

FOURTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE ROTTERDAM CONVENTION: 27-31 OCTOBER 2008

The fourth meeting of the Conference of the Parties (COP-4) of the Rotterdam Convention on the Prior Informed Consent Procedure (PIC) for Certain Hazardous Chemicals and Pesticides in International Trade opens today at the headquarters of the UN Food and Agriculture Organization (FAO) in Rome, Italy.

COP-4 will address those issues which eluded consensus during the last meeting of the Conference of the Parties, namely, mechanisms and procedures for non-compliance and the inclusion of chrysotile asbestos in Annex III of the Convention, as well as ways to ensure the continued effectiveness of the Convention. The meeting will also consider, *inter alia*: a programme of work and budget for the biennium 2009-10; the inclusion of tributyltin compounds and endosulfan in Annex III of the Convention; and the recommendations of the *Ad Hoc* Joint Working Group on Enhancing Cooperation and Coordination among the Basel, Rotterdam and Stockholm conventions (AHJWG). A high-level segment is scheduled for 30–31 October, where Ministers and heads of delegation will hold panel discussions on the theme: “Sound chemicals management: relieving the burden on public health,” and consider how to support the Rotterdam Convention’s programme of work.

A BRIEF HISTORY OF THE ROTTERDAM CONVENTION

Growth in internationally-traded chemicals during the 1960s and 1970s prompted efforts by the international community to safeguard people and the environment from the harmful effects of such chemicals. These efforts resulted in the adoption of the International Code of Conduct for the Distribution and Use of Pesticides by the UN Food and Agriculture Organization (FAO) and the London Guidelines for the Exchange of Information on Chemicals in International Trade by the United Nations Environment Programme (UNEP). Both the Code of Conduct and the London Guidelines include procedures aimed at making information about hazardous chemicals readily available, thereby permitting countries to assess the risks associated with their use. In 1989, both instruments were amended to include a voluntary PIC procedure, managed jointly by FAO and UNEP, to help countries make informed decisions on the import of banned or severely restricted chemicals.

At the UN Conference on Environment and Development held in Rio de Janeiro in 1992, delegates adopted Agenda 21, which includes an international strategy for action on chemical safety (Chapter 19), and called on states to achieve full participation in, and implementation of, the PIC procedure by 2000, with the possible adoption of a legally-binding PIC Convention.

In November 1994, the 107th meeting of the FAO Council agreed that the FAO Secretariat should proceed with the preparation of a draft PIC Convention as part of the joint FAO/UNEP programme. In May 1995, the 18th session of the UNEP Governing Council adopted Decision 18/12, authorizing the Executive Director to convene, with FAO, an intergovernmental negotiating committee (INC) with a mandate to prepare an international legally-binding instrument for the application of the PIC procedure. The INC held five sessions between March 1996 and March 1998, during which a draft of the PIC Convention was produced, revised, and ultimately agreed upon, as well as a draft resolution on interim arrangements.

CONFERENCE OF PLENIPOTENTIARIES: The Conference of Plenipotentiaries of the PIC Convention was held from 10-11 September 1998, in Rotterdam, the Netherlands. Ministers and senior officials from approximately 100 countries adopted the Rotterdam Convention, the Final Act of the Conference, and a Resolution on Interim Arrangements.

In line with the new procedures contained in the Convention, the Conference adopted numerous interim arrangements for the continued implementation of the voluntary PIC procedure and invited UNEP and FAO to convene further INCs during the period prior to the Convention’s entry into force and to oversee the operation of the interim PIC procedure.

INC 6-11: In the period prior to the Convention’s entry into force, six meetings of the Intergovernmental Negotiating Committee were held. These agreed to draft decisions on the definition and provisional adoption of PIC regions, the establishment of an Interim Chemical Review Committee (ICRC), and the adoption of draft decision guidance documents (DGDs) for chemicals already identified for inclusion in the PIC procedure. They also prepared draft decisions for the first Conference of the Parties, including on financial arrangements and dispute settlement procedures. Chemicals added to the interim PIC procedure during these sessions include ethylene dichloride and ethylene oxide, monocrotophos, four forms of

asbestos, dinitro-ortho-cresol (DNOC), and dustable powder formulations of benomyl, carbofuran, thiram, tetraethyl lead, tetramethyl lead, and parathion. The inclusion of a fifth form of asbestos, chrysotile, has been discussed since INC-10 and not agreed to date.

COP-1: The first COP to the Rotterdam Convention, held in Geneva from 20-24 September 2004, adopted all the decisions required to make the legally-binding PIC procedure operational. Delegates addressed procedural issues and other decisions associated with the entry into force of the Convention, such as the: composition of the PIC regions; inclusion of chemicals in Annex III recommended during the interim period; adoption of financial rules and provisions for the COP, the subsidiary bodies, and the Secretariat; establishment of the Chemical Review Committee (CRC); cooperation with the World Trade Organization (WTO); settlement of disputes; and the location of the Secretariat.

