

BRS CONVENTIONS COPS HIGHLIGHTS: WEDNESDAY, 3 MAY 2017

Plenary convened in a joint session of the BRS COPs on Wednesday morning for reports from contact groups. RC COP8 convened in the morning and afternoon, followed by a short joint session of the BRS COPs. Contact groups met throughout the day.

JOINT SESSIONS OF THE BRS COPS

In the morning, plenary heard reports from contact groups. BC Compliance contact group Co-Chair Simonelli (Argentina) reported that the group had completed its work with agreement on, *inter alia*: an open-ended expert working group on legal clarity of the CLI consisting of 50 members working under the OEWG; and the draft decision on legal clarity, including voluntary options containing the glossary of terms, and legally binding options containing the review of BC Annexes I, III, IV and related aspects of IX.

RC COP8

RULES OF PROCEDURE FOR THE COP: The Secretariat introduced the document (RC/COP.8/3). RC COP8 President Perrez suggested, and the COP agreed, to maintain brackets around a clause stating that when attempts to achieve consensus are exhausted a two-thirds majority vote can be used to reach a decision, meaning that the COP will continue to decide on substantive matters by consensus.

MATTERS RELATED TO THE IMPLEMENTATION OF THE CONVENTION: Status of implementation:

General issues: The Secretariat introduced the documents (RC/COP.8/4, INFs 6,7 and 23). The EU proposed also requesting the Secretariat: to regularly collect data on international and national trade in chemicals listed or recommended for listing in Annex III and to submit a report to the next COP (CRP.15); and to carry out work to provide different definitions for the term “pesticide” and potential implications of these definitions for the Convention’s implementation (CRP.9). CHINA suggested the Secretariat add a “frequently asked questions” section to its website. SRI LANKA noted its commitment to reducing chemicals risks through the PIC procedure. PAN urged parties to provide notifications of their final regulatory actions to improve implementation.

Parties agreed to take note of the information provided and the results of the survey on definitions of the term “pesticides,” and to reflect suggestions by the EU and China in the meeting report.

Proposal for activities to increase the number of notifications of final regulatory action: The Secretariat introduced the documents (RC/COP.8/5/Rev.1 and INF/8). Noting CRP.7, the EU proposed a decision which, *inter alia*, encourages parties to use the EU Agency for Fundamental Rights toolkit, the IOMC Toolbox and other tools for national risk evaluation and decision-

making, urges parties to submit notifications and encourages developing country parties or parties with economies in transition to submit proposals for listing.

MAURITANIA noted that most countries do not have the capacity to evaluate chemicals risks. NIGERIA and KENYA requested financial assistance for submissions of final regulatory actions.

Parties agreed to take note of the proposed activities.

Exports, export notifications and information exchange:

The Secretariat introduced the document (RC/COP.8/6). The EU lamented lack of acknowledgement of receipt by importing parties and drew attention to a draft decision that urges implementation of Articles 11 (obligations in relation to export of Annex III chemicals), 12 (export notification) and 14 (information exchange).

RC COP8 President Perrez asked if this information could be included in the meeting report. The EU agreed, requesting that this issue be considered at COP9.

RC COP8 agreed to indicate in the meeting report that the Secretariat should continue to provide information to the COP on these issues.

Listing of chemicals in Annex III: Chrysotile asbestos:

The RUSSIAN FEDERATION, ZIMBABWE, INDIA, KYRGYZSTAN and BELARUS called for more scientific data and review and, with KAZAKHSTAN, SYRIA and INTERNATIONAL ALLIANCE FOR TRADE UNION ORGANIZATIONS “CHRYSOTILE,” opposed listing.

RC COP8 President Perrez recalled that RC COP3 agreed that all the criteria for listing was met, and that the question at this stage was only whether to list.

CANADA, ECUADOR, NEPAL, the REPUBLIC OF THE CONGO, COLOMBIA, the EU, URUGUAY, MALAYSIA, NIGERIA, NORWAY, SENEGAL, SERBIA, PERU, AUSTRALIA and IRAQ supported listing. Many countries cited national legislation to control or ban chrysotile asbestos and chrysotile asbestos-containing products, and several emphasized there is no safe threshold for exposure.

Underscoring that the RC does not ban chemicals, the EU expressed concern that opponents to listing “misunderstand” the Convention.

TONGA, speaking on behalf of the COOK ISLANDS, MARSHALL ISLANDS and KIRIBATI, supported listing, citing growing threats posed by chrysotile asbestos due to low awareness of risks and natural disasters exacerbated by climate change.

WHO said evidence that chrysotile asbestos is carcinogenic is “conclusive and overwhelming.”

ROCA highlighted the experience of a worker diagnosed with asbestosis due to workplace exposure. IndustriALL highlighted workers’ rights to safe workplaces.

RC COP8 President Perrez proposed, and delegates agreed, to forward the issue for consideration at COP9.

Fenthion ultra low volume formulations at or above 640 g active ingredient/L: The Secretariat introduced the documents (RC/COP.8/8 and Add.1). Delegates agreed to take a decision stating that fenthion has met the listing requirements and will be considered at COP9.

On listing, RC COP8 President Perrez suggested a quick poll on those supporting listing and those opposing. CAMEROON preferred allowing parties to make interventions. AUSTRALIA highlighted the value of exchanging views.

CAMEROON, the EU, CHAD, MAURITANIA, MALI, SENEGAL, NIGERIA, NORWAY, SRI LANKA, INDIA, BRAZIL, AUSTRALIA, URUGUAY, SWITZERLAND, THAILAND, COSTA RICA, the RUSSIAN FEDERATION and PAN supported listing.

