

The Basel Convention's role in managing transboundary hazardous waste: Based on California-Mexico case study

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The Basel Convention on the control of transboundary movements of hazardous wastes and their disposal plays a crucial role in regulating the management of hazardous waste, especially in contexts where environmental and public health concerns intersect across national borders. This research examines the application and effectiveness of the Basel Convention through the lens of a California-Mexico case study involving a transboundary hazardous waste issue. The research problem centers on the challenges posed by illegal and unregulated shipments of hazardous waste. The transboundary movement of hazardous waste between California and Mexico exposes significant regulatory failures and environmental degradation, also reflecting weaknesses in international law enforcement and bilateral cooperation. The primary objective of this research is to assess how international law, particularly the Basel Convention, alongside complementary regional agreements like the La Paz Agreement, addresses this hazardous waste challenges to prevent environmental harm and protect human health. Methodologically, this study employs a qualitative research approach, relying primarily on secondary data sources. This research involves international treaties, scholarly articles, internet sources etc. Also, research analysis based on the case study method is used to examine specific case studies and this analysis is framed using public international law principles as parameters. Thus, this research approach allows a comprehensive understanding of both the legal frameworks and their practical implications in managing hazardous waste across borders. Major research findings reveal that the United States exports significant hazardous waste to Mexico due to stricter domestic disposal laws, creating environmental and health risks in Mexican border communities. Despite the existence of the International Basel Convention and regional agreements like the La Paz Agreement, practical enforcement remains weak due to asymmetrical regulatory capacities, limited resources, and insufficient political will. Also, case studies demonstrate unregulated hazardous waste shipments have led to health risks from toxic exposure for Mexican communities, breaching international law principles of sovereign equality and territorial integrity. Finally, strengthening legal accountability for individuals and states involved in illegal California-Mexico hazardous waste trade is crucial to uphold international law and ensure sustainable environmental practices. Also, this study concludes that bridging the gap between legal frameworks and real-world enforcement requires U.S. ratification of the Basel Convention, increased funding and technical assistance for Mexico, enhanced data transparency, stronger enforcement mechanisms, and a stronger commitment to the polluter-pays and precautionary principles to effectively safeguard public health and the environment.

Keywords: *Basel Convention, Transboundary hazardous waste, Principles of international law, California-Mexico border, Bilateral cooperation*