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. And in 2009, the 1996 London Convention Protocol also achieved the requisite ratifications to enter 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 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, EC 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the original treaty to such an extent that without the amendment, the original text must be viewed as unacceptably out of date.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, 71 countries have already ratified the Basel Convention together with the Basel Ban Amendment. A total of 62 were thought to be 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 4 for further explanation.

2. The Protocol to the London Convention on the Prevention of Marine Pollution by Dumping of Waste and Other Matter (1996) now in force 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 43 chemicals including 32 pesticides and is now in force.

4. The Stockholm Convention (2001) for the first time, aims to eliminate from commercial use and release, 22 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.

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<table>
<thead>
<tr>
<th>The Package of Four</th>
<th>Ratifications to Date</th>
<th>Ratifications for Entry into Force</th>
<th>Date of Entry into Force</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basel Convention with Ban Amendment (Sept. 1995)</td>
<td>71</td>
<td>62</td>
<td>?</td>
</tr>
<tr>
<td>London Convention Protocol (Nov. 1996)</td>
<td>40</td>
<td>26</td>
<td>In force in 2006</td>
</tr>
<tr>
<td>Rotterdam Convention (Sept. 1998)</td>
<td>140</td>
<td>50</td>
<td>In force in 2004</td>
</tr>
<tr>
<td>Stockholm Convention (May 2001)</td>
<td>176</td>
<td>50</td>
<td>In force in 2004</td>
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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, three or all four of the “Package of Four” treaties.

<table>
<thead>
<tr>
<th>Number of “Package of Four” Ratified</th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3 Very Good</th>
<th>4 Excellent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Countries</td>
<td>12</td>
<td>26</td>
<td>81</td>
<td>57</td>
<td>17</td>
</tr>
</tbody>
</table>

A review of the report card indicates a somewhat positive trend in ratifications. The numbers of countries receiving failing and fair marks continue to drop in the past few years, while the steady increases in countries receiving good, very good, and excellent marks are a noteworthy step forward.

Countries notably receiving an “Excellent” grade are:

Belgium, Bulgaria, China, Denmark, France, Germany, Ghana, Luxembourg, Netherlands, Nigeria, Norway, Slovenia, Spain, Sweden, Switzerland, Trinidad and Tobago, and United Kingdom.

Countries notably receiving a “Very Good” grade are:

Albania, Argentina, Australia, Austria, Bolivian, Botswana, Canada, Chile, Cook Islands, Cyprus, Czech Republic, Ecuador, Egypt, Estonia, Ethiopia, EU, Finland, Gambia, Georgia, Greece, Hungary, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Liberia, Liechtenstein, Lithuania, Marshall Islands, Mauritius, Mexico, Morocco, New Zealand, Oman, Panama, Paraguay, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Serbia, Slovak, South Africa, Sri Lanka, Suriname, Syria, Republic of Macedonia, Tonga, Tanzania, Uruguay, Yemen, and Zambia.

Notable countries receiving a “failing” grade include:

Afghanistan, Bhutan, Grenada, Haiti, Iraq, Israel, Malta, San Marino, Turkmenistan, Uzbekistan, Zimbabwe and the United States.

Getting Serious About a Toxics-Free Future

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. And currently due to the delay in its entry into force, special attention should be given to the Ratification of the Basel Ban Amendment to send a strong message of the will of the global community to ratify it as well. 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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