

ROTTERDAM PIC COP 4 HIGHLIGHTS: THURSDAY, 30 OCTOBER 2008

The High-level segment of 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 started on Thursday, with statements by ministers and high-level authorities. Closed ministerial panel discussions were held on the theme: "Sound chemicals management: relieving the burden on public health." Plenary met in the evening and adopted decisions on technical assistance and cooperation with the World Trade Organization (WTO). Contact groups on compliance, budget and implementation met throughout the day and evening.

HIGH LEVEL SEGMENT

Chair Repetti and Donald Cooper, Co-Executive Secretary of the Rotterdam Convention, welcomed delegates to the High-level segment, drawing attention to its theme: "Sound chemicals management: relieving the burden on public health" and to the 10th anniversary of the Convention.

James Butler, FAO Deputy Director-General, noted the impacts of the food crisis and climate change on the use of chemicals, and Achim Steiner, UNEP Executive Director, underscored the importance of enhancing synergies among the different mechanisms available to further the sound management of chemicals. Maria Neira, World Health Organization Director of Public Health and Environment, said asbestos kills 90,000 people each year, stressed the Convention can only support public health if chemicals are included in Annex III, and emphasized protecting human health must come before trade.

Ministers and high-level representatives reflected on the listing of chemicals in Annex III. Paolo Ducci, Italy, called for Annex III listing of chrysotile asbestos and endosulfan, and greater private-public sector cooperation on chemicals management. Djona Achenemou, Chad, said chemicals management requires both regulation and adequate information, and supported listing chrysotile asbestos, endosulfan and TBT in Annex III.

Laurent Stefanini, France, on behalf of the EU: declared an effective Convention compliance mechanism is crucial; supported increased synergies between the Basel, Rotterdam and Stockholm Conventions; and urged listing all substances recommended by the Chemical Review Committee in Annex III.

Karel Blaha, Czech Republic, reminded delegates that COP 3 had missed the opportunity to list chrysotile asbestos and asked those still opposed to reconsider. He underscored the importance of the Strategic Approach to International Chemicals Management (SAICM) and synergies between the three conventions. Reiner Arndt, Germany, also expressed concern

about the failure to include new chemicals in PIC, and called on those blocking the inclusion of chemicals to reassess their position.

R.H. Khwaja, India, emphasized strategies for global chemicals management must respect nations' sovereign right to use chemicals for the national good, taking into account both socioeconomic and environmental concerns. Masayoshi Mizuno, Japan, pointed out that the sovereign right of each government to ban or severely restrict chemicals does not depend on them being listed in Annex III, and announced the contribution of US\$400,000 to the Voluntary Trust Fund.

Ladislav Miko, European Commission, urged delegates to make progress on endosulfan and chrysotile asbestos at this COP, and asked those opposed not to block voluntary approaches. Supat Wangwongwatana, Thailand, urged parties to adopt CRC recommendations, voicing support for the listing of chrysotile asbestos, endosulfan and TBT, and for synergies between the three conventions.

Other ministers and high-level officials highlighted the role of technical assistance in the Convention, with Aram Harutyunyan, Armenia, stressing the role of regional seminars. Kwadwo Adjei-Darko, Ghana, highlighted the need for a harmonized pesticide registration system. Elhady Papa Koly Kourouma, Guinea, called for capacity building for the lifecycle management of chemicals. Tiatia Faumuina Liuga, Samoa, stressed the sustainable management of chemicals is of great concern to Small Island Developing States.

Rodrigo Mena, Ecuador, promoted a multisectoral approach to sound chemicals management, and noted international conventions need to be implemented at the local level. Xu Qing Mua, China, noted that because of its lack of technical capacity, China wants "a progressive strategy" on including new chemicals in the Convention.

Regarding health aspects, Maznah Mazlan, Malaysia, expressed concern about the appearance of hazardous chemicals in food and toys and urged countries to promote the safe use of chemicals. Ferenc Falus, Hungary, said economic interests should not be placed above health and environmental concerns. Basheir Taha Nasar Elz Ubair, Sudan, said exchanging information about chemicals is the first line of defence to protect human health and the environment, while Carlos De Freitas, Venezuela, emphasized developing countries are the most vulnerable to the adverse effects of chemicals and urged delegates to establish a compliance mechanism. Luis Llano Imas, Paraguay, called for the application of the precautionary principle and for weighing the potential risks and benefits of chemicals use.

On trade aspects, Bruno Oberle, Switzerland, said the Convention is about the credibility of the chemical industry and whether countries treat each other as good neighbors. Ganesh Shah, Nepal, noted the spread of chemical substances through commodity value chains is an inevitable consequence of globalization. Raúl Ángel Vidable, Argentina, said chemical manufacturers and importers must work with state administrations under the principle of shared responsibility. Nolwazi Cobbinah, South Africa, noted trade implications for chemicals listed in the Convention and added the non-compliance mechanism should not "be more a stick than a carrot."

On their national experiences with implementation, Sliviu Stoica, Romania, said implementation of the Convention was facilitated by transposing EU legislation. Mohamed Ould Ahmed Salem, Mauritania, said his country had adopted SAICM as its planning framework. J. Antonio Marcondes de Carvalho, Brazil, described measures taken nationally to ensure sound chemicals management, noting Brazil is the second largest consumer of pesticides worldwide and a significant consumer of industrial chemicals.

