The International POPs Elimination Project

Fostering Active and Effective Civil Society Participation in Preparations for Implementation of the Stockholm Convention

Citizen's Guide to the Stockholm Convention
English Summary

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México
January 2005

About the International POPs Elimination Project

On May 1, 2004, the International POPs Elimination Network (IPEN http://www.ipen.org) began a global NGO project called the International POPs Elimination Project (IPEP) in partnership with the United Nations Industrial Development Organization (UNIDO) and the United Nations Environment Program (UNEP). The Global Environment Facility (GEF) provided core funding for the project.

IPEP has three principal objectives:

- Encourage and enable NGOs in 40 developing and transitional countries to engage in activities that provide concrete and immediate contributions to country efforts in preparing for the implementation of the Stockholm Convention;

- Enhance the skills and knowledge of NGOs to help build their capacity as effective stakeholders in the Convention implementation process;

- Help establish regional and national NGO coordination and capacity in all regions of the world in support of longer term efforts to achieve chemical safety.

IPEP will support preparation of reports on country situation, hotspots, policy briefs, and regional activities. Three principal types of activities will be supported by IPEP: participation in the National Implementation Plan, training and awareness workshops, and public information and awareness campaigns.

For more information, please see http://www.ipen.org

IPEN gratefully acknowledges the financial support of the Global Environment Facility, Swiss Agency for Development and Cooperation, Swiss Agency for the Environment Forests and Landscape, the Canada POPs Fund, the Dutch Ministry of Housing, Spatial Planning and the Environment (VROM), Mitchell Kapor Foundation, Sigrid Rausing Trust, New York Community Trust and others.

This report is available in the following languages: English Summary and Full report in Spanish

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English Summary

CITIZEN'S GUIDE TO THE STOCKHOLM CONVENTION

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About the Citizen's Guide to the Stockholm Convention

The objectives of this Citizen's Guide are: to give a general explanation of the obligations of governments participating in the Stockholm Convention on Persistent Organic Pollutants (POPs); to indicate the effects of these pollutants on health and the environment; and to highlight the opportunities for citizen participation in developing national implementation plans for this convention.

The Guide consists of five chapters. The first chapter reviews the historical background leading up to the Stockholm Convention, particularly emphasizing the citizen struggles waged against pollutants over the past fifty years; the prior international and regional agreements within the United Nations system; and the groups formed by transnational corporations that have been involved in discussions regarding the elimination of POPs. The second chapter presents the effects on human health and the environment generated by POPs included in the Convention. The third chapter presents an analysis of the commitments acquired by governments that are included in the main sections and articles of the Convention, and the fourth chapter gives a description of the phases of the Convention's National Implementation Plans and the role of citizen participation in each of those phases. The fifth chapter identifies citizen demands for the right to health and to a clean environment as part of the human rights struggle; emphasizes the importance of the right to know and the right to public access to information; and presents the constitutive elements of public policies that guarantee those rights and that effectively comply with Stockholm Convention commitments. The Annexes of this document include some tables and a list of web pages offering more information.

Part 1: Events leading up to the Stockholm Convention: the international struggle against POPs

The signing of the Stockholm Convention in the United Nations is not only the result of the political will of governments and the abundance of scientific evidence documenting the risks for health and the environment provoked by POPs around the world, but it is also a result of citizen struggles waged by communities, workers, mothers, environmental groups, indigenous peoples and *campesinos*, all of whom have, for decades, suffered the consequences of these pollutants and have placed their demands for the right to health and a clean environment before the industries generating these pollutants and the governments tolerating them.

Especially worth highlighting here are: the book entitled "Silent Spring" by Rachel Carson that denounces the problems caused by pesticides; the campaign against "the dirty dozen" launched by the Pesticide Action Network, beginning in 1985; the struggle waged by war veterans and Vietnamese affected by exposure to dioxins that contaminated the "Agent Orange" mix of herbicides used by the United States in the Vietnam War; and the workers and communities whose health was affected by the industrial production of PCBs.

Part 2: Health and environmental effects of POPs

The Stockholm Convention establishes measures for the elimination and control of twelve persistent organic pollutants (POPs): nine of them are pesticides (aldrin, chlordane, DDT, dieldrin, endrin, heptachlor, hexachlorobenzene, mirex and toxaphene); others are industrial products referred to as polychlorinated biphenyls or PCBs (a type of isolating oils used primarily in the electrical industry); and others correspond to POPs (especially dioxins and furans) that are produced unintentionally during combustion and during the manufacturing of chemical chlorinated compounds.

