

Regional Environmental Governance: Interdisciplinary Perspectives, Theoretical Issues,  
Comparative Designs (REGov)

## Global governance and regional centers: multilevel management of hazardous chemicals and wastes

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### Abstract

This contribution is based on a set of reflections presented at the REGov Workshop. These reflections were offered as part of a panel discussion around the topic “Regional economic dynamics and the environment.” Additional presentations provided in the context of this panel discussion include those of Wilbert van Roij, Aidenvironment, and W. Scott Prudham, University of Toronto. Webcasts of all presentations are available at <http://www.reg-observatory.org/outputs.html>.

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### 1. Main text

Scholars and practitioners are increasingly interested in efforts to achieve effective governance across spatial, temporal, and social organizational scales, as policy and management coordination have become critical challenges across a wide range of political, economic, environmental, and security policy areas. Important multilevel governance issues involve a mixture of top-down and bottom-up dynamics. Top-down dynamics involve the transfer down of collectively agreed upon principles, norms, and rules to shape actions by national governments and stakeholders. Bottom-up dynamics involve national governments and stakeholders uploading standards and working to meet obligations under multilateral treaties, often seeking different kinds of assistance from international organizations and other sources. Drawing from the multilevel governance and institutions literature, this research focuses on a relatively new organizational approach to regional governance worthy of more empirical and analytical attention; the establishment and operation of Regional Centers under global environmental treaties.

Based on convention language and political discussions, the respective conferences of the parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Stockholm Convention on Persistent Organic Pollutants (POPs) have established Regional Centers. These two global environmental treaties, which are the only ones to have associated Regional Centers, deal with a number of

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issues connected with hazardous wastes and chemicals, and their implementation intersect in a number of important ways. This includes the establishment and operation of Regional Centers; some Regional Centers operate under one of the two treaties while others operate jointly under both. In this research, “the regional” is the geographical scale between “the global” and “the local.” The selection and operation of the Regional Centers are furthermore influenced by the division of countries into the traditional five UN regions: Africa and West Asia, Asia and the Pacific, Central and Eastern Europe, Latin America and the Caribbean, and Western Europe and Others.

The Basel Convention controls the transboundary movement and the environmentally sound disposal of hazardous wastes (including discarded chemicals or good containing chemicals). Wastes are classified hazardous if they come from certain waste streams (for example, wood preserving chemicals), belong to certain categories (for example, mercury compounds), or exhibit certain characteristics (for example, are poisonous or toxic). The Basel Convention was adopted in 1989 and entered into force in 1992. It prohibits export of hazardous wastes to Antarctica and to parties that have taken domestic measures to ban such imports. Hazardous waste transfer from one party to another is subject to a prior informed consent (PIC) procedure. Under this PIC procedure, an importing party must give explicit consent to a waste import before a shipment from an exporting party can take place. Exports of hazardous wastes non-parties must also be subject to an agreement at least as stringent as the Basel Convention.

The Basel Convention parties during the conferences of the parties have strengthened regulations and technical standards with a particular focus on North-South trade issues. The Basel Ban Amendment – which prohibits export from Annex VII countries (members of the Organisation for Economic Co-operation and Development and the European Union as well as Liechtenstein) to all other parties (mainly developing countries) – was adopted by the parties in 1995. The Ban Amendment, however, has not yet become legally binding due to a contentious ratification process. The Protocol on Liability and Compensation, passed by the parties in 1999, addresses who is financially responsible in cases of incidents and damages resulting from the transfer of hazardous wastes, but has also yet to enter into force. Parties have furthermore developed a multitude of technical guidelines for the management of particular waste streams. By 2010, 172 countries and the European Union were parties to the Basel Convention.

The Stockholm Convention targets the production, use, trade, and disposal of POPs, as a sub-category of particularly persistent and hazardous chemicals. The convention was adopted in 2001 and entered into force in 2004. The Stockholm Convention divides POPs into three annexes. The production and use of POPs pesticides and industrial chemicals listed in Annex A are generally prohibited, but parties may apply for country-specific and time-limited exemptions. Annex B lists POPs pesticides and industrial chemicals subject to restrictions where only specified uses are allowed. Annex C lists POPs by-products regulated through the setting of best available techniques and best environmental practices for their minimization. The import and export of regulated pesticides and industrial chemicals are only permitted for substances subject to use exemptions or for the environmentally sound management and disposal of discarded chemicals, designed to complement Basel Convention requirements.

