

Basel COP10: Developing Countries Say No to Toxic Ships

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PRESS RELEASE *Developing countries call on Basel Convention to become more active on end-of-life ships* Cartagena, Colombia. October 21, 2011 – At the 10th Conference of the Parties to the Basel Convention, in an effort to prevent toxic ships from being dumped on the beaches of developing countries, African nations declared that they wanted the Basel Convention to retain its competency over end-of-life ships and reinvigorate the Basel Convention's work in this regard. Developing nations, legal experts and NGOs that attended the meeting all voiced the concern that the International Maritime Organization's Hong Kong Convention will not stop hazardous wastes such as asbestos, PCBs, residue oils and heavy metals from being exported to the poorest communities and most desperate workers in developing countries. The Hong Kong Convention, which was adopted in 2009, but has not yet been ratified by a single country, has no intention of minimizing the movement of toxic ships to developing countries. Currently the 1989 Basel Convention is the only legal instrument on transboundary movements of waste, and the only legal tool developing countries can successfully use to stop toxic ships from entering their territorial waters. The developing countries' statement was supported by the Basel Action Network and the NGO Shipbreaking Platform, a global coalition of labor rights and environmental organizations dedicated to promoting safe and environmentally sound ship recycling and preventing toxic ships from disproportionately burdening developing countries. "The Hong Kong Convention is radically different from the Basel Convention as it puts the costs and liabilities of waste management on the importing state and not the polluter – who in this case is the ship owner", said Ingvild Jenssen, Director of the NGO Shipbreaking Platform. "The Hong Kong Convention does not even prohibit the dangerous beaching method, a substandard method of ship dismantling whereby ships are broken up on tidal beaches by untrained and unprotected workers, causing severe pollution, injuries and deaths." *"The Basel Convention clearly considers that illegal traffic of hazardous waste is a criminal activity. The Hong Kong Convention, however, does not require the criminalization of illegal transfer of hazardous waste"*, added Dr. Marcos Orellana from the Centre of International Environmental Law (CIEL). While human rights and legal experts asserted that the Hong Kong Convention lacked much of the protections for developing countries found in the Basel Convention, the European Union argued strongly that the two instruments were equivalent. It is widely believed that the European Union and the shipping industry wish to remove ships from the Basel Convention. *"The European Union appears to be towing the shipping industry line to pull ships from a strong legal regime to a weaker one,"* said Jenssen. *"It is shameful that the EU on the one hand claims to be a strong supporter of the Basel Ban Amendment for most hazardous wastes, but when it comes to hazardous waste ships dumped on South Asian beaches by ship owners making great profit at the expense of impoverished, desperate laborers and the local environment, they want Basel to look the other way."* **BAN AMENDMENT FINALLY ENFORCED** Another major development of this 10th Conference of Parties to the Basel Convention is the breakthrough decision of the 178 countries to allow an early entry into force of law of the Basel Ban Amendment which prohibits all exports of hazardous wastes for any reason, including electronic wastes and old obsolete ships from developed to developing countries. The deal was brokered by Indonesia and Switzerland and was strongly promoted by developing countries, China, the European Union and Non-Governmental Organizations including Greenpeace, the NGO Platform on Shipbreaking, Center for International Environmental Law and the Basel Action Network. The Basel Ban Amendment was originally adopted in 1995 as a proposed amendment to the Basel Convention but has recently been stalled due to uncertainty as to how to interpret the Convention. Now following a diplomatic working group known as the Country Led Initiative, it has been proposed that the Ban Amendment will go into force when 68 countries of the 90 countries that were Parties to the Convention in 1995 ratify the agreement. Already 51 of these have ratified, leaving just 17 more needed. It is expected that this can be achieved in 2-3 years. *"Finally, the blockade has been lifted and the Basel Ban that has been held hostage now for many years is liberated,"* said Jim Puckett, Executive Director of the Basel Action Network. *"The Ban ensures that developing countries are not convenient dumping grounds for toxic factory waste, obsolete ships containing asbestos or old computers coming from affluent countries. It enforces the Basel Convention obligation that all countries manage their own hazardous waste."* Already 33 of the 41 developed countries to which the export ban applies have implemented it nationally, but today's decision means that more countries will feel diplomatic pressure to ratify, and countries such as the United States who have never ratified the Convention will have to accept the ban as an integral part of the Convention once it enters into force.