

The Package Deal: Five Treaties to Reduce the Global Toxics Footprint

Getting Serious About a Toxics-Free Future

It is time for all of us to become more proactive about the toxics crisis we face. In the last 50 years, incidence of most cancers are on the rise, representing 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 (birth defect inducing) 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 are better controlled in richer countries while global climate distillation creates sinks of high concentrations in arctic regions. Likewise, bioaccumulation and bio-magnification causes cultures reliant on wild food to suffer disproportionate burdens of toxics in meat and fish.

Ratify the “Package of Five” Now

We face a toxics crisis, which can only be addressed by the will and commitment of all nations on earth. The “Package of Five” existent treaties named below, although not a complete cure, show much promise and commitment for humanity to begin to turn back the toxic tide. We call on all countries to ratify and join the Package of Five Treaties below which all aim to reduce the global toxics footprint harming all of us:

1. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989) 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 Amendment see *BAN Briefing Paper No. 1*. At COP10 in October 2011, it was decided that the amendment will enter into force when 68 of the 90 countries that were Parties to the Convention in 1995 ratify the agreement. To date 62 of these have ratified leaving just 6 more needed. See *BAN Briefing Paper No. 4* for more information on the countdown to entry into force.

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 a 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

The Package of Five	Ratifications to Date	Ratifications for Entry into Force	Date of Entry into Force
Basel Convention (March 1989) <i>with</i> Ban Amendment (Sept. 1995)	88	6 more from COP3	2018?
London Convention Protocol (Nov. 1996)	49	26	In force in 2006
Rotterdam Convention (Sept. 1998)	157	50	In force in 2004
Stockholm Convention (May 2001)	181	50	In force in 2004
Minimata Convention (October 2013)	42	Needs 50?	2018?

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 33 pesticides and is now in force.

4. The Stockholm Convention (2001) for the first time, aims to eliminate from commercial use and release, 24 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.

5. The Minamata Convention (2013) is designed to protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds. It seeks to managed the entire life cycle of mercury, from extraction, production, products, storage, waste management and trade. Minamata recognises and addresses populations at risk, with an emphasis on small-scale artisinal gold mining. The Convention still lacks 8 countries to enter into force.

Progress Reports on the “Package of Five”

BAN has compiled a country progress report on ratification of the “Package of Five” – the five most significant global toxics agreements. We will keep this report card up to date on our website:

http://wiki.ban.org/Treaties_and_International_Agreements.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, four, or five of the “Package of Five” treaties.

Number of “Package of Five” Ratified	0	1	2	3	4	5
	Failing	Poor	Fair	Good	Very Good	Excellent
Number of Countries	6	24	51	68	40	5

A review of the report card indicates a somewhat positive trend in ratifications. The numbers of countries receiving failing marks continue to drop in the past few years, and finally the US, with its ratification of the Minamata Convention moved off of the list, while many countries moved up from Fair and Good categories to Very Good and Excellent. The steady increases in countries receiving Very Good, and Excellent marks represents real progress in the global effort to reduce humanities "toxic footprint".

Countries notably receiving an “Excellent” grade are:
Antigua and Barbuda, China, Ghana, Switzerland and Uruguay,

Countries notably receiving a “Very Good” grade are:
Belgium, Benin, Bolivia, Botswana, Bulgaria, Canada, Chile, Congo, Denmark, Ecuador, Estonia, France, Gambia, Germany, Guinea, Iran, Ireland, Japan, Jordan, Kenya, Kuwait, Lesotho, Liechtenstein, Luxembourg, Mexico, Morocco, Netherlands, Nigeria, Norway, Panama, Peru, Saudi Arabia, Sierra Leone, Slovenia, South Africa, Spain, Sweden, Trinidad and Tobago, United Kingdom and Zambia.

Notable countries receiving a “Failing” grade include:
Bhutan, Grenada, Haiti, San Marino, Turkmenistan, Uzbekistan.

Implement with National Legislation!

While ratifications are crucial it is important also to realize that ratification must be accompanied by national legislation faithful to the treaties. Too many countries ratify treaties and yet have no national legislation or proper national authority to enforce them. Assistance in drafting such legislation is available from NGOs and the Basel Secretariat.

The negotiation and signing of a treaty is a promise that nations will, in good faith, fulfill that purpose through timely ratification and implementation into national law.

It is urgent for those that have not yet done so, to initiate at Ministerial level, a comprehensive program for the introduction of the five treaties to their parliaments 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 prevent global waste dumping. 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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