The following analysis regarding the entry into force of the Basel Convention’s Ban Amendment is based on the Basel Convention provisions and information provided by the Basel Convention Secretariat on the Basel Convention website.

Pursuant to a the phrase “Parties having accepted them” found in Article 17, paragraph 5 of the Basel Convention, it is clear that the Parties intended a “fixed time” approach, regarding entry into force of amendments. Thus three-fourths (3/4) of the Parties that accepted the amendment at COP3, need to deposit their instrument of ratification, approval, formal confirmation or acceptance with the Depositary for the amendment to enter into legal force.

82 Parties were present at the Third Conference of Parties (COP3) of the Basel Convention when the ban amendment was accepted by consensus decision. Three-fourths (3/4) of 82 Parties is 61.5, or 62 Parties. Therefore, 62 Parties that were present at COP3 need to deposit their instrument of ratification with the depositary for the ban amendment to enter into force.

Currently 63 Parties have deposited their instrument of ratification of the ban amendment with the depositary. However, of these 63 Parties, 44 of them were present at COP3 when the ban amendment was accepted and adopted. Consequently, 18 additional Parties present at COP3 need to ratify the amendment for its entry into force.

The following 82 Basel Convention Parties accepted the ban amendment at COP3. The second column (right side column) indicates those COP3 Parties that have ratified the ban amendment (March 2008).

<table>
<thead>
<tr>
<th>82 Parties at COP3</th>
<th>44 COP3 Parties have ratified the ban amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Antigua and Barbuda</td>
<td>YES 1.</td>
</tr>
<tr>
<td>2. Argentina</td>
<td></td>
</tr>
<tr>
<td>3. Australia</td>
<td></td>
</tr>
<tr>
<td>4. Austria</td>
<td>YES 1.</td>
</tr>
<tr>
<td>5. Bahamas</td>
<td></td>
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<tr>
<td>6. Bangladesh</td>
<td></td>
</tr>
<tr>
<td>8. Brazil</td>
<td></td>
</tr>
<tr>
<td>9. Canada</td>
<td></td>
</tr>
<tr>
<td>10. Chile</td>
<td></td>
</tr>
<tr>
<td>12. Costa Rica</td>
<td></td>
</tr>
</tbody>
</table>
13. Cote d’Ivoire
14. Croatia
15. Cuba
17. Czech Republic ........................................YES 5.
20. Egypt ..........................................................YES 8.
21. El Salvador
24. Finland .........................................................YES 11.
25. France ........................................................YES 12.
27. Greece
28. Guatemala
30. Iceland
31. India
32. Indonesia ......................................................YES 15.
33. Iran (Islamic Republic of)
34. Ireland
35. Israel
36. Italy
37. Japan
38. Jordan ..........................................................YES 16.
39. Kuwait ........................................................YES 17.
40. Latvia ..........................................................YES 18.
41. Lebanon
42. Liechtenstein ................................................YES 19.
43. Luxembourg ................................................YES 20.
44. Malawi
45. Malaysia ......................................................YES 21.
46. Mauritius ......................................................YES 22.
47. Mexico
48. Namibia
49. Netherlands ................................................YES 23.
50. New Zealand
52. Norway ........................................................YES 25.
54. Pakistan
55. Panama ........................................................YES 27.
56. Peru
57. Philippines
58. Poland ..........................................................YES 28.
62 Parties of the above 82 Parties need to ratify the amendment for entry into force. To date, 44 Parties have done so. Therefore, an additional 18 Parties from the COP3 list need to ratify for the amendment for it to enter into legal force. We urge ALL Parties to ratify the Ban Amendment at the earliest possible date! There can be no further excuse to delay.

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