

PRIVATE SECTOR/CIVIL SOCIETY AND NON GOVERNMENTAL ORGANIZATIONS (NGOS) ROLE IN CHEMICALS AND WASTE MANAGEMENT AND SAICM IMPLEMENTATION

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1.0 Background and Introduction

Malawi's economy is largely dominated by agriculture, which employs about 85% of the total working population, and contributes 37% of the Gross Domestic Product (GDP). Consequently, agro-chemicals such as fertilizers and Pesticides constitute a large percentage of toxic chemicals and substances and wastes utilized in the country.

Management of toxic chemicals and wastes in Malawi is characterised by a fragmented institutional arrangement. There are also voluntary management initiatives by individual institutions and organisations to manage toxic substances and wastes. At national level, government has put in place an inter-ministerial committee through the Persistent Organic Pollutants Enabling Activities project, comprising of government, non-governmental organizations and the private sectors to guide the implementation of programmes that aim at enhancing safe management of chemicals and wastes.

2.0 Institutional, policy and regulatory framework

Malawi has taken on a responsibility in its constitution to “manage the environment responsibly, prevent degradation, provide a healthy life for all, protect the rights of future generations and conserve and enhance biological diversity.” The above responsibility is implemented through the Environment Management Act (EMA, 1996). The act provides for the creation of regulations on all aspects of environmental management including chemicals and waste management.

Besides, the Revised National Environmental Policy (NEP), 2004, the National Strategy for Sustainable Development, 2002 and the Environment Management Act, 1996 and several other sectoral policies and legislation incorporate management of toxic chemicals and wastes. Examples include the Occupational Safety, Health and Welfare Act, 1997, the Pharmacy, Medicines and Poisons Act, 1998, the Dangerous Drugs Act, the Customs and Excise Act, the Pesticides Act 2000 and the Malawi Bureau of Standards Act.

To promote a coordinated approach to manage chemicals and wastes effectively, Malawi developed a draft national policy on toxic substances and chemicals in 2001. The draft policy contains several policy goals, which provide some direction for developing the legal instrument for regulating chemicals and toxic substances, waste and sanitation. These include:

- (i) Promotion of participation of the private sector, NGOs, and community Based Organization (CBOs) in the management of toxic substances to increase benefits and the protection of human health and the environment;
- (ii) Promotion of the safe use of toxic substances and chemicals in order to accrue maximum benefits with minimal effects on human health and the environment;
- (iii) Promotion of use of approved chemicals and pesticides are used in Malawi so as to control illegal introduction and use of chemicals some of whose use has been banned or severely restricted;
- (iv) Ensuring that the necessary disposal options are available for the range of toxic substances and chemicals registered and being used in Malawi;

- (v) Increasing awareness for the need to ensure proper and adequate pre-treatment of waste prior to discharge through public sewers and landfills;
- (vi) Ensuring that people handling waste disposal facilities are aware of dangers of toxic substances and are able to dispose of these wastes with minimal exposure to themselves, the general public and the environment; and
- (vii) Periodically reviewing sectoral legislation on toxic substances to reflect changes in the state of the environment. Such reviews shall include, among other things, adequate incentive and punitive measures, and statutory powers of the Department of Environmental Affairs to manage toxic substances

3.0 Private Sector Participation And Development

Chemicals and waste management in general is a relatively new field on the country's national agenda. The challenge is to make stakeholders appreciate the need to invest in programmes that aim at reducing the use of toxic substances and chemicals and minimize waste production while promoting their treatment at source.

In order to achieve effective management of chemicals and wastes so as to prevent human health and the environment from their deleterious effects, private sector participation has been considered to be very paramount in all programmes of chemicals management in the country.

Government recognizes and acknowledges the role of the private sector as the engine for economic growth. Presently, several constraints hinder the participation of the private sector in programmes that aim at chemicals and waste management. Some of the hindrances include weak structure of the private sector, non-competitive environment in the area of waste and chemicals management in the country, dependence on a narrow product base, macro-economic instability, a small domestic market, low productivity, legal and regulatory constraints, and problems in terms of access to infrastructure.

