

Package Deal: Four Treaties to Fight Pollution

Time for Entry into Force for All

Some very significant milestones of international environmental law have occurred in recent years. First, the Rotterdam Convention on the Prior Informed Consent for Certain Hazardous Chemicals and Pesticides in International Trade entered into force on 24 February 2004. Then, on 17 May 2004 the Stockholm Convention on Persistent Organic Pollutants (POPs) entered into force. On 24 May 2006, the 1996 London Convention Protocol also entered into the force of international law. Governments, intergovernmental bodies and non-governmental organizations (NGOs) alike celebrated the successful adoption of these vital treaties.

Unfortunately, any further celebration must be put on hold, as one of the Package of 4 Toxic Treaties have still, as yet not entered into international force. *The Basel Convention with the Basel Ban Amendment remains an unfulfilled promise!* Before a true celebration can occur, all countries must move swiftly to ensure entry into force of *all* four of these most significant international efforts to fight deadly toxic pollution. And meanwhile every country should ratify each of the treaties if they have not yet done so. Each of the "Package of Four" is described below:

1. **The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal together with its Ban Amendment (1995)** deals with the control and banning of abusive transboundary movements of hazardous wastes. The Ban Amendment, which prohibits exports of hazardous wastes from the OECD, EU and Liechtenstein to all other countries, was passed twice by consensus; dramatically changing the effect of the original Basel Convention. The 1995 Basel Amendment strengthened the original treaty to such an

extent that without the amendment, the original text must be viewed as unacceptably out of date. For more information on the significance of the Basel Ban see *BAN Briefing Paper No. 1*. To date, 63 countries have already ratified the Basel Convention *together with* the Basel Ban Amendment. A total of 62 are needed for entry into force, "but now there is a glaring question in need of an urgent answer over *which* 62 are needed. See Briefing Paper Number 3 for further explanation.

2. **The Protocol to the London Convention on the Prevention of Marine Pollution by Dumping of Waste and Other Matter (1996)** has come into effect and thus replaces the original London Dumping Convention (1972). The protocol, rather than prescribing which dumping can take place, takes more precautionary approach to its predecessor. It utilizes a reverse list, which assumes that wastes cannot be dumped in our global commons unless explicitly reviewed and especially listed. Thus the treaty bans virtually all industrial and radioactive waste from being dumped or incinerated at sea.

3. **The Rotterdam Convention on the Prior Informed Consent for Certain Hazardous Chemicals and Pesticides in International Trade (1998)** was the first international treaty to deal with chemical products. It seeks to ensure that exports of extremely dangerous chemicals only take place with the consent of the recipient country, and replaces the current voluntary prior informed consent regime with a mandatory one. The treaty currently covers 31 chemicals including 21 pesticides and is now in force.

4. **The Stockholm Convention (2001)** for the first time, aims to eliminate from commercial use and release, 12 of the most dangerous global pollutants including the highly toxic, by-products of chlorine chemistry – dioxins and furans. It will minimize the releases of these compounds from a variety of industrial and consumer sources through the substitution of less toxic products and processes. The Stockholm Convention moved from paper promise to international law in just three short years. The success of Stockholm in attaining this goal, much like Rotterdam's, came about due to the aggressive promotion and support given by the Secretariat of the Convention in getting the Parties to ratify.

The Package of Four	Ratifications to Date	Ratifications for Entry into Force	Date of Entry into Force
Basel Convention <u>with</u> Ban Amendment (Sept. 1995)	63	62	2008?
London Convention Protocol (Nov. 1996)	35	26	In force in 2006
Rotterdam Convention (Sept. 1998)	119	50	In force in 2004
Stockholm Convention (May 2001)	150	50	In force in 2004

Progress Reports on the "Package of Four"

BAN has compiled a country progress report on ratification of the "Package of Four" – the four most significant global toxics agreements. We will keep this report card up to date on our website (www.ban.org/country_status/report_card.html). In the table below one can view a summary of the report card showing how many countries have ratified none, one, two, or three of the "Package of Four" treaties.

