



ROTTERDAM COP-1 HIGHLIGHTS: MONDAY, 20 SEPTEMBER 2004

The first Conference of the Parties (COP-1) to the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade opened Monday morning, 20 September, in Geneva. Following opening statements, delegates addressed organizational matters and the consideration of chemicals for inclusion in Annex III (Chemicals subject to the PIC Procedure). During the afternoon, delegates convened in a Committee of the Whole (COW) session, and a legal group began deliberations.

OPENING PLENARY

Niek van der Graaff, Joint Executive Secretary for the Secretariat of the Rotterdam Convention (FAO), welcomed delegates to COP-1 and introduced the opening speakers.

Shafqat Kakakhel, UNEP Deputy Executive Director, cited the importance of the Rotterdam Convention as an effort to provide a lasting solution to the problems posed by hazardous chemicals and pesticides. Louise Fresco, FAO Assistant Director-General, stressed the need to move forward into the future of the Rotterdam Convention and continue its progress. Philippe Roch, State Secretary, Director, Swiss Agency for the Environment, Forests, and Landscape, welcomed delegates to Geneva and cited the importance of coordination among international efforts to manage chemicals.

ORGANIZATIONAL MATTERS

ELECTION OF OFFICERS: Delegates elected Philippe Roch (Switzerland) as President of COP-1, and Dessalegn Mesfin (Ethiopia), Yusef Shuraiki (Jordan), Maria Teriosina (Lithuania) and Maria Celina de Azevedo Rodrigues (Brazil) as Bureau representatives.

ADOPTION OF THE AGENDA: Delegates adopted the agenda (UNEP/FAO/RC/COP.1/1), with an amendment deleting a reference to chrysotile asbestos under item 6 (Chemicals included by INC-11).

ORGANIZATION OF WORK: Delegates agreed to create a Committee of the Whole (COW), chaired by de Azevedo Rodrigues, to begin Monday afternoon, with a mandate to prepare a package of decisions for consideration at the ministerial segment to be held on Thursday and Friday.

ADOPTION OF THE RULES OF PROCEDURE FOR THE COP

With reference to the note on adoption of the rules of procedure for the Conference of the Parties (UNEP/FAO/RC/COP.1/2), President Roch noted that rule 45, which deals with the use of two-thirds majority voting in cases of non-consensus on substantive issues, remained unresolved. Advocating the principle of decision-making by consensus, AUSTRALIA, supported by MALAYSIA and JORDAN, objected to text on voting and supported the formation of a legal group to address the question. EGYPT identified inconsistencies in the text and proposed further discussion in a legal group. The EC supported adoption of the rules of procedure as currently drafted, including the two-thirds majority provision. Delegates adopted the draft rules of procedure for COP-1, with the exception of rule 45. Delegates agreed to the creation of an open-ended legal group to address this and other legal issues.

REPORT ON THE ACHIEVEMENTS OF THE INC

Intergovernmental Negotiating Committee (INC) Chair de Azevedo Rodrigues reported on the achievements of the INC (UNEP/FAP/RC/COP.1/3). She highlighted, among others: the setting up of the Interim Chemical Review Committee (ICRC), which reviewed and prepared decision guidance documents (DGDs) for the inclusion of 14 additional chemicals; the preparation of draft rules of procedure; the adoption of draft financial rules for the operation of the Convention, as well as draft procedures for non-compliance, dispute settlement, conciliation and arbitration, which have been submitted for consideration by COP-1. She further stressed the INC's support for a number of implementation issues, including regional workshops and a request to the Secretariat to investigate regional capacity building.

MATTERS STIPULATED BY THE CONVENTION FOR ACTION BY COP-1

PHYSICAL LOCATION OF THE SECRETARIAT: Teriosina chaired discussions on this agenda item. Patrick Szell, Secretariat, introduced a joint proposal by Switzerland, Italy and Germany on the procedure to be followed at COP-1 for selecting the physical location of the Convention Secretariat (UNEP/FAO/RC/COP.1/32). He explained that the proposed procedure consists of a ballot to be held on Friday morning, where only "duly accredited" party representatives could deposit their vote in a sealed box. The decision would be adopted by majority. In case of successive ties, other ballots with the same rules would take place until a decision is reached by majority. The proposal was adopted without amendments.



CONSIDERATION OF CHEMICALS FOR INCLUSION

IN ANNEX III: Bill Murray, Secretariat, introduced the documents on the chemicals to be listed in Annex III by the COP under Article 8 (Chemicals in the voluntary PIC Procedure) (UNEP/FAO/RC/COP.1/5-14). He noted that the 14 chemicals introduced in the voluntary PIC procedure proposed for inclusion are: binapracyl; toxaphene; ethylene dichloride; ethylene oxide; monocrotophos; DNOC and its salts; dustable powder formulations containing specific amounts of benomyl, carbofuran, and thiram; actinolite, anthophyllite, amosite and tremolite asbestos; tetraethyl and tetramethyl lead; and parathion. He stressed the need to make clarifications regarding monocrotophos and parathion, given that certain formulations of these substances were already included in Annex III. The EC supported the addition of the 14 chemicals proposed, and suggested that the COW examine a way to clarify the situation of monocrotophos and parathion to avoid confusion by Parties when preparing their import responses. Parties agreed to add all 14 chemicals to Annex III, with a date of entry into force of 1 February 2005, and referred the matter to the legal group to determine final wording.

