighten the domestic control on hazardous wastes and other wastes so as to have sufficient information for exchange.

Basel Convention specifically requires the parties to cooperate in information exchange, monitoring, technology development, technology and management system transfer, and technical guideline and code of practice.¹² The laws and regulations on eliminating the illegal traffic must

be backed by environmentally sound and economically feasible technology for treating and disposing hazardous wastes and other wastes. When a company cannot find such a technology to treat or dispose its wastes, it often chooses to sell its wastes to other countries, so long as there is a buyer there.

1.2.4 Liability and compensation

Basel Convention requires the parties to adopt, as soon as practicable, a protocol setting out appropriate rules and procedures in the field of liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes.¹³ This is a very important but complicated work area. The entities and individuals who engaged in the illegal traffic take every chance to escape from their legal liabilities. The setting out of the rules and procedures would be a great help to the victim countries or regions to get relief and compensation. It would be also a strong deterrent to the one engaging in the illegal traffic.

1.3 The national law and regulations of the People's Republic of China on the control of transboundary movements of hazardous waste and other wastes

The regulation on transboundary movements of hazardous wastes and other wastes in the People's Republic of China is based on the following administrative ordinances and law.

1.3.1 The Notice on Strict Control of Hazardous Wastes Abroad Moving into China (jointly issued by the National Environmental Protection Agency and the Customs Administration of P.R.C. in March 7, 1991, hereinafter referred as "1991 Notice")¹⁴

The 1991 Notice is the first administrative ordinance dealing with transboundary movement of hazardous wastes. The Notice listed 23 categories of hazardous wastes and other wastes that under strict control for their import. The list is attached to the ordinance as the Annex I. The Notice prohibits the dumping and disposing the Annex I wastes in China. For those needed as raw materials and energy or for re-utilization, the importer and user shall apply to the environmental protection administrations for their import. The importer and user shall prepare environmental risk assessment for the proposed import and use. A procedure for the application and review is established by the Notice. The application shall be reviewed preliminarily by the local environmental protection bureau and then submitted to the provincial environmental protection administration for review. The National Environmental Agency is the only agency that has the power to approve or refuse the application. When the proposed imported waste arrives, the importer and user shall apply to the relevant Environmental Protection Bureau for inspection. Only when the Environmental Protection Bureau verifies the waste, can the customs administration allow the waste to be imported. For those wastes that are prohibited to be imported into China, the importer is responsible for returning the wastes to abroad.

1.3.2 The Urgent Notice on Firm Control of Hazardous Wastes Abroad Moving into China (issued by the Office of the State Council in Nov. 7, 1995, hereinafter referred as 1995 Notice)¹⁵

Because the growth of illegal traffic of hazardous wastes and other wastes between Chinese and foreign entities in the recent years, the State Council calls for strengthening the regulation on wastes import. The 1995 Notice prohibits any entity and individual to engage in the import of prohibited wastes. For the wastes that can be imported as raw materials, the 1995 Notice reemphasizes the review and approval procedure set forth by the 1991 Notice. The 1995 Notice requires the Commodity Inspection Administration to conduct compulsory inspection to the wastes imported as raw materials. The Notice requires the competent administrations to

punish those who committed illegal traffic. To those who committed the illegal traffic and violate the criminal law provisions, the administrations shall file prosecution. The Notice requires National Environmental Protection Agency, Foreign Trade Ministry, and Customs Administration to formulate the lists of wastes for categorized management of import. The Notice requires to return the wastes under illegal traffic to the exporting countries or regions.

1.3.3 The Law on the Prevention and Control of Environmental Pollution Caused by Solid Wastes (passed by the Standing Committee of the National People's Congress in Oct. 30, 1995; will inter into force in April 4, 1996, hereinafter referred as "Solid Wastes Law")¹⁶

The Solid Wastes Law is a specialized and comprehensive law dealing with the pollution caused by solid wastes, including hazardous wastes. The law prohibits dumping, storing and disposing foreign solid wastes in China.¹⁷ The solid wastes which cannot be used as raw material are prohibited to be imported.¹⁸ The solid wastes that can be used as raw material are allowed to be imported under strict conditions.¹⁹ The law requires the National Environmental Protection Agency and the Foreign Trade Ministry to formulate, adjust and publish a list of solid wastes which are allowed to be imported as raw materials.²⁰ The solid wastes not listed in the list are prohibited to be imported. The law authorizes the National Environmental Protection Agency, cooperating with the Foreign Trade Ministry, as the authority to review and approve the application for import of the listed solid wastes.²¹ The law requires the National Environmental Protection Agency, cooperating with other relevant governmental agencies, to make the list of hazardous wastes, standards for identifying hazardous wastes, methods of identification and hazardous waste labels.²² The law requires all entities engaging in business of hazardous waste collection, storage and disposal must apply for license from the government.²³ The law has detailed requirements for activities of collecting, storing, transporting, and disposing hazardous wastes. Hazardous wastes is prohibited to transit through China.²⁴ The law imposes sever fines on the entities which violate the provisions of the law on transboundary movement of solid wastes.²⁵ The illegal importer must return the wastes to abroad.²⁶ The wastes in transit must be returned also.²⁷