POPs are a global problem due to their toxic characteristics, the way they persist in the environment, and their capacity for bioaccumulating in food chains and traveling long distances. They can be found not only in the most remote areas of the planet, affecting polar bears, whales and other mammals, but also in rural areas and in cities. POPs contaminate food, accumulating in the milk products, meat and fish we eat. Consequently, for decades human beings have been accumulating organochlorine pesticides, PCBs, dioxins and furans in the fatty tissues of our bodies. POPs are part of the body burden of pollutants, and are able to pass through the placenta and affect fetal development; they are excreted in breast milk and have even been found in the semen of animals, including humans. There are some POPs that can provoke a large number of chronic effects, including cancer, hormonal disruptions and also alterations in reproductive development, the immunological system and child development.

Part 3: Governmental obligations expressed in the Stockholm Convention

The Stockholm Convention represents progress in international agreements for protecting the environment and human health, however the benefits and achievements it can obtain will depend on citizens being aware of its contents and demanding that governments sign, ratify and fully comply with the Convention.

The Convention on POPs was signed in Stockholm, Sweden on May 23, 2001 and went into force, or in other words, became legally obligatory, on May 17, 2004, after being ratified by the first 50 countries. Governments have a period of two years to develop a National Implementation Plan and for that end, developing countries and countries with economies in transition may request a maximum of US $500,000 in financial assistance from the Global Environmental Facility (GEF).

The commitments acquired by governments in relation to pesticides, as established in the Stockholm Convention, consist of the elimination of the production and use of eight organochlorine pesticides: aldrin, chlordane, dieldrin, endrin, heptachlor, mirex, toxaphene, and hexachlorobenzene (HCB) —also produced unintentionally. Nevertheless, certain specific exemptions are permitted in their production and use. Depending on the specific pesticide, these include: use for controlling termites and ectoparasites; as an intermediary for the production of other substances; or as a solvent in pesticides. Also, Article 3 of the Convention recommends that governments adopt regulatory measures for preventing the production and use of new pesticides or new industrial chemical products that have the characteristics of persistent organic pollutants.

In relation to PCBs, the Convention establishes the following objectives: a) to end the production of PCBs; b) to gradually eliminate the use of equipment with PCBs by 2025; and c) to reduce the risk of the population coming into contact with PCBs and their release into the environment. In addition, the Convention specifies adequate treatment for the accumulated stockpiles of POPs and POP wastes, and for articles in use that will become wastes or that are contaminated with them, with the aim that they will be handled in such as way as to protect health and the environment, through a set of measures that reduce or eliminate the release of POPs into the environment. These guidelines will be developed in coordination with the Basel Convention.

In relation to POPs that are generated unintentionally (UPOPs) (dioxins, furans, PCBs and HCBs), the Stockholm Convention establishes the objective of the "continuing minimization and, where feasible, ultimate elimination" of these pollutants. The Convention specifies a list of sources that generate these unintentional POPs, although there are many other sources mentioned in other inventories and in the scientific literature, as indicated in the Annexes to the Citizens Guide. Best Available Techniques and Best Environmental Practices (BAT-BEP) guidelines will be adopted by the Parties. For new sources, BAT will be required no later then four years after the entry into force of the Convention for that Party. Parties should also promote use of BEP. Priority consideration of alternatives and not just minimization of releases needs to be included in the guidelines.

The Convention indicates that governments must conduct national inventories of sources and estimates of the releases of unintentional POPs. To this end, the United Nations Environment

Program (UNEP) has proposed a Toolkit for calculating the emission factors for each source. This Toolkit is an unfinished work that cannot be mechanically applied, and some of its limitations are specified in the Citizen's Guide, including the underestimation of some industrial sources, and the overestimation of dispersed sources, such as backyard burning and forest fires. Also, it does not include other sources identified in other inventories, and it does not propose a strategy for identifying UPOPs sources.

Article 5 of the Convention emphasizes that among the measures for the continuous reduction and elimination of the generation of dioxins, what can be considered as the "substitution principle" should be applied, in reference to the commitment to "promote the development and, where it deems appropriate, require the use of substitute or modified materials, products and processes to prevent the formation and release" of unintentional POPs (Article 5, subparagraph c). The implementation of these measures can lead to the development of a materials policy to avoid the formation and release of dioxins and similar compounds, in order to reduce the use of toxic materials and substances, and promote cleaner production forms. The search for alternatives to the incineration of municipal, hazardous and hospital wastes, including the burning of chlorinated wastes in cement kilns, is an international citizen demand and should be part of a prevention-oriented environmental policy. Priority consideration of alternatives that avoid the formation and release of POPs should be given in the cases of the construction of new facilities or significantly modified existing facilities.

