



EXCOPS AND COPS HIGHLIGHTS: THURSDAY, 9 MAY 2013

The Ordinary and Extraordinary Meetings of the COPs to the BC, RC and SC convened for an eleventh day on Thursday, 9 May 2013. Delegates convened throughout the day in plenary to consider issues under Rotterdam Convention COP6, attend the opening of the high-level segment, and consider remaining issues under ExCOPS2. During the evening, delegates convened to adopt decisions under Stockholm Convention COP6, Basel Convention COP11, and Rotterdam Convention COP6.

Contact groups on Budget and Synergies, Technical Assistance and Financial Resources and Listing of Chemicals, met throughout the day.

ROTTERDAM CONVENTION (RC) COP6

The plenary session was chaired by RC COP6 President Magdalena Balicka (Poland).

MATTERS RELATED TO THE IMPLEMENTATION OF THE CONVENTION: Consideration of chemicals for inclusion in Annex III to the Convention: Chrysotile asbestos: President Balicka said since there was no agreement on listing chrysotile asbestos, RC COP6 could not adopt a decision and the matter is automatically on the agenda of RC COP7.

The RUSSIAN FEDERATION, supported by ZIMBABWE, KYRGYZSTAN, KAZAKHSTAN and INDIA, expressed opposition to listing chrysotile asbestos in Annex III of the RC, and said that there was not adequate scientific data to justify its listing. AUSTRALIA, supported by the EU and 16 other countries, stated that chrysotile asbestos meets all the criteria for listing in the RC, and the delay in action will have huge costs to human health and the environment, and urged parties against the listing to reconsider their position. He requested these views be reflected in the RC COP6 report. As proposed by two delegations, President Balicka asked those who supported the listing to raise their flags, and many raised their flags.

The RUSSIAN FEDERATION objected to the procedure of asking parties to raise their flags. CHINA agreed, noting their support for listing chrysotile asbestos.

Paraquat: The Joint Secretariat introduced UNEP/FAO/RC/COP.6/CRP.6. Co-Chair Al-Easa reported that the drafting group agreed that the Convention's procedural and technical aspects were met, but there was no consensus on listing.

Zambia, on behalf of the AFRICAN GROUP, and supported by SWITZERLAND, CUBA and MALAYSIA, requested the contact group to reconvene to deliberate further. NORWAY and IPEN agreed and said that discussions were disturbed by the "misconduct" of one person who "misrepresented himself" on behalf of a party. INDIA disagreed that the criteria to list were met because there was no information regarding alternatives.

Parties discussed the issue in a contact group, and during the evening Co-Chair Hansen reported that the group had failed to reach consensus on listing paraquat.

Delegates then "virtually" adopted the draft decision to further consider at COP7 the inclusion of paraquat under Annex III of the Convention (UNEP/FAO/RC/COP.6/CRP.6).

PFOS: The Joint Secretariat presented a table clarifying the CAS numbers for PFOS and its related chemicals. As orally amended, the RC COP "virtually" adopted the decision in UNEP/FAO/RC/COP.6/10.

ADOPTION OF THE REPORT: The Secretariat introduced the meeting report for RC COP6 (UNEP/FAO/RC/COP.6/L.1, L.1/Add.1, and L.1/Add.2).

Luis Vayas-Valdivieso (Ecuador), RC COP6 Rapporteur, presented the documents. The EU suggested adding "when present in the commercial product" to references to penta-BDE in paragraph 41 and octa-BDE in paragraph 49. With these changes, RC COP6 adopted the report.

HIGH-LEVEL SEGMENT

Introducing the high-level segment, Jim Willis, Executive Secretary, highlighted the theme for the segment: "Synergies and the implementation of the chemicals and wastes conventions at the national, regional and global levels."

Doris Leuthard, Head, Federal Department of the Environment, Transport, Energy and Communications, Switzerland, lauded the synergies process as a model for strengthening international environmental governance. She stated that the financial savings from synergies should be channeled towards implementation of commitments in developing countries.