1.4 Comments on the legal framework of China on control of transboundary movements of hazardous wastes and other wastes

The promulgation of the Solid Wastes Law indicates that a legal framework on control of solid wastes has taken shape in China. The law covers all the basic areas for the prevention and control of pollution caused by solid wastes. The law provides a firm foundation for the future development of law and regulations in this field.

One of the important things to do for China to complete and improve the legal framework is to promulgate all the implementing regulations and other provisions as the law has indicated as soon as possible. In the area of controlling transboundary movements of hazardous wastes and other wastes, the most needed legal documents for implementation of the law include:

- list of solid wastes allowed for import as raw material;
- list of hazardous wastes;
- uniform standards for hazardous wastes identification;
- uniform methods for hazardous wastes identification; and
- marks of hazardous wastes. As the 1995 Notice has indicated, it would not take too long for the enactment of these documents.

Another important thing for China to do is to firmly implement the law and other legal provisions in this field. The governments at various levels should take measures to closely supervise and monitor the generation, movement and disposal of hazardous wastes and other wastes. They should also take measures to strengthen the regulation and enforcement against illegal traffic.

2 THE CASES OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES TAKEN PLACE IN CHINA AND THEIR MEANING TO THE IMPROVEMENT OF THE INTERNATIONAL AND DOMESTIC REGULATION

2.1 Cases of transboundary movements of hazardous wastes and other wastes taken place in China in the recent years

2.1.1 The Nanjin Korean chemical wastes case²⁸

A total of 6,440 barrels, 1,288 tons of chemical wastes under the name of "other fuel oil" were discovered in Nanjin Port by the Xinshengyu Customs Administration, Nanjin, in Sept. 29, 1993. The inspection report of the Commodity Inspection Administration found the materials in the barrels were not fuel oil but chemical wastes. Most of the barrels contained unidentified mixture of muddy materials with strong acid or alkali, high corrosiveness, high pressure and strong offensive smell. The rest of the barrels contained waste water. The barrels were detained by the Customs Administration in Oct. 8, 1993. They were shipped to Nanjin by a cargo ship chartered by a Korean company called Hanchang Industrial Company in September 25, 1993. The shipment of the wastes was according to a contract between a Chinese company in Beijing called Beijing Zhongmaofa Import and Export Company, which is a subsidiary of the China Foreign Trade and Development Corporation and was entrusted as a agent to import the "cargo" by a Chinese company in Shanghai called Shanghai Huafu Business Company, and a Macao company called Xinjingang International, Ltd. Under the contract, the Xinjingang International shall export from Korea to the Shanghai Huafu Business Company a total of 200,000 tons of "other fuel oil." The "oil" was divided into A and B classes. The price for A class was US\$27.00/ton, the price for B class was US\$8.00/ton. The detained 1,288 tons of wastes was the first delivery under the contract. Six months later, after the Foreign Ministry and the National Environmental Protection Agency of China notified the Korean Government and reported the case to the Secretariat of Basel Convention, the wastes were finally taken back to Korea by Korean side.

All the companies involved in this case denied their liability to the illegal traffic. The Xinjingang International said that it was a mistake of the ship loading company in Macao. The representative of the Korean side said that he can provide evidence to prove that the Chinese companies demanded the Korea chemical wastes. The China Foreign Trade and Development Corporation and Beijing Zhongmaofa Import and Export Company claimed that the contract was altered, the Hanchang Industrial Company was not in the original contract, the bill of landing was not in accordance with the contract, and it was possible that someone falsely used their import contract permit. The Beijing Zhongmaofa Company discharged its agency relationship with Shanghai Huafu Business Company soon after the wastes were discovered. It claimed that its reputation was harmed and would look into the legal liability of the parties concerned. It claimed that the Korean side intentionally replaced the "other fuel oil" with the wastes. The Shanghai Huafu Business Company claimed that it was the innocent victim and that only when the inspection report of the Commodity Inspection Administration in Nanjin released, did it know the cargo was

not “other fuel oil” but chemical wastes. In addition, it was reported that those wastes came from seven Korean chemical plants. Six of them declared bankruptcy after the wastes were discovered in Nanjin in order to escape from their liability.