Jorge Chen, Mexico, underscored the importance of coordinating instruments for chemicals management, creating the basis for integrated public policies. Deo Mtasiwa, Tanzania, said his country has a five-year Convention implementation plan requiring substantial financial assistance. Jamil Ahmad, Pakistan, supported cooperative efforts and shared responsibility among parties to protect against the negative impacts of chemicals.

Several NGO representatives addressed the meeting with the ROTTERDAM CONVENTION ALLIANCE emphasizing the Convention is about protecting health and the environment, not trade. She urged countries "blocking majority will" to reconsider their position on chrysotile asbestos and endosulfan.

PLENARY

IMPLEMENTATION OF THE CONVENTION: Plenary reconvened in the evening and the Secretariat introduced a draft decision on progress in the Convention's implementation (UNEP/FAO/RC/COP.4/CRP.11). Delegates deleted a reference to "political concerns" in a paragraph inviting parties to consider which obstacles are preventing them from submitting proposals to list severely hazardous pesticide formulations in Annex III, and adopted the decision with other minor amendments.

TECHNICAL ASSISTANCE: The Secretariat presented a draft decision (UNEP/FAO/RC/COP.4/CRP.16), which was subject to minor amendments, and a revised version will be presented for consideration on Friday.

COOPERATION WITH THE WTO: The Secretariat presented, and Plenary adopted, a decision on cooperation with the WTO (UNEP/FAO/RC/COP.4/CRP.14).

FINANCIAL MECHANISM: MEXICO asked for clarification on possible collaboration between the Rotterdam Convention and the Montreal Protocol. Maria Nolan (Multilateral Fund Secretariat) outlined the exchange of correspondence that has taken place. MEXICO noted there was no decision on this point and Chair Repetti clarified the Secretariat would provide guidance on Friday.

CONTACT GROUP REPORTS: Non-compliance contact group Chair Langlois reported on the group's work and outstanding issues. The EU and SWITZERLAND suggested continuing discussions in the contact group's night session, opposed by ARGENTINA and EL SALVADOR who preferred adjourning. The contact group will resume work on Friday.

Chair Repetti adjourned plenary at 9:30pm.

COMPLIANCE CONTACT GROUP

Participants met throughout the day to debate possible measures to address non-compliance cases. Chair Langlois presented a "package proposal" on all outstanding items. Pursuant to informal consultations, delegates identified outstanding disagreements on: decision-making procedures

(consensus vs. voting); allowing the Secretariat to trigger the compliance mechanism (whether to restrict it to specific obligations by parties, or to information received from parties only, or delete it altogether); measures to address non-compliance (whether the compliance committee may recommend measures to the COP); and the handling of information (whether the committee may receive information from any - or restricted - sources, and whether it would need the consent of the party concerned).

CHINA, IRAN, SOUTH AFRICA, ARGENTINA, NIGERIA and BRAZIL supported a facilitative and more restricted approach to a compliance mechanism, while the EU, SWITZERLAND and NORWAY pressed for a more comprehensive mechanism.

BUDGET CONTACT GROUP

The budget contact group met throughout the day and addressed a revised statement of the Secretariat's income and expenditures, and changes in reserve and fund balance for the years 2005-2008. Following a lack of agreement on staff sharing among the conventions, it was suggested to defer this to the extraordinary general meeting of the three COPs, proposed by the *Ad Hoc* Joint Working Group on the three Conventions to discuss the synergy process. After reaching agreement on calling for enhanced efficiency by the Secretariat in the use of financial and human resources, with clear prioritization of technical assistance, the group continued to discuss the draft decision late into the night and will reconvene on Friday.

IMPLEMENTATION CONTACT GROUP

Delegates met throughout the day to further discuss the amended proposal submitted by South Africa on Wednesday. One delegation emphasized that an interim voluntary PIC procedure may weaken the Convention's underpinning of consensus-based listing of chemicals in Annex III, and that in the absence of a better understanding of the reasons for the COP's inability to reach consensus, any solution designed in the contact group might not work. Many delegates supported concerns about a voluntary mechanism weakening the Convention. In the evening, discussions focused on the draft decision's operational paragraphs on enhancing information exchange. Notwithstanding many interventions, brackets remained on much of the text, which, pending the Bureau's decision, will be presented to Friday's plenary.

IN THE CORRIDORS

While the compliance and implementation contact groups wrangled to arrive at some kind of agreeable outcome until late in the evening, many a delegate was found wondering about the potential effects of a second deadlocked COP. One NGO noted "at COP 2 we thought we were witnessing the beginnings of the Rotterdam Convention, at COP 4 it looks like we're witnessing the end." Seasoned delegates, however, noted that being a Convention about trade, it is in the nature of the topic to move in minimal steps, and dismissed worries about the Convention's future. Some see consensus on including TBT compounds in Annex III as a positive outcome, while others insist on the need for delegates to agree at least on implementation, to bring something home and justify the efforts and resources spent in convening a COP. Meanwhile, at budget discussions, efficiency became the buzz word, with delegates stretching their imagination to arrive at a number that would allow the Convention to work while passing through the ever-tightening financial planning committees back home. Following several heated exchanges and a dramatic walk-out, delegates resumed negotiations on a calmer note.

ENB SUMMARY AND ANALYSIS: The *Earth Negotiations Bulletin* summary and analysis of PIC COP-4 will be available on Monday, 3 November 2008, online at: <http://www.iisd.ca/chemical/pic/cop4/>