

PIC COP-3 HIGHLIGHTS TUESDAY, 10 OCTOBER 2006

The third Conference of the Parties (COP-3) to the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade met in plenary throughout the day, addressing nomination of experts to the Chemical Review Committee (CRC), inclusion of chrysotile asbestos, financial mechanisms, technical assistance and election of COP-4 officers. The working group on non-compliance met throughout the day, and the budget contact group met in the morning. A Friends of the Chair Group met at lunchtime and continued discussing chrysotile asbestos in the evening.

IMPLEMENTATION OF THE CONVENTION

CRC-2 REPORT: Risk Evaluations under other MEAs: The Secretariat presented UNEP/FAO/RC/COP.3/10. The EU, CANADA, SWITZERLAND, AUSTRALIA and OMAN favored recognizing the report's recommendations on evaluations of chemicals under the Stockholm Convention and Montreal Protocol. The US emphasized the importance of the CRC running an independent analysis in each case. Delegates agreed to the Secretariat's recommendations in the document.

NOMINATION OF GOVERNMENTS TO DESIGNATE EXPERTS TO CRC: The Secretariat introduced UNEP/FAO/RC/COP.3/6, outlining the need for COP-3 to identify governments that will be invited to nominate experts to replace CRC members whose two-year appointments expire in September 2007. Delegates agreed to consider this in regional groups and report to plenary on Thursday morning.

CONFIRMATION OF CRC EXPERTS: The Secretariat introduced UNEP/FAO/RC/COP.3/5. Delegates agreed to the draft decision confirming the appointment of the Democratic Republic of the Congo's expert, Alain Buluku.

CONSIDERATION OF A CHEMICAL TO BE INCLUDED IN THE CONVENTION'S ANNEX III:

Chrysotile asbestos: Delegates continued considering this issue. The Secretariat presented UNEP/FAO/RC/COP.3/11 on the listing of chrysotile asbestos. President Yue asked delegates to consider whether the Convention's legal and procedural requirements had been met on: notification and listing criteria; the preparation and approval of the decision guidance documents (DGDs); and the submission of the DGDs and recommendation to the COP.

The AFRICAN GROUP excluding Zimbabwe, the EU, NEW ZEALAND, AUSTRALIA, SWITZERLAND, NORWAY, CHILE, the DOMINICAN REPUBLIC, ARGENTINA, URUGUAY and OMAN were satisfied that due process had been followed. SUDAN said failing to list chrysotile asbestos would damage the Convention's credibility.

CANADA emphasized the COP was a body for policy decisions and opposed listing at this time. The UKRAINE, KYRGYZSTAN, IRAN, PERU, INDIA and the RUSSIAN

FEDERATION supported Canada, calling for solid scientific evidence on risks. The UKRAINE and IRAN urged deferring listing until sufficient information on asbestos substitutes is available, noting known alternatives are more hazardous. LIBERIA and NORWAY said listing could encourage finding alternatives, and KENYA emphasized listing would provide valuable information on health risks. NEW ZEALAND proposed agreeing to list the chemical, but defer its applicability until concerns had been addressed.

In summarizing, President Yue noted general consensus on due process but highlighted delegates' political objections and concerns about scientific data and substitutes. He proposed, and COP-3 agreed, to establish a Friends of the Chair Group, chaired by Andrea Repetti (Argentina). Stressing implications for the Convention's implementation of not listing a substance that has met all the criteria, he mandated the Group to address these implications but, urged by the EU, CHILE and NEW ZEALAND, stressed it should first try to reach consensus.

ISSUES FROM PREVIOUS COPS

FINANCIAL MECHANISMS: The Secretariat introduced the study on possible lasting and sustainable financial mechanisms (UNEP/FAO/RC/COP.3/13) to enable developing countries to implement the Convention. SWITZERLAND favored expanding the Global Environment Facility (GEF) POPs focal area and using the SAICM. The EU opposed establishing a financial mechanism under the Convention and, with JAPAN, noted the need to find ways to link the Convention, and improve access, to existing financial instruments. NEW ZEALAND favored using the Montreal Protocol's Multilateral Fund, and suggested developing countries include chemicals issues in their national implementation plans. The AFRICAN GROUP welcomed any financial mechanism that would allow further capacity building and technical assistance. MEXICO, VENEZUELA and ECUADOR highlighted the importance of ensuring availability of resources to fulfill developing countries' commitments.