The only reasonable conclusion about this case would be that it was a case of illegal traffic. The excuse of the Macao company that the loading company misloaded the cargo is not acceptable. The barrels containing the hazardous wastes were the only cargo on board. There was no chance and possibility to mix the 6,440 barrels with other cargo. The arguments of the Chinese companies that they were the victim of a fraud and that they did not know the wastes are also untenable. The import permit in this case is a permit for end product oil, not for “other fuel oil.” It is hard to believe the price for end product oil could be so low as the price in the case. As to the Korean companies, they cannot clear themselves from the wrongdoing of exporting the wastes to China.

2.1.2 Rian Hualong Plastic Chemical, Ltd. case²⁹

Rian Hualong Plastic Chemical, Ltd. is a Sino-Foreign Joint Venture in Wenzhou City, Zhejiang Province. The company applied to the Environmental Protection Bureau of Wenzhou City for importing 183 containers of “waste plastics”, which had arrived at the Wenzhou port, in May, 1994. During reviewing the application, the Bureau discovered that the company had imported another 50 containers, over 1,000 tons of waste plastics without applying permit from the Bureau. Forty five containers of the wastes had been discharged to a ground for separation and picking up process. The specialists of the Environmental Protection Bureau found that the wastes were mostly plastic packaging materials collected from households and supermarkets. They were wastes under strict control for import by China. It was reported that the wastes came from Rotterdam via Hong Kong. The Environmental Protection Bureau detained all of the containers and fined Rian Hualong Plastic Chemical, Ltd. 50,000 yuan.

2.1.3 Fushun Plastic Products, Ltd. case³⁰

Fushun Plastic Products, Ltd. is a new Indonesian invested company engaging wastes re-utilization in Longhai City, Fujian Province. The company imported 1,874.1 tons of waste plastic from Europe as the raw material for the first operation of the plant. The waste plastic come from Rotterdam via Hong Kong. Under the contract, the waste plastic should be leftover bits and pieces of industrial materials. As the sample of the cargo, the first shipment of one container did contain the materials as the contract specified. But the latter shipment of 100 containers contained mainly hazardous plastic materials including wasted hospital plastic materials, such as plastic injectors and infusion tubes. The price of the cargo was US\$20.00/ton. It was reported that the European Community Environmental Protection Bureau subsidized the freight. The company was shocked by the latter shipment and telegraphed the European exporter to stop the shipment of another 150 containers. Ironically, the first container shipped to the exporter after the telegram contained the leftover bits and pieces of industrial plastic materials again.

In this case, the Fushun Plastic Products, Ltd. did not obey the procedural requirements of the 1991 Notice for import of wastes as raw materials. The Provincial Environmental Protection Bureau only inspected the first shipment, but neglected to inspect the latter shipments. There was no one in Chinese side claimed for damages or requested the exporter to take the wastes back. How to dispose the imported hazardous wastes remained a problem.

2.2 The loopholes and weakness of the international and domestic regulation revealed by the cases and the relevant suggestions on improvement

2.2.1 Prior notification and informed consent

As mentioned in 1.2.1, the notice and consent procedure is the cornerstone of Basel Convention. Any violation of this procedure will undermine the effectiveness of the regulation on the transboundary movements of hazardous wastes and other wastes established by Basel Convention.

As the three cases mentioned above indicated, one frequently applied fraud for bypassing the notice and consent procedure is to cover the illegal traffic under a name of legal trade. For example, in Nanjin Korean chemical case, the chemical wastes were shipped to Nanjin under the name of "fuel oil." In Fushun Plastic Products, Ltd. case, the hazardous plastic wastes were shipped to China under the name of leftover bits and pieces of industrialized materials.

Basel Convention has no further specific suggestion on how to stop this kind of fraud except the suggestion of returning the wastes and calling for the party states to adopt domestic law and regulations to prevent and punish the illegal traffic. There is neither deterrent to the exporters and importers nor binding requirements to party states to strictly meet the procedure of prior notification and informed consent in the convention. This is a critical weak point of the Convention because it exists in one of its critical requirement.

The procedure of notice and consent should be re-enforced by some operational requirements. In the convention, there should be a legal mechanism or requirement to prevent companies to get a consent from states concerned through falsification, misrepresentation or fraud and punish those who committed these wrongdoing. It should be recognized as an international obligation of the parties to the convention to discipline the companies under their jurisdiction to faithfully meet the procedure of notice and consent. The party states should take further measures to ensure that the permits issued for exporting or importing legal commodities will not be used for illegal traffic of hazardous wastes or other wastes. A party state to Basel Convention should be accountable for the violation of the notice and consent procedure by entities under their jurisdictions.

