4 March 2026

Attn. to: **President Prabowo Subianto**
The Executive Office of the President, The Republic of Indonesia

cc. to: **Dr. Hanif Faisol Nurofiq, S.Hut., M.P**
Minister of Environment/Head of Environmental Control Agency (BPLH), The Republic of Indonesia
Dr. Purbaya Yudhi Sadewa, Ph.D.
Minister of Finance, The Republic of Indonesia
Mr. Budi Santoso
Minister of Trade, The Republic of Indonesia
Mr. Agus Gumiwang Kartasasmita
Minister of Industry, The Republic of Indonesia
Mr. Sugiono
Minister of Foreign Affairs, The Republic of Indonesia

Dear President Prabowo,

ILLEGAL E-WASTE IN BATAM: NO AUCTIONS, RETURN-TO-SENDER, FULL TRANSPARENCY IN RE-EXPORT OF ALL CONTAINERS

With utmost respect, we refer to the subject above.

We are writing to express our grave concerns about the illegal e-waste brought into Indonesia, with serious consequences for the Indonesian people and the environment. We applaud the enforcement actions taken in Batam to seize illegal containers,[1] but information on further action has been scarce. Have any containers been sent back? Which containers, and where to? **None of the contraband containers that may contain hazardous substances should be auctioned off as this will violate international law.**

2. We have sent Indonesia email alerts on this issue throughout 2025 under our project **Operation Can Opener.**[2] These alerts named specific suspected ships, container numbers, and arrival times of e-wastes and plastic wastes from the United States (US). It is our conclusion that business operators in both the US and Indonesia are undermining the **Basel Convention**.

3. We urge Indonesia to ensure strict adherence to environmental treaties such as the Basel Convention, which Indonesia ratified in 1993. The Convention serves to protect Indonesia's environment and people from waste dumping and its implications, such as harmful fires (as occurred in Batam on 27 December 2025),[3] ongoing pollution, or loss of trade tariffs due to false declaration of HS codes.

[1] https://www.thejakartapost.com/indonesia/2026/01/17/batam-sidelines-speed-for-compliance-in-e-waste-reexport-case.html
[2] https://www.ban.org/plastic-waste-transparency-project-hub/operation-can-opener
[3] https://ulasan.co/diduga-limbah-b3-terbakar-di-area-perusahaan-warga-sekitar-cemas-hirup-asap-menyengat/#google_vignette; https://bacasaja.id/baca-16008-dugaan-pembakaran-limbah-b3-pt-logam-internasional-jaya-di-batam

4. Media reports state that re-exportation of almost 1,000 containers has begun. We request from your office to share:

a. the list of **total container numbers found to carry illegal e-waste** (to enhance our risk assessments and better support your government); and
b. the list of **container numbers re-exported/to be re-exported** (to assist in tracking them back to the country of origin).

5. We also urge your Excellency to further protect Indonesia by ensuring that:

a. **companies** found involved in illegal e-waste trafficking are **shut down** for good;
b. steps are taken to **prevent future illegal waste imports**; and
c. **waste traffickers are prosecuted in court as criminals** with high penalties including **jail sentences** and **heavy fines** as a deterrent.

6. We recall Indonesia's good practice in the past of being a **global and regional champion of environmental justice at the Basel Convention**:

a. The successful result of the **Indonesian-Swiss Country-Led Initiative (CLI)** to improve the effectiveness of the Basel Convention and in particular facilitate the ratification of the **Basel Ban Amendment** which began in 2008 when the then Indonesian President of the COP9 and former Minister of Environment, **Mr. Rachmat Witoelar**, called for a process to reaffirm the objectives of the Ban Amendment.[4] Today the Basel Ban Amendment, designed to protect developing countries from hazardous waste, has entered into force.
b. In 2010, when nine containers of **cathode ray tubes (CRTs)** were sent from the US to Tanjung Mas Port, Central Java illegally, the Ministry of Environment immediately responded, led by **Dr. Novrizal Tahar**, to have the wastes returned to the US.[5]
c. In 2012, Indonesia returned 89 containers of illegally trafficked **metal scrap** contaminated with liquid and mixed waste from the United Kingdom,[6] and 24 containers of illegally trafficked **metal scrap** and mixed hazardous waste (including plastics, oil, and e-waste) from the Netherlands.[7]
d. In 2025, **metal scraps** imported from the Philippines to Serpong, West Jawa were found to be contaminated by radioactive materials, affecting the export of prawns to the US, highlighting the threat and risks of illegal waste trade. These were also successfully returned to the Philippines.[8]

6. We strongly support the President's recent call for Indonesia to declare a **"war on waste"**, that **"waste is a disaster, waste is a disease"**.[9] We urge you to consider the serious impacts of illegal waste imports on Batam, and its tourism industry.

