INTERNATIONAL ENVIRONMENTAL TREATIES

KEEPING pace with technological developments is a challenge facing many people in the world. Many of us feel that events are moving too fast, and we struggle to keep up with the latest gadgets and discoveries. Writing this article twenty years ago would have been a labour of love on a rickety old typewriter. Today computers make it quick and simple. But even so, the software loaded onto this computer last year is obsolete – there is a superior package on the market.

Although science and technology have improved living standards and production, they have also led to new risks to the environment. Public awareness has improved and the environment has become a conspicuous issue on the world agenda.

The attention paid by States to environmental issues is increasing rapidly, prompted perhaps by the very nature of pollution and environmental degradation, which threatens peoples' quality of life and traverses all political boundaries. The 1987 Brundtland Report highlighted the global risks which could threaten the existence of the planet. It stressed the need for sustainable and environmentally sound development in every country, and pointed to the interrelationship between political and economic issues on the one hand, and environmental issues on the other.

Under the guidance of the United Nations (UN), a number of declarations and resolutions have been adopted over the past few years. Developing strategies to "halt and reverse the effects of environmental degradation" was one of the objectives of the 1992 Rio Earth Summit, which was the biggest gathering of world leaders in the history of mankind. There is no turning back; all governments have an internationally acknowledged responsibility to protect the earth's biodiversity, ecosystems and ecological processes.

Addressing the plethora of global environmental ills has led to the development of a range of UN sponsored international treaties and conventions. As a newly independent nation, Namibia has begun the process of integration within the world community, and has become fully involved in global environmental issues.

The treaties discussed in this article do not cover all of those in which Namibia is involved, but attempts to focus on the most significant. A separate article on CITES appears on page 164.

CONVENTION FOR THE PROTECTION OF THE OZONE LAYER

The Convention recognises the need to protect the ozone layer from harmful emissions caused by humans and requires international cooperation and action, based on ongoing scientific research and technological considerations. Its main purpose is to protect human health and the environment from especially increased ultra-violet solar radiation. Adverse impacts include increasing skin cancer, damage to crops and die-offs of plankton in the ocean which, in turn, affect our fishing industry.

It requires that States reduce their reliance on ozone-depleting substances, and that collaborative research be undertaken to find alternatives to harmful substances such as chloro-fluoro carbons (CFCs) and halons. The Convention specifically urges States to assist developing countries through technology transfer, research and training.

Although Namibia does not significantly contribute to the destruction of the ozone layer, it acceded to the treaty in 1993 and is therefore obliged to assist where possible and
appropriate in finding solutions to the ozone problem. It is furthermore obliged to submit statistics on the production and/or use of CPCs in its industrial activities.

CONVENTION ON WETLANDS
Known generally as the Ramsar Convention (after the city where it originated), this treaty was established in 1971 in recognition of the importance of wetlands as regulators of water regimes and as habitats supporting significant species of plants and animals, especially waterbirds which provide a reliable indicator of the health of wetlands. The Convention recognises the economic, cultural, scientific and recreational value of wetlands. It aims to stem the progressive encroachment on, and loss of wetland habitats.

Because waterbirds migrate across international borders, and even between continents, their conservation and the protection of their habitat is seen as an international issue.

Namibia acceded to this Convention in 1995. As part of its obligations Namibia will declare suitable areas to be included in the list of Wetlands of International Importance. The inclusion of a wetland on this list does not prejudice our right to manage and use these areas according to our best interests, but it places a greater responsibility on us to use them sustainably and not to threaten their existence and integrity through inappropriate development.

BASEL CONVENTION
This treaty addresses the issue of the trans-boundary movement and disposal of hazardous waste, and was adopted in Basel, Switzerland in 1989. It responds to the threats posed by increasing international traffic of hazardous waste, and the disposal of this waste in developing countries, many of which are unwilling or unknowing recipients. In spite of not having the necessary technology and expertise to manage this waste, such countries are often forced to accept large quantities of waste due to economic desperation.

The long term objective of this Convention is to reduce waste generation to a minimum in terms of quantity and level of toxicity. It recognises the right of any State to ban the import of foreign hazardous waste (as Namibia has done), and stresses that waste should be correctly disposed of in its country of origin.

The Convention does, however, permit the controlled trans-boundary movement of waste, but under strict conditions and only where such movement does not affect human life or the environment. It recognises that developing countries have limited ability to manage their own waste, and encourages the training of personnel and transfer of technology from more advanced States.

Namibia is in the process of acceding to this Convention.