NORWAY underscored the need for the Secretariat's further assistance in identifying resources for technical assistance, supported further use of the Convention's voluntary fund and GEF POPs focal area, and suggested exploring bilateral assistance. The US noted the lack of information on how much funding will be available under the SAICM Quick Start Programme (QSP). CHINA underscored the difficulties in fulfilling the strict financial rules and limited areas of GEF POPs, and advocated increased contributions to the Convention's voluntary fund. A contact group was established to further discuss the issue.

NATIONAL AND REGIONAL DELIVERY OF TECHNICAL ASSISTANCE: The Secretariat introduced UNEP/FAO/RC/COP.3/14, highlighting the contribution of regional and national delivery of technical assistance to the implementation of the Convention. SWITZERLAND announced financial support for a further two countries under the UNITAR

pilot project on developing national plans. Many developing countries and those with economies in transition commended donor countries' contributions, notably that of Switzerland. ECUADOR and JORDAN reported on benefits derived from participating in the UNITAR pilot project. Several delegates stressed collaboration and cooperation, with BURKINA FASO and TOGO emphasizing the economies of scale created by synergies. TANZANIA and GHANA called for increased support to address poor performance in implementation. Responding to a question from the US, the Secretariat said expansion or formalization of UNEP/FAO regional office assistance is not currently planned and the BASEL CONVENTION urged utilizing regional offices throughout PIC regions. COP-3 took note of the report.

The Secretariat introduced the document on technical assistance (UNEP/FAO/RC/COP.3/15). Several developing country delegates including CHAD, BRAZIL, NIGERIA, CHILE, SUDAN and SENEGAL expressed concerns about the pace and/or inclusiveness of the recommended approach. The Secretariat clarified that the approach sought to strengthen and accelerate Convention implementation, by identifying common areas requiring assistance. The WORLD HEALTH ORGANIZATION highlighted the advantages of the proposed programme working through the International Programme on Chemical Safety poisons centers. While not yet endorsing the programmes, the EU announced a range of funding contributions by its members, which was welcomed by developing country delegates. Delegates will continue discussions on Wednesday.

WORKING GROUPS

NON-COMPLIANCE: On a decision-making process, Chair Langlois proposed a two-thirds majority vote if consensus can not be reached, noting that the interests of those supporting consensus are protected by the COP's Rules of Procedure. AUSTRALIA noted the COP's decision-making process had not yet been agreed on and, supported by JAPAN, PAKISTAN, CHINA, JORDAN, the US and INDIA, supported taking decisions only by consensus. The EU, NORWAY, CHILE, ETHIOPIA, NIGERIA, SWITZERLAND, SOUTH AFRICA and JAMAICA supported the Chair's proposal. AUSTRALIA said the COP was not obligated to reach a decision on non-compliance by the end of the week. Noting Article 17 (Non-compliance) stated a decision be made as soon as practicable, CANADA, supported by ETHIOPIA and MALAYSIA, suggested a footnote reflecting that consensus should be reached on suspension of rights and privileges. ARGENTINA, BRAZIL, OMAN and VENEZUELA said the nature of the mechanism must be clear. JAPAN and SWITZERLAND proposed, and delegates agreed, to address possible non-compliance measures before further discussions on a decision-making process.

On measures, the group did not make progress on the bracketed measure recommending a non-compliant party to take steps to remedy the non-compliant situation, such as re-import/re-export of the chemical or safe disposal at the expense of the non-compliant party.

CHINA and AUSTRALIA opposed the measure in its entirety, while many opposed specifying measures. JAPAN and JAMAICA disagreed on parties' responsibilities to remedy a non-compliant situation, while ETHIOPIA opposed Canada's proposal to combine paragraphs on the COP providing advice regarding "present and future" compliance. The group rejected Chair Langlois' proposal to delete references to specific measures and remove brackets around the first part on recommending steps to address the situation, agreeing instead to divide the paragraph into two sets of bracketed text.

Regarding measures on issuing a statement of concern and issuing a caution, Chair Langlois proposed language merging the ideas by following the Basel Convention's model of issuing a cautionary statement. ETHIOPIA, MEXICO, the EU and NORWAY supported the Chair's proposal. AUSTRALIA said issuing a caution was more punitive and, with INDIA, CHINA, CHILE and ARGENTINA, opposed the Chair's proposal.

JAPAN proposed language on issuing a cautionary statement regarding future compliance to assist parties' implementation of the Convention, and deleting text on a statement of determination

and declaration of non-compliance, which SWITZERLAND and NORWAY opposed. Chair Langlois asked that a drafting group discuss Japan's proposal as alternative text. In the afternoon, JAPAN presented the drafting group's resulting text, noting its proposal to issue a statement of concern on a party's non-compliance and then advise it on achieving compliance. He said the group also agreed to delete references to suspension of parties' rights and privileges, while the EU urged their retention. Highlighting the Emergency Fund on Non-compliance under the Basel Convention, JAMAICA noted the proposed mechanism lacks financial resources to be effective.

AUSTRALIA, CHINA and BRAZIL requested deleting references to a statement on the determination of non-compliance and providing advice to a non-compliant party on how to take steps to remedy the non-compliant situation. The EU proposed replacing the reference to suspension of parties' rights and privileges to ineligibility of a non-complaint party to serve as COP President or a member of the Bureau. No agreement was reached, and the drafting group, coordinated by Japan and South Africa, reconvened in the evening.

Regarding transparency, Chair Langlois proposed that meetings be closed, unless the committee and the party whose compliance is in question agree otherwise. Maintaining this proposal's essence, TANZANIA, supported by INDIA, CANADA, VENEZUELA, AUSTRALIA, CHINA, JORDAN, ARGENTINA and JAPAN proposed language on closing meetings to the public unless the committee and party decide otherwise. CANADA underscored funding implications for open meetings.

The EU, supported by NORWAY, JAMAICA, ETHIOPIA, CHILE and MALI, proposed meetings be open to the public unless the committee decides otherwise or the party whose compliance is in question requests a closed meeting. Supporting open meetings, SOUTH AFRICA said the party, not the committee, should decide whether the meeting should be open or closed. ETHIOPIA asked that "public" be clearly defined. The US said closed compliance meetings were the norm and that they encouraged more candid debate. JAMAICA and ETHIOPIA noted knowledge generation and experience sharing resulted from open meetings. TANZANIA suggested requesting information and comments from the public ahead of sessions. BRAZIL said closed meetings favored openness of the party in question. Chair Langlois said closed compliance meetings were more common and conducive to openness between parties. The EU said the Biosafety and Kyoto Protocols had adopted more open approaches for their compliance committees.

BUDGET: The Secretariat introduced the revised document on the 2007-2008 budget, including the addition of language on options to either maintain the level of the working capital reserve at 15% of the average operational budget (scenario one) or to decrease it to 8.3% (scenario two). Parties' contributions were reassessed to reflect the two scenarios. Participants discussed the draft budget line-by-line, particularly COP-4 costs and expenditures with consultants and translators. The group will continue discussions on Thursday.

IN THE CORRIDORS

On the second day of COP-3, the looming challenge of finding financial arrangements to assist developing countries and countries with economies in transition to implement the Convention prompted some delegates to recall deep disappointment during COP-2 on this issue. COP-2 grasped the size of the problem, but was unable to solve it. One delegate said he would be happy with any arrangement, either tailor-made or borrowed from other processes, such as GEF POPs focal area, Montreal Protocol's Multilateral Fund or SAICM Quick-Start Programme. The only issue this delegate was fussy about was the arrangement's ability to promote sound chemicals management. His wish may come true since a couple of donors were heard expressing their readiness to commit further funding in plenary.

Rumors are also circulating that a solution may emerge from the Friends of the Chair Group on chrysotile asbestos through agreement on a voluntary procedure encouraging parties to list the chemical under national legislation.