

Package Deal to Fight Pollution: 4 Toxics Treaties

Time for Celebration and Ratification

Two significant milestones of international environmental law occurred in 2004 – the entry into force of the Stockholm Convention on Persistent Organic Pollutants (POPs) on 17 May 2004, and the Rotterdam Convention on the Prior Informed Consent for Certain Hazardous Chemicals and Pesticides in International Trade on 24 February 2004. Governments, intergovernmental bodies and non-governmental organizations (NGOs) alike celebrated the successful transition of the treaties from inchoate pieces of international law to fully pledged global treaties.

Unfortunately, any further celebration must be put on hold, as 2 of the Package of 4 Toxic Treaties are still sidelined and are in legislative limbo. And one of these is our Basel Convention with the Basel Ban Amendment. 2 out of 4 is but a job half well done!

The record of nations ratifying these significant international instruments dealing with matters of planetary pollution has markedly improved the past couple of years. Yet, before a true celebration can occur, we, as a global community, must move swiftly to ratify *all* four of the most significant international efforts to fight deadly toxic pollution, and ensure their entry into force of international law. The “*Package of Four*” are:

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viewed as unacceptably out of date.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 available at www.ban.org. To date, 51 countries have ratified the Basel Convention *together with* the Basel Ban Amendment. A total of 62 are needed for entry into force.

2. The Protocol to the London Convention on the Prevention of Marine Pollution by Dumping of Waste and Other Matter (1996) will, when in force, replace the original London Dumping Convention (1972). The new protocol, rather than prescribing which dumping should take place, takes a far 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. In this way, the treaty prohibits virtually all industrial and radioactive waste from being dumped or incinerated at sea. To date, 20 countries, with 26 needed for entry into force, have ratified the London Convention Protocol.

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. In accordance with Article 26 of the Rotterdam Convention, the Convention went into force *last 24 February 2004*, 90 days after the 50th instrument of ratification was deposited. **Note, that the Rotterdam Convention experienced a major leap in numbers of ratifications for the last several years as a result of strong promotional efforts. This is an important lesson for the Basel and London Convention Secretariats to follow.**

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 – the 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 breached the transition from paper promise to international law in just three short years. The

Global Toxics Treaties' Rate of Ratifications	Ratifications to Date	Ratifications for Entry into Force	Ratifications per Year	Date of Entry into Force at Current Rate
Basel Convention <u>with</u> Ban Amendment (Sept. 1995)	51	62	6.2	2006
London Convention Protocol (Nov. 1996)	20	26	2.8	2006
Rotterdam Convention (Sept. 1998)	74	50	14.6	2004!
Stockholm Convention (May 2001)	77	50	22.5	2004!

success of Stockholm in attaining this goal, much like Rotterdam's, lies with the aggressive promotion and support given by the Secretariat's of each Conventions in getting the Parties to ratify. Thus, a well-developed promotional and technical support program can greatly aide the rapid transition of the remaining 2 Package of 4 Toxic Treaties.

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). To date, the progress is very good – two of the Conventions have entered into force of international law, with two more instruments to go.

In the table below we can see a summary of our 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	69	61	37	19	7

A review of the report card indicates a positive trend in ratifications. The number of countries receiving failing marks dropped by 39% in 2004 as compared to 2003. Also, and quite remarkable, are the number of countries achieving fair and good marks as they surged by 30% and 164% respectively in 2004!

These numbers show that the global community is looking hard at the toxics issue and is taking decisive action on ratifying the toxic treaties. We must take advantage of this momentum and get all 4 treaties ratified.

Part of what caused the positive surge of 2004 is the participation of developing countries. It is understood, however, that developing countries often lack the resources and capacity to be able to implement new treaties. The place to address this very real matter of concern is during the treaty negotiations themselves and not by refusal to ratify. Developed countries, on the other hand, must wake up to the resource limitation of developing countries and finally begin to make serious provisions for capacity building and resource allocation.

Countries notably receiving an "Excellent" grade are:
Denmark, France, Germany, Norway, Spain, Sweden and Switzerland.

Countries notably receiving a "very good" grade are:
Australia, Austria, Canada, Cook Islands, Czech Republic, Ecuador, Egypt, Ethiopia, Finland, Luxembourg, Netherlands, Nigeria, Panama, Paraguay, South Africa, Trinidad and Tobago, United Kingdom, United Republic of Tanzania, and Uruguay.

Notable countries receiving a "failing" grade include:
Russia, India, Israel, and the United States.

As the Stockholm and Rotterdam Conventions have just entered into force, and is until now receiving a rapid rate of ratifications, there can be little excuse for the other two toxics conventions – London and Basel Ban Amendment to remain in legislative limbo – still awaiting entry into force.

In 2004 alone, the Basel Ban Amendment garnered 7 ratifications, 11% of the total ratifications needed. At this pace, the Basel Ban Amendment will enter into force by 2006. Global momentum is on the side of the toxics treaty, and this opportunity must not be wasted.

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.

Ratify the "Package of Four" Now!

We are in 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 for nations 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 that each Ministry of Environment of all nations initiate a comprehensive program for the introduction of the four treaties to their parliaments / legislators as a full package. 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!

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