CONVENTION ON CLIMATE CHANGE
The problem of global climate change received very little international attention until approximately ten years ago when scientists from many parts of the world began studying the implications of climatic phenomena.

The first World Climate Conference was held in 1979, followed by a number of more specific meetings and, in 1990, the establishment of a UN sponsored Intergovernmental Negotiating Committee (INC), which was tasked with establishing the finer details of the Framework Convention on Climate Change (FCCC). The Convention was duly completed and signed by 153 States, including Namibia, at the Earth Summit at Rio de Janeiro in 1992.

The main objective of the Convention is to "stabilise greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous, man-made interference with the climate system". It hopes to achieve this as quickly as possible, thereby allowing ecosystems time to adapt naturally to gradual climate change.

Although it is known that the earth's climate is in a constant state of long-term change, rapidly increasing carbon dioxide (CO₂) emissions are thought to be accelerating the process. The most common sources of greenhouse gases are fossil fuel burning factories,
open fires, power stations and motor vehicles.

A “blanket” of greenhouse gases is insulating the earth, and limiting the loss of heat to the outer atmosphere. This means that temperatures could rise, perhaps as much as 6 – 8°C, which may lead to the melting of polar ice caps, increasing sea temperatures, rising sea levels, and erratic weather patterns. If this happens, Namibia might lose Walvis Bay, much of which is below sea level. We could also expect more droughts and reductions in offshore fish stocks, while other parts of the world could experience unseasonable floods. Low lying countries and small island states are the most vulnerable to this worst case scenario.

The FCCC emphasises the responsibility of developed countries to reduce and stabilise greenhouse gas emissions to 1990 levels by 1995. They are furthermore expected to transfer technology to developing countries so as to enable the latter to meet their own commitments.

Although Namibia is not a significant source of greenhouse gases, it is vulnerable to climate change, since most of its economy is reliant on ecological production and its people depend on agriculture and fisheries for their existence. We need to reduce exhaust emissions and seek alternatives to fossil fuels for energy generation. By harnessing solar and other forms of renewable energy, we would be making a small but important contribution to the world’s environmental stability.

**BIODIVERSITY CONVENTION**

This Convention was signed by the President, Dr Sam Nujoma, at the Rio Earth Summit in 1992. Its main objectives are “the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and appropriate funding”.

An underlying principle of this Convention is that States have the sovereign right to exploit their own resources, but that activities within a country should not cause damage to their environments and those of other States.

Namibia’s Constitution addresses these issues in Article 95 (1) (see elsewhere in this publication), and, in Article 100, claims sovereign ownership of all natural resources. The country has furthermore embarked on a number of biodiversity programmes which effectively constitute compliance of its obligations under the Convention.

Over 13 percent of Namibia’s surface area has been proclaimed as formal conservation areas, and the country has a number of full
time professionals engaged in biodiversity research, as well as a national biodiversity coordinator. Activities such as park management plans, regional profiles, environmental education, compiling red data books and a National Biodiversity Country Study, illustrate Namibia’s commitment to biodiversity conservation. At the time of writing, the government is in the process of preparing its ratification of the Convention.

DESERTIFICATION CONVENTION
Desertification can generally be defined as “land degradation in arid, semi-arid and dry sub-humid areas resulting mainly from adverse human impact” (see page 170 for more information). This phenomenon overlaps with a number of related environmental issues such as climate change, population growth, trade and biodiversity.

The Convention focuses on the plight of Africa, and aims especially to address issues such as food security, environmental conservation and sustainable development.

Namibia’s unfortunate status as the driest nation in sub-Saharan Africa prompted it, in 1994, to establish a National Programme to Combat Desertification, and it is in the process of signing the Convention.

COSTS AND BENEFITS
Most international environmental treaties rightly emphasise that the developed nations must bear most of the cost for controlling and reversing global environmental problems. The simple fact is that most of the world’s ecological problems are caused by the “rich”. Consumer societies, rather than those which survive at a subsistence level, are responsible for most of the world’s pollution. Even the rapid destruction of the earth’s tropical forests, can be linked to the greed of the “first world”, which demands more beef for hamburgers, wood for industry and paper, and raw materials for new factories. But developing nations cannot escape their responsibilities either, and each country must recognise the environmental degradation which is taking place within its own national borders, as well as the effects these may have on ecological processes in neighbouring countries.

By committing itself to a variety of national conservation programmes, and by ensuring that development is both sustainable and environmentally acceptable, Namibia could meet many of its international obligations. We already have a unique Constitution, but meeting its ambitious objectives requires political will and individual commitment. Time will tell whether Namibians will be equal to the challenges ahead.