COP-2: The second COP to the Rotterdam Convention met from 27-30 September 2005 in Rome, Italy. Delegates discussed and adopted decisions on: the programme of work and the budget for 2006; operational procedures of the CRC; the finalization of the arrangements between UNEP and FAO for the provision of the Secretariat to the Rotterdam Convention; pilot projects on the delivery of regional technical assistance; and cooperation and synergies between the Basel, Rotterdam and Stockholm conventions. Delegates agreed to forward a bracketed text on a compliance mechanism to COP-3 and to task the Secretariat with a study on financial mechanisms.

COP-3: The third COP to the Rotterdam Convention met from 9-13 October 2006 in Geneva, Switzerland. COP-3 considered several reports on activities within the Convention's mandate and adopted 16 decisions on, *inter alia*: the programme of work; implementation of the Convention; financial mechanisms; and cooperation and coordination among the Basel, Rotterdam and Stockholm conventions. Delegates did not reach agreement on the mechanisms and procedures for non-compliance and deferred the decision on including chrysotile asbestos in Annex III (Chemicals subject to the PIC procedure) to COP-4.

INTERSESSIONAL HIGHLIGHTS

CRC 3-4: The Third Chemical Review Committee (CRC 3) of the Rotterdam Convention held from 20-23 March 2007 in Rome, Italy recommended the inclusion of two pesticides – endosulfan and tributyl tin compounds – in the Convention's PIC procedure. CRC 4 took place in Geneva, Switzerland, from 10-13 March 2008, and recommended the preparation of decision guidance documents for the inclusion of two additional pesticides to the PIC procedure: alachlor, a herbicide; and aldicarb, an insecticide.

AD HOC JOINT WORKING GROUP: The AHJWG held three meetings to prepare recommendations on enhanced cooperation and coordination among the three conventions. The Working Group adopted a recommendation at its third meeting (25-28 March 2008, Rome, Italy), which has been submitted to PIC COP 4. The working group proposed, *inter alia*: the establishment of joint services; to convene a joint extraordinary conference of the parties (Ex-COP) of the three conventions; and greater organizational and programmatic coordination at the national, regional and global levels. The Ex-COP is proposed to be held in conjunction with the next special session of the UN Environment Programme Global Ministerial Environment Forum

(GMEF) in February 2010. The aim of the meeting would be to operationalize the joint recommendations and to synchronize the three conventions' budgets. Before the Ex-COP is confirmed, the Group's recommendations must be agreed by all three COPs. The Basel Convention adopted the recommendations at its COP in June 2008 and the Stockholm Convention will consider it in May 2009.

BASEL COP 9: The ninth meeting of the Conference of the Parties (COP 9) to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was held from 23-27 June 2008, in Bali, Indonesia. The meeting adopted the recommendations of the AHJWG with minor amendments to reflect concerns over the resolution of managerial issues and the commitment of all parties to the Basel Convention.

IFCS VI: The sixth session of the Intergovernmental Forum on Chemical Safety (IFCS VI) took place from 15-19 September 2008 in Dakar, Senegal. The main agenda item for the meeting was the future of the IFCS. Discussions were based on options identified by intersessional Working Group created by IFCS V in light of agreement on the Strategic Approach to International Chemicals Management (SAICM) in 2006. Delegates agreed to invite the International Conference on Chemicals Management (ICCM) to integrate the Forum into the ICCM as an advisory body. They also reached consensus on the functions and key elements for operation of the Forum, and decided that its role is to provide an open, transparent and inclusive forum for considering new and emerging issues related to sound chemicals management. IFCS VI also addressed nanotechnology and manufactured nanomaterials, as well as the international transport of lead and cadmium via trade, but was unable to reach consensus on the latter.

SECOND MEETING OF THE UNEP AD HOC OPEN-ENDED WORKING GROUP (OEWG) TO REVIEW AND ASSESS MEASURES TO ADDRESS THE GLOBAL ISSUE OF MERCURY: The OEWG convened from 6-10 October 2008 in Nairobi, Kenya. The OEWG discussed a future mercury framework. Delegates agreed on a text to be used as a basis for UNEP Governing Council (GC) discussions that contains the elements of a comprehensive mercury framework, and narrowed down the list of implementation instruments, one legally-binding and three voluntary options, for the consideration of the GC in February 2009.

THE FIRST MEETING OF THE OPEN-ENDED LEGAL AND TECHNICAL WORKING GROUP OF THE ICCM AND INFORMAL DISCUSSIONS ON PREPARATIONS FOR ICCM-2: The first meeting of the Open-ended Legal and Technical Working Group (OELTWG) of ICCM and informal discussions on preparations for the second meeting of the ICCM (ICCM-2), was held from 21-24 October 2008 in Rome, Italy.

The OELTWG discussed the rules of procedure for the ICCM, using rules of procedure for the SAICM preparatory committee as a guide. Although some progress was made on the composition of the Bureau, delegates were unable to reach agreement on the entire text, and negotiations will continue at ICCM-2 in May 2009. The informal discussions on issues to be considered at ICCM-2 include: emerging policy issues; modalities for SAICM reporting; financial and technical resources for SAICM implementation, including evaluating the performance of financing of SAICM; review and update of SAICM; and the relationship of the IFCS to SAICM.