[4] https://www.basel.int/Implementation/CountryLedInitiative/tabid/1339/Default.aspx
[5] https://www.reuters.com/article/business/environment/indonesia-rejects-e-waste-shipment-from-us-idUS3301347658/
[6] https://www.bbc.com/news/uk-17392981
[7] https://en.portnews.ru/news/print/139227/
[8] https://tribune.net.ph/2026/01/15/hazardous-cargo-back-on-phl-shores
[9] https://www.channelnewsasia.com/asia/bali-beaches-waste-indonesia-prabowo-subianto-5903311

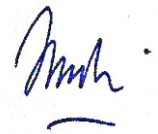
7. In **Appendix 1** to this letter, we attach some notes on **return-to-sender** procedures and other obligations under the Basel Convention.

8. We would like to work with your government closely to ensure **only legal and environmentally sound trading activities** that do not threaten Indonesia are allowed, and to support Indonesia to continue your practices of strong and effective enforcement of the Basel Convention. We will be happy to have an online meeting to respond to any queries you or your office may have.

We look forward to hearing from you soon.

Sincerely yours,

Mr. Jim Puckett,
Founder and Chief of Strategic Direction,
Basel Action Network



Mdm. Yuyun Ismawati,
Founder and Senior Advisor,
Nexus3 Foundation

Dr. Daru Setyorini,
Founder and
Executive Director,
ECOTON

About BAN:
The Basel Action Network is a non-profit organization working to end the export of hazardous and other harmful wastes to developing countries and to promote sustainable and just waste policies worldwide. www.ban.org

About Nexus3 Foundation:
Nexus for Health, Environment, and Development (Nexus3) Foundation is a non-profit organization working to safeguard the vulnerable population from the impact of development on their health and environment, in collaboration with all stakeholders, towards a just, toxic-free and sustainable future. www.nexus3foundation.org

About ECOTON:
ECOTON foundation (Ecological Observation and Wetlands Conservation) works on environmental protection by strengthening waste management policy and anti-pollution campaigns, and protects biodiversity via ecological surveys and habitat restoration, ensuring healthy environments for both people and ecosystem. www.ecoton.or.id

Appendix 1

1. There is utmost urgency in ensuring that the **private companies involved in the importation do not, in any way, direct the destination of the re-exportation** of the contraband containers.

2. **Article 9 (2) of the Basel Convention stipulates how a proper return-to-sender is to occur and who is responsible for it.** The waste must be returned to the **country of origin** unless the US and Indonesia agree on a third destination where the wastes can be managed in an environmentally sound manner. The competent authorities of these countries should be notified. The costs of return and the actual return arrangements should be borne by the shipping lines and importers.

3. It is vital that there is **full public transparency of the container numbers of the returning containers** so they can be tracked by BAN and interested governments to ensure that no illicit or inappropriate re-routing can occur.

4. The **E-Waste Amendments** to the Basel Convention entered into force on 1 January 2025. Under these amendments, **all trade of e-waste is not allowed between Parties and non-Parties** to the Basel Convention. The e-wastes imported into Indonesia are considered illegal as they violate this prohibition on trading in Basel-controlled wastes (A1181 – hazardous electronic waste, and Y49 – all other electronic wastes) between Basel Parties and non-Parties, such as Indonesia and the US (Article 4(5)).

5. Further, BAN has reason to believe that the shipments were often falsely declared using **fake HS codes** such as commodity grade metals being declared rather than the proper HS code for e-waste – **HS Code 8549**.

6. The wastes that may have come from **other Basel Parties** such as Australia have likely been imported into the country illegally as they arrived without the requisite notification and consent by Indonesian authorities (Article 4(1)(c)). This constitutes illegal traffic under international law – the Basel Convention (Article 9).

7. Under the Basel Convention, illegal traffic is deemed a **criminal act** (Article 4(3)) and should therefore be prosecuted criminally.

8. As a criminal act, the importers and those **aiding and abetting** them must be prosecuted in court. They must be shut down at once and their assets seized to pay for the container

repatriation and government costs.

9. **Shipping lines** are not immune from responsibility under the Basel Convention and should be required to pay for the demurrage and repatriation charges as they did not fulfill due diligence obligations and brought the illegal shipments into the country.

10. **Information regarding any criminality or fraud,** including the use of false declarations on the shipments, should be **communicated to the public,** to the shipping lines involved, to the exporting country government and other relevant government and intergovernmental authorities.

- END -