The Stockholm Convention originally covered 12 different POPs. The convention also includes a mechanism for evaluating and regulating additional chemicals under the treaty, using a POPs Review Committee consisting of 31 government designated experts. Any party can submit a proposal to regulate a new chemical. The POPs Review Committee examines this proposal based on a set of specified assessment criteria. If the POPs Review Committee deems it warranted, scientific and socio-economic assessments continue through several stages outlined in the treaty. Based on these assessments, the POPs Review Committee conducts a management evaluation, which is submitted to the next conference of the parties making all final regulatory decision. In 2009, the parties added nine more POPs to the Stockholm Convention, making it a total of 21 POPs covered by the agreement. More are likely to be added in the future. By 2010, 169 countries and the European Union were parties to the Stockholm Convention.

Under each of the Basel and Stockholm Convention, countries within set regions put forward nominations for Regional Centers, which are formally approved or rejected by respective conference of the parties. There are fourteen Basel Convention Centers: Buenos Aires, Argentina; Beijing, China; Cairo, Egypt; San Salvador, El Salvador; Jakarta, Indonesia; Tehran, Iran; Ibadan, Nigeria; Dakar, Senegal; Bratislava, Slovakia; Moscow, Russia; Apia, Samoa; Pretoria, South Africa; Port of Spain, Trinidad & Tobago; and Montevideo, Uruguay. There are eight

Stockholm Convention Centers: Sao Paulo, Brazil; Beijing, China; Brno, Czech Republic; Kuwait City, Kuwait; Mexico City, Mexico; Panama City, Panama; Barcelona, Spain; and Montevideo, Uruguay. Four more Stockholm Convention Centers have been nominated but not approved: Algeria, Iran, Russia, and Senegal. Of the twelve created and nominated Stockholm Convention Centers, five are also already Basel Convention Centers: China, Iran, Russia, Senegal, and Uruguay.

The Regional Centers are intended to connect global policy goals with local management needs, thereby helping overcome the frequently very large political and practical gap between the global and the local. They are not inter-governmental organizations in a traditional sense, as commonly defined under public international law. Regional Centers are also located in different settings; some are housed in national government agencies while others operate out of universities or international organizations. At the same time, the Regional Centers should function as separate entities. Taking all of this into consideration, this research characterizes the Regional Centers as “linkage organizations.” They possess limited rule-making authority and are created to address treaty-specific management issues and needs. In this way, the Regional Centers are designed to function as important organizational nodes between global treaties and organizations (conference of parties, secretariats, and other bodies) and actors operating at lower governance levels (national governments and public and private sector stakeholders).

Broadly, the mandates of the Regional Centers stipulate that they should engage in issues relating to capacity building and technology transfer, as the exact wording of their mandates differs slightly between the texts of the Basel Convention and the Stockholm Convention. The treaty-based mandates are also fairly short and vague, as it would be inappropriate to give very detailed guidelines in a treaty, restricting the ability of the Regional Centers to adapt to different needs and situations during the implementation process. Instead, the conferences of the parties are tasked with specifying mandates and requirements. Furthermore, each Regional Center is required to provide regular reports to the Basel Convention and Stockholm Convention conferences of the parties of its activities to assist parties in the implementation of their obligations under respective agreement. In turn, the two conferences of the parties are tasked to evaluate the performance of the Regional Centers and provide guidance for their continued operation and development.

Early research on the operation and effectiveness of the Regional Centers indicate that they can play important governance roles in at least four inter-related areas. First, they can be forums for awareness raising and training. Many public officials and people handling wastes and chemicals remain unaware of the risks and Regional Centers could serve as vehicles for expanded education. Second, they can support information sharing and reporting. Regional Centers could facilitate the dissemination of political and technical information among parties and assists those struggling with reporting requirements. Third, they can assist resource mobilization. Finding adequate financial and technical resources continues to be a problem and Regional Centers could help gather and disperse funds and technology. Fourth, they can aid treaty monitoring and compliance. However, countries protective of national sovereignty are often unwilling to give independent authority to Regional Centers on issues of data collection and oversight.

In short, while the Regional Centers hold a promise of improving regional and local governance, their ability to meet stated policy and management goals related to the environmentally sound management of hazardous chemicals and wastes is dependent on stronger long-term political support and resource availability. To further explore the possibilities and pitfalls of expanding the use of Regional Centers in multilevel governance, more systematic and in-depth empirical research is needed. Such research could also contribute to important conceptual development and theory building within the broader global governance literature.

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