A possible way to re-enforce the notice and consent procedure would be to include in Basel Convention two new requirements. The one is a requirement on the responsibility of the parties to ensure both the permits for exporting and importing commodity meeting the requirements of the convention. The other is a requirement on the responsible inspection of the cargo for export and import so as to prevent and suppress the illegal traffic.

2.2.2 Domestic implementation and enforcement

It seems that in all the three cases, some of the local governmental administrations responsible for the management of export and import did not strictly supervise the activities of the companies involved in the wastes trade. In Nanjin Korean chemical case, the Korean local administration responsible for control of wastes export did not stop the shipment of 6,440 barrels of chemical wastes. In the Rian Hualong Plastic Chemical case, the Chinese local environmental protection bureau did not know the first shipment of 50 containers of wastes, which the bureau should know in advance. In Fushun Plastic Products, Ltd. case, it was said that the European Community Environmental Protection Bureau subsidized the freight for the shipments of the wastes. It is not clear whether the bureau knew or not the change of the contents of the containers. As a regulator in control of transboundary movements of hazardous wastes and other wastes, the bureau is accountable for the shipments of the hazardous wastes.

It is the obligation of the party states of Basel Convention to ensure the companies and individuals under their jurisdiction obey the requirements of the convention. To prevent the fraud of the companies or other entities engaged in wastes trade, there should be a procedure of double check by the competent administration. The governmental authority issuing the permit for export or import must conduct, at least, an effective inspection to the cargo permitted to be exported or imported after the permit was issued.

In addition, institutional arrangements should be made to enable the competent environmental protection administration to effectively participate in the supervising process. The work of Foreign Trade Ministry, Environmental Protection Agency, Customs Administration and Commodity Inspection Administration must be coordinated in order to eliminate the loopholes that could be used for illegal traffic. An effective and prompt information exchange mechanism should be established among the relevant administrations so as to ensure a prompt exchange of information.

2.2.3 International cooperation

The importance of international cooperation in combating the illegal traffic of hazardous wastes and other wastes are clearly shown by the three cases. In Nanjin Korean chemical case, the return of the wastes was delayed five months because each company involved wanted to shift the responsibility onto others. It was the active intervention of the governments of the two countries, especially the press of the Chinese government, that finally made the return of the wastes into reality. In Rian Hualong Plastic Chemical, Ltd. case and Fushun Plastic Products, Ltd. case, how to deal with the wastes illegally shipped to China and the pollution caused by the wastes are problems that needs cooperation between the relevant governments.

How states prevent the illegal traffic is another important area for international cooperation. The three cases show how inadequate the cooperation among the relevant states was. As mentioned before, the political will of the industrial countries to prevent illegal traffic of hazardous wastes and other wastes is a decisive factor to the effectiveness of the regime established by the Basel Convention. That is because most of the wastes were generated in industrialized countries. Without the good faith of the industrialized countries in preventing the illegal traffic, there would be no effective international cooperation in combating the illegal traffic.

The three cases indicate that states, especially the party states of Basel Convention, should strengthen their cooperation in setting up a legal mechanism to deal with the wastes that had been illegally shipped to import countries and in preventing illegal traffic. It is suggested that the Secretariat of Basel Convention organize some legal experts to investigate and study the major cases of the illegal traffic around the world and submit a proposal on how to strengthen the international cooperation in the two areas.

2.2.4 Liability and compensation

The Basel Convention requires the parties to adopt a protocol setting out appropriate rules and procedures in the field of liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes.³¹ The three recent cases indicate that the process of setting out rules and procedures for liability and compensation should be accelerated. As developing countries are usually the victims of the illegal traffic and the trend of moving hazardous wastes and other wastes into developing countries has not been stopped, there should be more legal experts from developing countries to participate into the process of the rule and procedure setting.

3 CONCLUSIONS

A legal framework for international control of transboundary movements of hazardous wastes and other wastes has been established by Basel Convention. But the implementation of the convention does not make people feel satisfactory. There are some loopholes and weakness points in the implementation of the Convention. The political wills of the party states to control the illegal traffic seems not as strong as it should, especially in the local government level.

As the trend of moving hazardous wastes and other wastes from industrialized countries to developing countries is still going on at a considerable large scale, the parties of Basel Convention and other states should take firm measures to vigorously implement the convention. These efforts should concentrate on (1) improving the procedure of prior notification and informed consent and its implementation; (2) strengthening domestic implementation and enforcement; (3) strengthening international cooperation, and (4) accelerating the process of adopting rules and procedures for liability and compensation.

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