UNEP Executive Director Achim Steiner reminded parties that the 2020 target for the sound management of chemicals and hazardous wastes is "not just a number," saying the "bitter irony" is that many citizens are unaware of the risks they face or of possible precautionary measures. Steiner reminded parties that synergies are a means, not an end, leading to the logical next step of national implementation. He stated that work on financing for the chemicals agenda is gaining political support, and that chemicals and wastes will no longer be the "the poorer cousin" of other environmental issues.

Calling attention to the fact that most pesticides end up as contamination, FAO Director-General José Graziano da Silva noted ongoing effects of the use of chemicals during the green revolution in the 1970s. He drew attention to the revised International Code of Conduct on the Distribution and Use of Pesticides, reflecting language on hazardous pesticides from the RC.

Naoko Ishii, Global Environment Facility (GEF) CEO and Chairperson, highlighted three ways the GEF can support implementation of the chemicals and waste conventions: mainstreaming sound chemicals management in national agendas; developing integrated chemicals and wastes focal areas; and involving the private sector. She underscored the GEF's readiness to do its part in supporting parties at this critical juncture.



Bakary Kante, UNEP, said that the “magic of synergies” was evidenced by the number of ministers attending. He encouraged the ministers to “raise the bar” and implement synergies at the regional and national levels for more effective and efficient management of chemicals.

EXCOPS2

The ExCOPs, chaired by BC COP11 President Perrez, convened during the afternoon.

ORGANIZATIONAL MATTERS: Credentials: The Secretariat reported on credentials, and noted that the three bureaux proposed a compromise on the issue that: “only credentials received by Thursday, 9 May, noon, in original form and in line with the requirements specified in Rules of Procedure for the meetings of the COPs to the three conventions are considered valid; parties that have not submitted valid credentials are participating in the meetings as observers, and they will also be recorded as observers in the final reports of the meetings; and if by Thursday, 16 May, noon, these parties submit valid credentials, they will be recorded as parties in the final reports of the meetings.”

Mexico for GRULAC, supported by VENEZUELA, BRAZIL, CUBA and INDIA, strongly objected to the proposed decision, stated that GRULAC could not accept the decision which limited participation of parties, and requested the bureaux to reconsider their decision. ZAMBIA stated that African countries had respected the Rules of Procedure. GUINEA said that his country did not strongly object to the proposal of the bureaux, but stated that it should not become a precedent. The CENTRAL AFRICAN REPUBLIC requested more flexibility by the bureaux.

President Perrez said the bureaux had been as flexible as possible, and if parties objected to the bureaux' proposal, he would resort to a vote. Parties then agreed to the bureaux' proposal on credentials. This agreement was then adopted under RC COP6, BC COP11 and SC COP6.

STOCKHOLM CONVENTION (SC) 6

In the evening, SC COP6 convened to adopt decisions that had been “virtually” adopted by the COP and subsequently considered by the Synergies and Budget Contact Group. The Joint Secretariat outlined changes from the budget group, most of which involved adding text to indicate “within available resources.”

SC COP6 formally adopted decisions on: DDT (SC CRP.20); register of specific exemptions and register of acceptable purposes (UNEP/POPS/COP.6/5); the process for the evaluation of progress on eliminating BDEs (SC CRP.11 and CRP.21); the process for the evaluation of the continued need for PFOS, its salts and PFOSF (SC CRP.10); evaluation of the continued need for the procedure under paragraph 2(b) of Article 3 (UNEP/POPS/COP.6/8); PCBs (UNEP/POPS/COP.6/9); the work programme on BDEs and PFOS, its salts and PFOSF (SC CRP.12); the work programme on endosulfan (SC CRP.9); guidance on BAT and BEP (SC CRP.8/Rev.1); review and updating of the standardized toolkit (UNEP/POPS/COP.6/13); measures to reduce or eliminate releases from wastes (UNEP/POPS/COP.6/14 and SC CRP.18); NIPs (SC CRP.3/Rev.1); POPRC developments (UNEP/POPS/COP.6/16); listing of HBCD (SC CRP.17); technical assistance (SC CRP.15); regional and subregional centres (SC CRP.16); needs assessment (SC CRP.6); report on the effectiveness of the implementation of the MOU between the COP and the GEF (SC CRP.5); third review of the financial mechanism (SC CRP.4); consolidated guidance to the financial mechanism (SC CRP.19); reporting pursuant to Article 15 of the SC (UNEP/POPS/COP.6/26); revised format for national reporting on PFOS, its salts and PFOSF (SC CRP.22); effectiveness evaluation (SC CRP.13); GMP (UNEP/POPS/COP.6/28); and official communications (UNEP/POPS/COP.6/30), as amended by RC COP6.

BASEL CONVENTION (BC) COP 11

The BC COP formally adopted: follow-up to the Indonesian-Swiss CLI (BC CRP.23 and CRP.21); ESM framework (BC

CRP.10); report on progress on the implementation of the strategic framework (BC CRP.7); ESM for wastes containing mercury (BC CRP.9); technical guidelines for e-waste (BC CRP.22); amendments to BC Annexes (BC CRP.12); national reporting (BC CRP.1); implementation and compliance (BC CRP.2); national legislations, notifications and efforts to combat illegal traffic (UNEP/CHW.11/12); technical assistance (BC CRP.4); BC regional and coordinating centres (BC CRP.8); process for evaluating the performance and sustainability of BC regional and coordinating centres (BC CRP.14); PACE (BC CRP.19 and 19/Add.1); environmentally sound dismantling of ships (UNEP/CHW.11/16); cooperation with the IMO (BC CRP.15); resource mobilization and financial resources (CRP.13); and the operations and work programme of the OEWG (BC CRP.17 and BC CRP.18/Rev.1). On official communications (UNEP/CHW.11/21), parties formally adopted the decision as amended by RC COP6.

CONTACT GROUPS

TECHNICAL ASSISTANCE AND FINANCIAL

RESOURCES: This contact group, co-chaired by Mohammed Khashashneh (Jordan) and Reginald Hernaus (the Netherlands), continued their work on part of the omnibus synergies decision related to the consultative process. Co-Chair Hernaus announced to plenary in the morning that, since discussions on a Co-Chairs' text had not led to consensus, a small working group had been established to develop new compromise text titled “Outcome of the UNEP Executive Director's consultative process on financing options for chemicals and wastes.”

LISTING: The contact group on listing, co-chaired by Bjorn Hansen (EU) and Hala Al-Easa (Qatar), convened in the afternoon with a mandate to “discuss the way forward for listing paraquat.” Co-Chair Hansen clarified that the listing would be of a specific pesticide formulation containing paraquat, not of technical paraquat itself. Several participants intervened to resolve confusion about the objective of the RC, emphasizing that the purpose of listing is to increase the knowledge of importers and enable safer use, not to ban substances. While several participants proposed flexible approaches intended to facilitate listing, three parties opposed listing, with two emphasizing there was no room for negotiation.

IN THE CORRIDORS

The meeting's high-level segment brought 90 ministers to the combined chemicals COPs. However, the arrival of these delegates was almost overshadowed by an impassioned plenary debate over credentials and controversy over the discovery of, in the words of one participant, “an apparent charlatan.”

During the morning, the CICG corridors buzzed with gossip over rumors that one of the key party representatives blocking the listing of paraquat on Wednesday was actually an industry representative masquerading as a government delegate. After a close inspection of his credentials on Wednesday evening, his badge and his person were promptly removed. This misconduct led some delegates to reaffirm the importance of proper review of credentials.

The transgression also led COP6 to reopen its consideration of paraquat, sending the issue back to the contact group and raising the hopes of many that this severely hazardous pesticide formulation would be made subject to the PIC Procedure. As efforts to reach consensus again failed, one delegate expressed his disappointment, noting that “it is a pity that exporters' right to trade has trumped countries' right to know” what they are importing.

The proposal that delegates without credentials would be considered observers in decision-making, but that they would be retrospectively listed as parties if their credentials were received by 16 May, was met by the bewilderment of many. One quipped that with “virtual” adoption of the new norm, it was only a matter of time before we speak of “virtual” delegates.

ENB SUMMARY AND ANALYSIS: The Earth Negotiations Bulletin summary and analysis of the chemicals and wastes COPs and ExCOPs will be available on Monday, 13 May 2013 online at: <http://www.iisd.ca/chemical/excops2013/>