Article 10 of the Convention defines the commitments on the part of governments to *promote and facilitate* information, public awareness and public education with respect to POPs. This includes: a) providing access to all available information regarding these pollutants, their effects on health and the environment, and the alternatives; b) developing programs for public education and awareness, especially for women, children and the least educated; c) maintaining all this information updated on an ongoing basis, and providing information on a regular basis through the dissemination of safety data sheets, reports and through other means for disseminating information and communication; and e) the possibility of establishing a Pollutant Release and Transfer Register (PRTR) is proposed, with those responsible for contamination being obliged to annually report the amounts of POPs released into the environment or transferred for their elimination or treatment.

Part 4: Citizen Participation in Stockholm Convention National Implementation Plans

Public access to government information is an indispensable condition for bringing transparency to the decisions made by public servants, and is one aspect of mechanisms for establishing the accountability of those serving in governments in democratic societies. This is vital for increasing awareness of environmental problems and for participation by the population in defining public policies.

According to GEF guidelines for developing the Stockholm Convention National Implementation Plans, several stages of development are suggested, schematically represented as follows: a) the establishment of a mechanism for coordination and of a organizational structure that guides the process of developing the National Implementation Plans (NIP), plus a type of inter-

sectoral coordinating committee; b) the development of inventories of POPs and the evaluation of national capacities and infrastructure; c) the evaluation of priorities and the establishment of objectives; d) the formulation of National Implementation Plans; and e) broad-based support for the NIP and presentation at the Conference of Parties to the Stockholm Convention.

It is important to emphasize that broad-based, pluralistic consultation should be carried out — from the beginning of the development of National Implementation Plans, and not only at the end of the process. This includes the various nongovernmental interest groups (stakeholders) and public interest groups such as environmental protection organizations and groups focusing on the health of children, women, workers and indigenous groups. The right to participate in decisions related to POPs is a legitimate right of citizens, in order to assure that human rights related to health and the environment are effectively protected.

Part 5: Civil society rights and demands

POPs exposure endangers fundamental human rights such as the right to health and a clean environment for citizens and communities, women's rights to pregnancy and breast feeding that are free of pollutants; and children's right to grow up in an environment that will not affect their development. The application of the Stockholm Convention can contribute to the enforcement and protection of these rights.

In Principle 10 of the 1992 Rio Declaration from the Earth Summit promoted by United Nations, governments recognized that full public participation is crucial to deal with environmental problems. This concerns the right to know environmental and health data and compensation for environmental and health damages. These rights are covered by international agreements such as the Aarhus Convention for some European countries and the United States, as well by national constitutions in a variety of countries.

The full enforcement of Article 10 of the Stockholm Convention is crucial to guarantee public participation in Stockholm Convention National Implementation Plans as well as the design of institutional channels in the governmental structure to coordinate the design and development of the National Implementation Plans, as was explained in previous chapters.

There are some aspects that are not covered by the Stockholm Convention, and it is the responsibility of governments to address these aspects, including those related to access to environmental justice and to compensation for damages to health and the environment caused by the intentional or unintentional production of POPs. It is clear that the industrial production of POPs has created an environmental debt over the course of time, an ecological mark on the environments where they have been developed, and consequences for the health of neighboring communities and beyond. The impact of historic activities such as the production and formulation of organochlorine pesticides, the use of chlorine and its derivatives for bleaching paper in cellulose factories, and other industrial sources of dioxins and furans should be evaluated in order to establish priorities for clean-up activities and compensation for damages.

The implementation of the Stockholm Convention can make it possible for governments to strengthen prevention-oriented, democratic public policy. It is an opportunity to develop a new

regulatory model that is based on prevention rather than just “end of pipe” solutions. A prevention approach could include elements such as: the application of the precautionary principle in cases of scientific uncertainty; the right to know of citizens regarding the use and release of toxic substances; the substitution principle of hazardous substances and materials when there are viable, less risky alternatives; and the promotion of clean production methods and mechanisms for expanding the responsibility of the producer as described in the Citizen’s Guide.

Full implementation of the Stockholm Convention by governments requires citizen monitoring and participation through institutional mechanisms, through broad-based, transparent, democratic procedures.

The full implementation of the Stockholm Convention could contribute to the discussion of a new strategic approach for the regulation of chemical substances that would be consistent with the commitment made by governments at the World Summit on Sustainable Development in 2002 in Johannesburg, South Africa that by 2020 chemical substances will be used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment.