

MANAGEMENT OF ILLEGAL TRAFFIC UNDER THE BASEL CONVENTION IN THE CARIBBEAN



Regional Training on Illicit Trafficking of Chemicals and Hazardous Waste

Hosted by BCRC/SCRC Panama and
BCRC Argentina

Presented by:



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Contents

An aerial view of a large shipping yard or port. The ground is covered with hundreds of colorful intermodal containers in shades of red, yellow, blue, and white. Several forklifts are visible, some with containers on their forks, moving through the yard. The background shows more stacks of containers stretching into the distance under a clear sky.

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About the BCRC-Caribbean

The Basel Convention Regional Centre for Training and Technology Transfer for the Caribbean (BCRC-Caribbean) is an autonomous legal entity established through a framework agreement between the Secretariat of the Basel Conventions, now joint Secretariat of the of the Basel, Stockholm and Rotterdam Conventions (BRS) and the Government of the Republic of Trinidad and Tobago (GoRTT).

The BCRC-Caribbean serves 15 member countries in the Caribbean region.



At the Meetings of the COP in 2023, the BCRC-Caribbean was endorsed as a Stockholm Convention Regional Centre for the Caribbean region.

CORE VALUES



MISSION

To collaborate with Caribbean countries in implementing their international obligations to sustainably manage wastes and chemicals through technical assistance and capacity-building

VISION

Protecting human health and the environment in the Caribbean through the environmentally sound management of wastes and chemicals

Regulation of the Basel Convention in the Caribbean

- Most Caribbean countries regulate chemicals and waste under **environmental legislation, solid waste management legislation, and/or pesticides and toxic chemicals regulations.**
- Many Caribbean countries have not yet implemented legislation to enact all provisions of the Basel Convention.
 - In their national reports, many Caribbean countries indicated that they do not regulate the illegal traffic of waste and does not provide that illegal traffic is criminal.
 - Some countries have enacted provisions through different legislative frameworks, e.g., Dominican Republic has banned the import of waste under General Law on the Environment and Natural Resources, No. 64-00. Penalties for illegal traffic include fines and imprisonment.

Case Study: Regulation of the Basel Convention in the Caribbean

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No. 149A		
THE NATURAL RESOURCES CONSERVATION AUTHORITY ACT		
THE NATURAL RESOURCES (HAZARDOUS WASTE) (CONTROL OF TRANSBOUNDARY MOVEMENT) REGULATIONS, 2002		
In exercise of the power conferred upon the Minister by section 38(1) of the Natural Resources Conservation Authority Act, the following Regulations are hereby made:—		
<i>PART I—Preliminary</i>		
Citation	1. These Regulations may be cited as the Natural Resources (Hazardous Waste) (Control of Transboundary Movement) Regulations, 2002.	
Interpretation	2. In these Regulations—	
	“area under the jurisdiction of a state other than Jamaica” means—	
	(a) any land, marine area or airspace within which the State exercises administrative and regulatory responsibility in accordance with	

- Through its **Natural Resources (Hazardous Waste)(Control of Transboundary Movement) Regulations, Jamaica** regulates the provisions of the Basel Convention, including illegal traffic.
- The import of waste is banned under these regulations.
- The export and transit of hazardous waste without a permit is an offence.
- Penalties include fines and imprisonment.

Barriers to Effective Management of Illegal Traffic in the Caribbean

- **Fragmented legislation** on the implementation of the provisions of the Basel Convention.
- Limited **inter-agency communication**, e.g., between customs departments and environmental agencies
- **Limited human and financial resources** to support enforcement in many Caribbean countries, e.g., for testing and inspection of containers.



Potential Solutions to Improve the Management of Illegal Traffic in the Caribbean

- **Training and awareness-raising** activities for customs officials
- **Increased collaboration** among agencies to tackle cases of illegal traffic.
- Legislative amendments to comprehensively address all provisions of the Basel Convention, including penalizing illegal traffic.



Management Techniques for Illegal Traffic of Chemicals and Waste in the Caribbean

Absence of legislation

- Enforcement of Prior Informed Consent Procedure to prevent illegal traffic
- Working with competent authorities of States concerned and exporters when cases of illegal traffic arise to facilitate alternative solutions to the management, or re-import of the waste into the State of export.

Through legislative provisions

- Illegal traffic is an offence. Penalties such as fines and imprisonment are outlined and enforced.
- Detection through Customs Department and collaboration with environmental agency, bureau of standards, etc.
- Joint inspections are carried out to confirm cases of illegal traffic.
- Legal action taken against offenders.



THANK YOU



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