

BRIEFING PAPER

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Package Deal to Fight Pollution: Ratifying the 4 Toxics Treaties

Time for Celebration and Ratification

In May of 2001 another significant milestone of international environmental law will be passed – the adoption of a new global treaty on persistent organic pollutants (POPs) to be known as the Stockholm Convention. Governments, intergovernmental bodies and non-governmental organizations (NGOs) alike will join to celebrate a successful negotiation of a new body of law which will seek, for the first time, to actually eliminate some of our worst industrial chemical threats.

However, it must be remembered that negotiation and adoption is but a job half well done. That is, until the Convention is ratified, implemented and entered into force by all countries, and in particular those that initially signed it, the Convention is merely a sheaf of paper representing a promise.

This reminder is pertinent even at a time of celebration because to date, the record of nations ratifying the other three significant international treaties dealing with matters of planetary pollution is far less than exemplary.

In fact, none of the four most significant international initiatives dealing with toxic chemicals and wastes have yet entered into the force of law due to a lack of ratifications by the very same countries that negotiated and signed the accords and thereby indicated their support for them. It is now long overdue that nations seal the deal and move swiftly to ratify *all* of the four most significant international efforts to fight deadly chemical pollution. The “*Package of Four*” are:

1. The **Basel Convention on the Control of Trans-boundary 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the original treaty to such an extent that without the Amendment, the original text must be viewed as unacceptably out of date.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, 25 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)** likewise makes the original London Dumping Convention (1972) obsolete. 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, the London Convention Protocol has been ratified by 14 countries, with 26 needed for entry into force.
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

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 <i>with</i> Ban Amendment (Sept. 1995)	25	62	4.47	2009
London Convention Protocol (Nov. 1996)	14	26	3.17	2005
Rotterdam Convention (Sept. 1998)	14	50	5.42	2008
Stockholm Convention (May 2001)	0	50	4.35? (Average of above)	2012? (Based on average rate)

currently covers 31 chemicals including 21 pesticides. So far, it has received 14 ratifications while 50 are needed.

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 Convention will open for ratification after 23 May 2001. 50 ratifications are needed for entry into force.

Progress Reports on the “Package of Four”

BAN has compiled a country by country progress report on ratification of the “Package of Four” – the four most significant global toxics agreements. We will continue to keep this report card up to date on our website (www.ban.org). To date, the progress is very poor, or shall we say, there is vast room for improvement!

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	138	31	9	0	0

It is understood that developing countries often lack the resources and capacity to be able to implement new treaties. However, 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 transfer.

Countries notably receiving a “good” grade are:

Bulgaria, Czech Republic, Denmark, Germany, Norway, Spain, Sweden, Trinidad and Tobago, United Kingdom.

Notable countries receiving a “failing” grade include:

Belgium, France, Ireland, Italy, Japan, Mexico, New Zealand, Russia, United States.

While the Stockholm Convention has yet to be open for ratification, there can be little excuse as to why the other three toxics conventions remain languishing in legislative limbo – still awaiting entry into force. Collectively, the existing three treaties of the “Package of Four” are averaging just 4.35 ratifications per year. At this “snail’s pace”, most treaties will take more than a decade to enter force. If we were to assume that this same slow rate of ratifications will apply to the Stockholm Convention then we won’t see it enter into force until 2012! The lost decade spent waiting indicates 10 years of stalled environmental progress.

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


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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. 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.

Ratify the “Package of Four” Now!

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 the four treaties to their parliaments/legislators – hopefully as a full package. The issues at stake are too vital to the well being of us all and future generations to leave to any 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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