

## ROTTERDAM PIC COP 4 HIGHLIGHTS: MONDAY, 27 OCTOBER 2008

The fourth meeting of the Conference of the Parties (COP 4) of the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade convened on Monday at the Food and Agriculture Organization of the United Nations (FAO) headquarters in Rome, Italy. Delegates heard opening statements by representatives of the FAO and the United Nations Environment Programme (UNEP), and addressed agenda items on: organizational matters; national and regional delivery of technical assistance; report of Secretariat activities; the work programme and budget; non-compliance; and status of implementation. A contact group on implementation and ensuring the continued effectiveness of the Convention met in the evening.

### PLENARY

Bakary Kante, UNEP, speaking on behalf of Achim Steiner, UNEP Executive Director, welcomed participants and called for the COP to send a strong signal that governments are ready to work together. He said the Convention is not about banning chemicals, but rather informed chemicals management. He urged three *focii* for COP 4: unity, compliance and strategic partnership. He characterized compliance as the big challenge and said a compliance mechanism for the Convention is long overdue. He called for greater synergy between the Basel, Stockholm and Rotterdam conventions to enhance effectiveness.

Modibo Tiémoko Traoré, FAO, speaking on behalf of Jacques Diouf, FAO Director-General, said increasing food production entails boosting intensive agricultural methods and possibly using more pesticides, underscoring the Convention's relevance. He stressed the focus of the Convention is not on banning chemicals and needs to be constantly updated to meet and its objective of shared responsibility and informed decision making.

Peter Kenmore, Co-Executive Secretary of the Rotterdam Convention (FAO), also emphasized information sharing as central to the Convention, and said that the 10th anniversary of the Convention's adoption is a good time to reflect on lessons learned. He further highlighted the large number of participants at COP 4. After welcoming delegates, COP 4 Chair Andrea Repetti (Argentina) stressed that the Convention has been recognized as a first line of defence because it enables countries to access relevant information and make informed decisions.

Chair Repetti introduced, and COP 4 adopted, the agenda for the meeting (UNEP/FAO/RC/COP.4/1 and Add.1) and the scenario note (UNEP/FAO/RC/COP.4/2). On rules of procedure (UNEP/FAO/RC/COP.4/3) El Salvador, on behalf of GRULAC, stressed that brackets pertaining to voting rules in paragraph 1 of rule 45 should remain. Chair Repetti suggested, and delegates agreed, to not take a formal decision on the matter noting that decisions on substantive matters will continue to be taken by consensus.

**NATIONAL AND REGIONAL DELIVERY OF TECHNICAL ASSISTANCE:** Regarding agenda item six on issues arising out of previous COP meetings, the Secretariat introduced a report on the regional and national delivery of technical assistance (UNEP/FAO/RC/COP.4/16) and a list of regional, subregional and national meetings undertaken in support of the ratification and implementation of the Rotterdam Convention (UNEP/FAO/RC/COP.4/INF/7).

GRULAC and other countries, including OMAN, GHANA, ARMENIA, NIGERIA, CHINA, SUDAN, THAILAND, PAKISTAN, TANZANIA, KENYA, COTE D'IVOIRE, BENIN, GUINEA, GABON, SOUTH AFRICA and MALI highlighted national and regional experiences, noting the importance of continuing and strengthening work on technical assistance. BURKINA FASO requested that the Secretariat focus support in 2009 on regional coordination activities. MONGOLIA called for broader geographical distribution of technical assistance programmes. MALAYSIA urged the Secretariat to continue to tailor programmes to local needs and priorities.

BRAZIL drew attention to a side event on implementing the export provisions of the Convention as an opportunity to share experiences, while UNITAR highlighted its side event to be held on Tuesday on development of guidance for national plans. SWITZERLAND reported on its technical support programmes in several countries in Africa and Asia in collaboration with UNITAR. The Secretariat introduced a costed programme for the regional and national delivery of technical assistance activities in the 2009-2010 biennium (UNEP/FAO/RC/COP.4/17) and delegates decided to revisit this issue on Tuesday.

**REPORT ON ACTIVITIES OF THE SECRETARIAT:** In the afternoon the Secretariat presented, and delegates took note of, the reports on Secretariat activities and finances (UNEP/FAO/RC/COP.4/21 and 22, and INF/13). The Secretariat noted a cut in technical services due to insufficient contributed funds.

**BUDGET AND PROGRAMME OF WORK:** Donald Cooper, Co-Executive Secretary of the Rotterdam Convention (UNEP), introduced the agenda item on the proposed programme of work and budget (UNEP/FAO/RC/COP.4/23 and Add.1), proposing a triennial (instead of biennial) budget for 2009-11 with increased resources (UNEP/FAO/RC/COP.4/CRP.2). A contact group on budget, chaired by Osita Anaedu (Nigeria) and Paul Garnier (Switzerland), was established.

ARGENTINA announced the imminent payment of all its arrears to the Convention and noted new staff positions should promote synergies among the three conventions. SWITZERLAND highlighted the importance of linking the programme of work to the budget, and ensuring new staff positions are in line with the synergies package already accepted at the Basel Convention COP 9.

