

WASTE AND CHEMICALS MANAGEMENT IN CARICOM COUNTRIES: THE BASEL CONVENTION

The accumulation of hazardous and other wastes poses a significant threat to the health of humans and the environment as well as the livelihood of people worldwide. Furthermore, how these wastes are managed, treated and disposed of by their generators can add to these impacts. The most important multilateral environmental agreement (MEA) resulting from international efforts to achieve proper management of hazardous wastes is the **Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal**.

The Basel Convention

The Basel Convention is the most comprehensive international legal instrument on hazardous and other wastes. Its principal objective is the protection of human health and the environment. The need for decisive action to control hazardous wastes gained international prominence during the 1980s, upon recognition and concerns that such wastes were increasingly being transported from developed nations to developing countries. These practices resulted in unsafe disposal of these substances, to the detriment of human and environmental health. The Basel Convention was negotiated to be the primary international response to this problem, by controlling the transboundary movement (TBM) of hazardous and other wastes.

The Convention seeks to address the environmentally sound management (ESM) of hazardous and other wastes. The ESM of wastes close to their source of generation is a key tenet of the Convention alongside that of TBM control. The aim is to achieve ESM across the entire waste management hierarchy, i.e. through stages of prevention, re-use, recycling, recovery and disposal.

In recent years, the ESM of wastes has been recognised as being critical to the success of the Convention. As such, the promotion of ESM into national development, poverty reduction and economic transformation plans is now an integral part of the Convention's 2012-2021 strategic framework for its implementation. Each Party to the Basel Convention has primary responsibility for achieving this in conjunction with relevant national stakeholders.

The Basel Protocol on Liability & Compensation

In 1999, Parties to the Basel Convention adopted the Basel Protocol on Liability and Compensation for Damage resulting from the Transboundary Movements of Hazardous Wastes and their Disposal. The Basel Protocol has not yet entered into force as it is still pending ratification by 20 Parties. As of May 2012, only 10 countries had ratified the Protocol. The Protocol has not been ratified by any Caribbean Community (CARICOM) member countries.

The purpose of the Protocol is to provide a framework for accountability, liability and compensation in the event of damages arising from the transboundary movement and disposal of hazardous and other wastes. This includes incidents arising from illegal trafficking of wastes.

When it comes into force, the Protocol will work to protect and assist developing countries, which often lack the resources and expertise to mount an effective response to illegal dumping or accidental spills of hazardous waste.



Assistance in the Implementation of the Basel Convention

The Basel Convention has traditionally paid special attention to the needs of developing countries and countries with economies in transition. It has recognised that these nations, which include all CARICOM nations, generally possess inherent difficulties that hamper them in their national implementation. These include a lack of dedicated financial resources towards waste management in light of other priorities such as poverty eradication and economic development. The technological and human resources in this area also tend to be severely limited. Given these features, these states are highly susceptible to becoming victims of illegal traffic and accidental spills and related incidents. Hence, these countries have been afforded special priority and instruments of assistance under the Convention, including the Basel Convention Regional Centres, the Mechanism for Promoting Implementation and Compliance, the Technical Cooperation Trust Fund and the use of technical guidelines to aid in the ESM of wastes.

Mechanism for Promoting Implementation and Compliance

This mechanism was established in 2002 to assist Parties in complying with their obligations under the Convention. It is administered by the Convention's Implementation and Compliance Committee (ICC). The ICC pays particular attention to the special needs of developing countries and countries with economies in transition, which includes CARICOM member states. CARICOM member states can utilise the Mechanism and ICC in two ways: via self-submissions based on a Party's own compliance difficulty and/or via Party-to-Party submissions based upon another Party's failure to comply with Convention obligation. The ICC examines specific submissions to determine the facts and root causes of the matter under consideration. It then aids in the resolution of compliance difficulties through the provision of advice, information and non-binding recommendations to the Parties of concern. Recommendations of additional measures to address compliance issues are also supplied to the COP.

Financial Mechanisms for Implementation under the Convention

The Technical Cooperation Trust Fund is the primary assistance funding mechanism for the Basel Convention. It was established for receipt of ad-hoc voluntary contributions in order to assist developing and other countries in need of technical assistance in implementation of the Convention. During the biennium 2007-2008, submissions were made to the Fund for support for BCRC-Caribbean regional programmes for the ESM of used lead acid batteries, obsolete pesticide stockpiles and used oils.

However, the Fund has not provided what developing nations need in order to solve local and regional ESM and TBM issues. The primary reason for this inadequacy lies in its voluntary nature and the lack of contributions made to the Fund by donor countries.

Development of Technical Guidelines

The Basel Convention mandates the development and adoption of non-binding, technical guidelines for the ESM of wastes falling under its scope. ESM technical guidelines have been adopted for waste

The Basel Convention Regional and Coordinating Centres

Basel Convention regional and sub-regional Centres for capacity building and technology transfer have been established across the globe. These are meant to assist developing country member states where the capacity for implementing the Convention may be limited. There are 14 Regional and Coordinating Centres (BCRCs/BCCCs) worldwide.

The core functions of these Centres include: training, technology transfer, information dissemination, awareness raising, and consultancy.