Consequently, Government has put in place new policies, legislation and institutions to support private sector participation in programmes that aim at chemicals and wastes management. These include the Integrated Trade and Industry Policy, Small and Medium Scale Enterprises Policy, the Co-operatives Society Act and the Competition and Fair Trading Act. Important private sector development strategies include the Privatization Programme designed to foster increased efficiency in the economy, increase competition and reduce monopoly, and promote participation by the Malawi public in enterprises that aims at effective chemicals and management. Further policies include investment promotion, industrial technology promotion and improvement of the quality of economic infrastructure and effective collaboration with the private sector in trade and industry matters.

4.0 Private Sector/Civil Society and Non Governmental Organizations (NGOs) Role in chemicals management

Non-Governmental Organizations (NGOs) have emerged as major partners in development and managing programmes that aim at chemicals and wastes management through enhancing education and raising awareness among the public. NGOs help in designing and implementation of policies, programmes and action plans including advocacy roles through their campaign programmes.

NGOs in Malawi fall generally into three categories of being religion-based, sector-specific, or having a broad developmental mandate. The latter are often international NGOs based in Malawi or those having local affiliates.

The development of Malawian originated NGOs in the area of chemicals and waste management has been a relatively recent phenomenon to an extent that many of them are still in their initial institutional capacity phase and are seeking sustainable niches to merit their existence. Many NGOs are familiar with the chemicals and waste management programmes' intended activities as they have been involved in the implementation of the enabling activities programmes for the development of a national implementation plan for the management of Persistent Organic Pollutants (POPs).

However, it is established that some of the non-governmental entities have long been advocates of, and are committed to chemicals and waste management programmes. They have been working in two important main strategic influences in the sector before, one being the Decentralized Environmental Management (DEM) approach and secondly, the Community Based Natural Resource Management (CBNRM) guiding principles. Working with communities as their core clients, NGOs have striven to address the challenge to balance sustainable use of chemicals for improved livelihoods with exercising of community responsibility for sound chemicals and waste management especially in the agricultural area. It is understood that NGOs will become valuable executing agencies and secondary stakeholders in the implementation of most of the chemicals and waste management programmes.

The various opportunities for the involvement of NGOs will be determined as sectoral and district governmental capacities to execute management actions and facilitate activities are ascertained. Their role will become valuable at implementation level particularly with regard to building district and community level capacity and skills in chemicals and waste management. The NGOs have analyzed their potential role in chemicals and waste management programmes and have developed a strategy through the facilitation of the umbrella NGO network, the Coordination Unit for the Rehabilitation for the Environment (CURE).

The NGOs in assisting the government in the implementation of chemicals and waste management programmes have defined five core strategic areas for focus: capacity building services to strengthen community structures and organizations in the area of chemicals and waste management, provision of technical chemicals and waste management skills services, the networking of communities to external development agencies on chemicals and waste management programmes and assistance to channel resources to fund community activities in the area of chemicals and waste management.

The Government of Malawi has the responsibility of developing chemicals and waste management codes for the private sector. However, there are weak monitoring mechanisms or incentive packages to ensure compliance with the Environment Management Act codes of conduct including those dealing with chemicals and waste management.

The Government of Malawi continues to consolidate its co-operation with the private sector and fosters the establishment of venture capital funds for sustainable development projects and programmes in chemicals and waste management through the POPs enabling activities programme. The private sector will be encouraged to support small and medium-scale entrepreneurs engaged in waste and chemicals management sustainable for development activities. The private sector continues to participate in procurement, marketing and use of various chemical substances for the development of the agriculture and construction sectors.

The private sector cooperates with Malawi Government in ensuring sustainable management of the environment.

5.0 National initiatives in the area of chemicals and waste management

Together with various Private Sector/Civil Society and Non Governmental Organizations, government has developed a national implementation plan (NIP) to allow Malawi effectively manage chemicals [Persistent Organic Pollutants (POPs)] and their wastes consistent with the requirements of the Stockholm Convention on Persistent Organic Pollutants (POPs), which Malawi signed in 2002. Under the Convention, Malawi has been able to implement a project called *“Enabling activities to facilitate early action on the implementation of the Stockholm Convention on POPs”*.

The NIP has been prepared based on the inventories, priorities and objectives determined for the management of POPs. POPs inventories established the state and extent of POPs problems in the country. The inventories recommended strategies for effective management of POPs in Malawi to protect human health and the environment from their deleterious effects.