COMMITTEE OF THE WHOLE

ADOPTION OF FINANCIAL RULES FOR THE COP AND ANY SUBSIDIARY BODIES AND FINANCIAL PROVISIONS GOVERNING THE FUNCTIONING OF THE SECRETARIAT: On the adoption of financial rules for the COP and its subsidiary bodies, and financial provisions governing the Secretariat, Masa Nagai, Secretariat, introduced the draft financial rules (UNEP/FAO/RC/COP.1/16). Delegates agreed to forward the draft financial rules to the legal group for discussion, with the understanding that they will then be considered by a budget group.

COMPOSITION OF THE PIC REGIONS: Murray introduced the note by the Secretariat on the composition of the PIC regions (UNEP/FAO/RC/COP.1/4). He explained that INC-6 had agreed to base the interim PIC regions on the seven FAO regions, and noted that INC-9 had proposed two options for consideration by COP-1, that the PIC regions be based: either on the geographical distribution of Parties at the time of COP-1; or on the regions used during the interim PIC Procedure, pending consideration of the geographical distribution of Parties at that time.

MOROCCO, with KYRGYZSTAN, DJIBOUTI, SENEGAL, ANGOLA, LIBYA, EGYPT, and INDIA, noted concern over the difference between the seven interim PIC regions and the five UN regions being used for the purpose of Bureau elections, and called for using the UN regions as PIC regions. The EC, supported by CANADA and REPUBLIC OF KOREA, noted that the use of the seven interim PIC regions for notification purposes facilitated the triggering of the review process and supported continued use of these regions. CHILE agreed, but stressed the need to use UN regions in electing the Bureau and selecting members of the Chemical Review Committee (CRC). Murray stressed that the PIC regions were used only for notification purposes, and explained that under Article 5.5 (Procedures for banned or severely restricted chemicals) notification from two PIC regions is necessary to trigger the chemical review process. He further highlighted that if the UN regions had been used as interim PIC regions, several chemicals added to Annex III by COP-1 would not have met the notification requirements for consideration by the ICRC. Delegates agreed to convene an open-ended contact group on the issue, to be chaired by Argentina.

ESTABLISHMENT OF THE CRC: Van der Graaff introduced documents relating to the establishment of the CRC (UNEP/FAO/RC/COP.1/17) and the rules and procedures for preventing and dealing with conflicts of interest relating to the activities of the CRC (UNEP/FAO/RC/COP.1/31). Chair de Azevedo Rodrigues reminded delegates that in addressing composition, the document on the establishment of the CRC does not refer to PIC Regions, but rather to equitable geographical distribution reflecting a balance between developing and developed countries. The GAMBIA proposed that the CRC have 29 members reflecting the size of the ICRC. The RUSSIAN FEDERATION called for flexibility in the number of participants to allow for the incorporation of participants from countries ratifying the Convention after COP-1. Chair de Azevedo Rodrigues responded that COP-1 had been mandated to decide upon a fixed number of CRC participants. Stressing that representation on the CRC will change, Murray suggested that half of the committee be retained at any one rotation to ensure continuity of expertise. AUSTRALIA, NORWAY, EGYPT, MALAYSIA, CANADA and the EC supported the Gambia's proposal of 29 participants. NIGERIA and CHINA said the number of participants should be determined by the requirement to ensure an equitable geographical distribution and a balanced representation of developing and developed countries. CHILE suggested geographical representation on the basis of UN regions and, supported by ARGENTINA and VENEZUELA, proposed having six participants from each of the five UN regions, making a total of 30. UKRAINE, supported by ALGERIA and VENEZUELA, urged that observers be allowed to participate, and Chair de Azevedo Rodrigues highlighted the need to consider the "elasticity" of the CRC budget for funding attendance. The matter will be taken up again by the COW today.

IN THE CORRIDORS

In the afternoon session, there was surprise at some delegates' confusion over the purpose of the "PIC regions." Several delegates stressed that the PIC regions would be used solely for the purpose of making notifications for including new chemicals in Annex III, and are not intended to apply to the composition of Convention bodies such as the CRC. Despite repeated clarifications on this point, the discussion did not come to a conclusion, and will need to be resolved in a contact group.

Considering the degree of confusion, some are optimistic that the current opposition to keeping the interim PIC regions will subside once it becomes clear that they apply only to notifications for PIC chemicals. Further, some delegates predict developed countries are not likely to give up the interim PIC regions, which many view as ensuring efficient expansion of the PIC list by allowing notifications from two industrialized countries in different PIC regions to trigger a review process. Others suggested that the more important question for developing country Parties is not that of notification power, but that of significant participation in the CRC, which represents the "filter" through which chemicals are added to the Convention.

THINGS TO LOOK FOR TODAY

The COW resumes work at 10:00 am. A contact group on composition of the PIC regions will convene at 8:30 am in room 16.