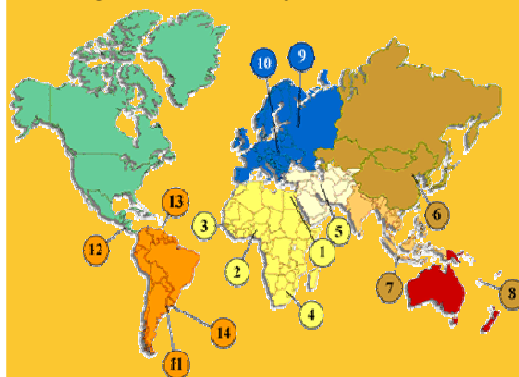


Figure 1: Locations of the BCRCs and BCCCs

Here in the Caribbean, there is one such Centre: the Basel Convention Regional Centre for the Caribbean Region (BCRC-Caribbean). The role of the BCRC-Caribbean lies in directly facilitating Caribbean member states in the national implementation of their commitments and other work in achieving the ESM of their wastes. Hosted by Trinidad & Tobago since 1998, the Centre performs the aforementioned functions while serving the CARICOM nations that are Parties to the Convention, as well as Cuba and the Dominican Republic.

streams such as biomedical wastes, waste lead-acid batteries, used tyres, used oils and many more. Guidelines are also available for sound recycling/reclamation of metals and metal compounds, for incineration on land, specially engineered landfill and more. All of these guidelines are available on the Basel Convention's website (www.basel.int).

Status of the Basel Convention among CARICOM member states

ANTIGUA & BARBUDA	BAHAMAS	BARBADOS	BELIZE	DOMINICA	GRENADA	GUYANA	HAITI	JAMAICA	ST. KITTS & NEVIS	ST. LUCIA	ST. VINCENT & THE GRENADINES	SURINAME	TRINIDAD & TOBAGO
R	R	R	R	R	-----	R	S	R	R	R	R	S, R	R

S - Signed convention; R - Ratification/accession/acceptance/approval

Regional Activities towards Implementation of the Basel Convention

Legal and Regulatory Framework

All of the Caribbean countries already have a legislative and regulatory framework in place for the collection, management and disposal of wastes generally. However, these frameworks primarily fall within the realm of public or environmental health and sanitation. Other laws have been developed to address specific waste streams such as asbestos, plastics and obsolete pesticides. Some attempts have been made to develop legislation that allows for the implementation of the Basel Convention. Antigua & Barbuda, Guyana, Jamaica and Trinidad & Tobago have drafted or enacted hazardous waste laws or regulations to this effect, but much still needs to be done to develop, promulgate and enforce hazardous waste legislation across the region.

In 2011, Trinidad & Tobago completed a project to strengthen the legislative, regulatory and enforcement capacity of small island developing states (SIDS) to implement and comply with international obligations under the Basel, Rotterdam and Stockholm conventions. This project was funded through the Strategic Approach to International Chemicals Management (SAICM) Quick Start Programme Trust Fund, with the support of the Secretariat of the Basel Convention. The project report identified the revision of legislation and

regulations and the development of guidelines and codes of practice as important for improving the legal framework for the ESM and TBM of wastes.

As part of the EU-funded project for Capacity-building Related to Multilateral Environmental Agreements in African, Caribbean and Pacific countries, the CARICOM Secretariat, in cooperation with the BCRC-Caribbean, is providing countries with assistance and training to strengthen legislative frameworks.

Capacity-building and Training

There has been a series of workshops and other support for the development of the region's technical capacity in the implementation of the Basel Convention. These have included workshops and fora on

- environmentally sound management of asbestos containing materials;
- environmentally sound management of used oils;
- environmentally sound management of used lead-acid batteries;
- reduction, elimination and management of pesticides in the context of the Basel and Stockholm Conventions;
- implementation of chemicals conventions and synergies;
- Green Customs training.

The Future of Regional Implementation of the Basel Convention and the Role of the BCRC-Caribbean

A great deal of work remains to be done to improve the regional status of implementation for the Basel Convention. Key priorities relate to drafting, enactment and enforcement of national legislation and to the development of national and regional action programmes. Some ongoing activities, such as Barbados' plans for improvement of its integrated waste management system, demonstrate renewed commitment to the goals of the Basel Convention.

The use of synergistic approaches to the implementation of the Basel, Rotterdam and Stockholm Conventions should be promoted at the regional level. This is critical in maximising regional and local resources. The BCRC-Caribbean is expected to play an integral role in this matter, particularly in the areas of capacity development and technology transfer. The Centre expects to develop pilot projects to address the regional ESM of the priority waste streams of used oils, waste electrical and electronic equipment, and waste tyres. With such activities outlined in its work and training programmes, the BCRC-Caribbean will continue to be central to the future of Basel Convention implementation for Caribbean countries.

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*Information contained in this fact sheet
is correct as of May 2012.*

Additional Resources

The Basel Convention: www.basel.int

The Basel Convention Regional Centre for the Caribbean Region: bcrb-caribbean.blogspot.com

Synergies among the Basel, Rotterdam & Stockholm Conventions: synergies.pops.int

The Basel Action Network (BAN): www.ban.org

Strategic Approach to International Chemicals Management: www.saicm.org

The Caribbean Community (CARICOM) Secretariat: www.caricom.org

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