France, on behalf of the EUROPEAN UNION (EU), supported by SWITZERLAND and CHILE, welcomed the triennial budget to synchronize budget cycles among the three conventions, and the new budget format presentation in line with the Basel Convention, noting they provide good examples of synergies. The EU, however, cautioned that the options presented by the Secretariat, taking into account recent changes in exchange rates, would entail a 40% increase in countries' assessed contributions, which would be unacceptable.

INDONESIA drew attention to the *Ad Hoc* Joint Working Group on Enhanced Coordination and Cooperation between the Basel, Stockholm and Rotterdam Conventions recommendations, accepted by the Basel Convention. CHINA noted the contact group on budget should consider the implications of holding a COP in three years. The budget contact group will meet on Tuesday at 4:30 pm.

**NON-COMPLIANCE:** The Secretariat introduced a document on non-compliance: procedures and institutional mechanisms for determining non-compliance with the provisions of the Convention and for the treatment of Parties found to be in non-compliance (UNEP/FAO/RC/COP.4/14). A contact group was established, chaired by Denis Langlois (Canada), that will meet on Tuesday morning. CHINA, IRAN and CUBA stressed the mechanism should be based on assistance and encouragement, not sanctions. GRULAC said it should be a facilitative mechanism and not punish those with insufficient capacity to implement the Convention. SWITZERLAND, NORWAY and CHILE proposed the Secretariat can also trigger such a supportive mechanism. The EU said it should be efficient, effective, balanced and transparent.

**IMPLEMENTATION OF THE CONVENTION: Status of implementation:** The Secretariat presented several reports on the status of implementation (UNEP/FAO/RC/COP.4/4; INF/2; INF/3 and INF/8), a review of the implementation of the Convention's key obligations (UNEP/FAO/RC/COP.4/11), opportunities for information exchange on chemicals recommended for listing (UNEP/FAO/RC/COP.4/12), and ensuring the Convention's continued effectiveness (UNEP/FAO/RC/COP.4/13).

OMAN thanked the EU for submitting notifications on exports and requested all parties do so. The EUROPEAN COMMISSION (EC) noted that opportunities for information exchange have not been fully exploited and supported the proposal for a new mechanism for information exchange on chemicals recommended for listing but for which consensus in the COP has not been reached.

SWITZERLAND introduced a submission on the continued effectiveness of the Convention (UNEP/FAO/RC/COP.4/CRP.4). In addition to the two options proposed by the Secretariat, the submission puts forward four additional options to address

chemicals that meet the Convention's criteria but on which the COP fails to reach consensus about listing in Annex III. The first three additional options proposed by SWITZERLAND would list the chemicals in Annex III but provide for certain flexibilities. A first envisages the adoption of a new annex to the Convention which lists countries that want to opt out of the PIC procedure for certain chemicals. A second also envisages an opt-out list of countries, but as a standalone decision rather than a new annex. A third proposes that the decision on listing the chemicals use Article 22.5 (c) of the Convention to specify the date of entry into force is delayed for certain countries. A final alternative proposed by Switzerland envisages a standalone decision with a list of chemicals on which the COP cannot reach consensus, which requests the Secretariat to circulate to parties the draft decision guidance documents (DGDs), invites them to submit import decisions, and calls on parties to apply the PIC procedure on an interim basis.

GRULAC opposed creating a new annex to the Convention. PERU asked the Secretariat to strengthen capacity for regional information exchange. ARGENTINA, supported by CANADA, stated that introducing voting for Annex III would create a dual system that could weaken the Convention, but expressed interest in further deliberations on Switzerland's proposal. ARGENTINA further proposed adopting a resolution whereby the Secretariat could promote information exchange by emailing new product information to designated national authorities including regulatory measures taken. JAPAN emphasized that the Convention drafters intended Annex III listing to be determined by consensus. The EC encouraged parties to utilize existing DGDs to improve national notification processes and requested that the Secretariat set up a priority list of chemicals for notification. Chair Repetti informed delegates that the contact group on implementation, co-chaired by Kateřina Šebková (Czech Republic) and Siti Ibrahim (Malaysia), would commence discussions in the evening.

#### **IMPLEMENTATION CONTACT GROUP**

The contact group on implementation met on Monday evening and discussed options for improving the effectiveness of the Convention. Most participants expressed their preference for not amending the Convention and maintaining the rule of consensus for adding chemicals to Annex III. There was interest in a suggestion by ARGENTINA to amend the final option proposed by SWITZERLAND. The group agreed to ponder the new proposals overnight and discuss them in greater detail at the next group meeting on Tuesday at 3 pm.

#### **IN THE CORRIDORS**

As delegates converged in Rome for PIC COP 4, ten years after the Rotterdam Convention's adoption and nearly five years since its entry into force, expectations diverged. Some hope this COP may resolve outstanding issues and "return some luster to the Convention" while others worry "it will be another trying week" (in reference to last week's SAICM meeting). With the Convention's future on many delegates' minds, budgetary matters are likely to take center stage, and some opine it is time for the COP to take tough decisions on the inclusion of new chemicals in Annex III. With a record number of NGOs and industry groups present at the meeting, lively discussions are expected. While an NGO delegate mused that it would be disappointing if chrysotile asbestos does not go through again this time, an industry observer wondered if "this year's dance will be any different from that of prior years." The generally positive tone of Monday's substantive discussions, however, led to cautious optimism on the possibility of resolving deadlocked negotiations at this COP.