Number of "Package of Four" Ratified	0 Failing	1 Fair	2 Good	3 Very Good	4 Excellent
Number of Countries	22	45	72	42	13

A review of the report card indicates a somewhat positive trend in ratifications. The numbers of countries receiving failing and excellent marks stay the same as about a year ago, while the steady increases in countries receiving good and very good marks are noteworthy step forward.

Countries notably receiving an "Excellent" grade are:

Belgium, Bulgaria, China, Denmark, France, Germany, Luxembourg, Norway, Slovenia, Spain, Sweden, Switzerland, , and United Kingdom.

Countries notably receiving a "Very Good" grade are:

Australia, Austria, Bolivia, Canada, Cook Islands, Cyprus, Czech Republic, Ecuador, Egypt, Ethiopia, EC, Finland, Gambia, Georgia, Ghana, Japan, Jordan, Kazakhstan, Kuwait, Latvia, Liberia, Liechtenstein, Lithuania, Marshall Islands, Mauritius, Mexico, Netherlands, New Zealand, Nigeria, Oman, Panama, Paraguay, Portugal, Qatar, Romania, South Africa, Slovakia, Sri Lanka, Syria, Tanzania, Trinidad and Tobago, and Uruguay

Notable countries receiving a "failing" grade include:

Russian Federation, Israel, Malta and the United States.

Getting Serious About a Toxics-Free Future

Its time for all nations to get serious about the toxics crisis we all face. Around the world in the last 50 years, incidence of most cancers is steadily on the rise, becoming a slow-motion global epidemic. In the United States, from 1950 to 1992, age-adjusted rates of all cancers combined showed an incident increase of 54%. Also increasing are diseases associated with immune deficiency such as asthma, diabetes and infectious diseases (not including AIDS). 29 types of birth defects are on the rise. Most researchers conclude that many of these increases must be attributable to as yet unexplained environmental pathways.

Meanwhile, 500 new chemicals are introduced into commercial use each year and more than 50,000 of those already in use have never been tested for their teratogenic or carcinogenic effects. At the back end of the chemical cycle, hazardous wastes continue to increase globally, exceeding the rate of economic growth. Much of the worst pollution such as that of mercury and POPs has a disproportionate impact on developing countries and indigenous peoples as many of these products and releases have been phased-out or better controlled in rich countries while global climate distillation creates sinks of high concentrations in arctic regions. Likewise bioaccumulation and biomagnification causes cultures reliant on wild food to suffer disproportionate burdens of toxics in the fatty tissues of mean and fish

Ratify the "Package of Four" Now!

Humanity faces a toxics crisis, which can only be addressed by the collective will and commitment of all nations on earth. The "Package of Four" existent toxic treaties, although not a complete cure, show much promise and commitment for humanity to begin to turn back the toxic tide.

The negotiation and signing of a treaty is a promise that nations will, in good faith, fulfill that purpose through timely ratification and implementation. If nations fail to live up to their promises, it is an affront to future generations as well as to the hope and dreams of international cooperation and law embodied by the United Nations.

It is urgent then for those that have not yet done so, to initiate at Ministerial level, a comprehensive program for the introduction of the four treaties to their parliaments / legislators as a full package. All are crucial and thus none should be left out. Anc currently due to the failure of entry into force, especial attention should be given the Ratification of the Basel Ban Amendment.

The issues at stake are too vital to leave to further bureaucratic inertia. Without such timely action, cynicism replaces hope with regard to our ability to heal our polluted planet. We can't afford to let that happen!

The Basel Action Network

c/o Earth Economics

122 S. Jackson St., Suite 320

Seattle, WA 98104

Phone: 1.206.652.5555, Fax: 1.206.652.5750

E-mail: inform@ban.org, Website: www.ban.org