ETHIOPIA, SUDAN, UGANDA and KENYA opposed listing, noting that there are no known alternatives to address the food security challenges posed by quelea birds.

CROPLIFE INTERNATIONAL called for development of guidance for “robust review” of listing proposals for severely hazardous pesticide formulations.

Paraquat dichloride at or above 276 g/L: The Secretariat introduced the documents (RC/COP.8/10 and Add.1). RC COP8 President Perrez recalled that COP6 agreed that all the requirements for listing were met and encouraged parties to provide information to assist others, especially developing countries and countries with economies in transition, to make informed decision on the import and management of these formulations using information exchange provisions in Article 14. He asked countries that could not accept the decision to list paraquat to identify themselves. INDONESIA, GUATEMALA, INDIA and CHILE raised their flags.

During discussion, CAMEROON, CANADA, COSTA RICA, GABON, JAMAICA, NEW ZEALAND, the EU, MALDIVES, PANAMA, MALI, SWITZERLAND, NIGERIA, NORWAY, the RUSSIAN FEDERATION, the COOK ISLANDS, SURINAME, ECUADOR, NEPAL, TANZANIA, the US and PAN supported listing, with many noting that listing does not constitute a ban.

Citing its own studies showing safe use, INDONESIA opposed listing.

Carbosulfan: RC COP8 President Perrez noted an outstanding objection to listing. The PHILIPPINES also expressed its objection. Delegates agreed that the criteria for listing had been met and decided to forward this issue to COP9.

OTHER MATTERS: Draft MOUs: RC COP8 adopted the decision (CRP.6).

JOINT SESSIONS OF THE BRS COPS

MATTERS RELATED TO THE IMPLEMENTATION OF THE CONVENTION: International Cooperation, Coordination and Partnerships: Enhancing cooperation and coordination among the BRS Conventions: Delegates agreed to adopt the joint draft decision (CHW.13/CRP.36; RC/COP.8/CRP.11; POPS/COP.8/CRP.22).

Illegal traffic and trade: The Secretariat introduced a joint draft decision (CHW.13/CRP.38; RC/COP.8/CRP.13; POPS/COP.8/CRP.24). The EU proposed emphasizing the importance of implementing RC Articles 11 and 14 in the preamble. Delegates adopted the amended decision.

International cooperation and coordination: Delegates agreed to adopt the joint draft decision (CHW.13/CRP.37; RC/COP.8/CRP.12; POPS/COP.8/CRP.23). Supporting the adoption, the MARSHALL ISLANDS lamented the exclusion of reference to the SIDS Accelerated Modalities of Action (SAMOA) Pathway from the text.

Clearinghouse mechanism: Delegates agreed to adopt the joint draft decision (CHW.13/CRP.39; RC/COP.8/CRP.14; POPS/COP.8/CRP.25).

CONTACT GROUPS

BUDGET: The group met throughout the day and into the night. Among others, they discussed the staffing budget. Some countries agreed to a 2% instead of 3% annual increase, excluding US\$100,000 which had been included as a risk factor, noting proposed savings from a predicted decrease in post adjustment costs by the UN. The 2% increase suggestion was opposed by some, who noted that the risk factor takes into account inflation and other uncertainties. Others called for clarification on the original rationale behind the Executive Secretary's 3% increase budget scenario, stressing the importance of ensuring the Secretariat can implement Convention activities. Before breaking into an informal discussion, Chair Alvarez proposed, and delegates considered, allowing the Executive Secretary to access the fund balance in case the uncertainties have an effect on the staffing envelope.

SYNERGIES AND JOINT ISSUES: The contact group reconvened briefly on Wednesday morning to discuss the draft decision on “from science to action.” Participants reached agreement on the decision that, *inter alia*, requests the Secretariat to further revise the draft roadmap with a focus on moving from multilateral dialogue to action at the national and regional levels, and invites parties to nominate up to four experts per UN region to assist the Secretariat.

TECHNICAL ASSISTANCE AND FINANCIAL RESOURCES: The contact group heard a joint proposal on the establishment of two BCRCs in Brazil and Panama, with one proponent noting that the BCRC in Brazil would only serve parties not served by another BCRC. The other proponent highlighted that the proposed BCRC in Panama would serve the Central America and Mexico sub-region. Some developed countries, opposed by some developing countries, called for clarity on the need for the two centres. The developed countries, supported by many, proposed authorizing the Secretariat to initiate the process for signing a framework agreement for possible establishment of a BCRC in the sub-region. Discussions were forwarded to informal consultations.

SC COMPLIANCE: The contact group reviewed a document put forward by four developing countries. Another developing country noted that elements, such as on financial obligations, were addressed in the agreed paragraphs in the COP6 text. Some developed countries noted that the increased funding through the Special Programme and the integrated approach has not facilitated progress on compliance. On the composition of a committee, four developing countries called for decisions by consensus and two developing countries and some developed countries supported voting as a last resort.

IN THE CORRIDORS

Foreshadowing the pace of the day, Wednesday's plenary started at 10:00 am sharp with RC COP8 President Franz Perrez guiding delegates through a series of contentious discussions. Although many delegates emphasized that listing chemicals under the RC does not constitute a ban, some opponents cited “the huge impact that listing has on global markets,” saying it triggers “a process of deselection” by both governments and corporations (including, for example, grocery chains that seek to avoid food grown with listed pesticides).

Facing a growing number of “legacy issues” with little prospect for progress at this meeting, RC COP8 President Perrez tried to maximize efficiency by limiting discussion in plenary. Many appreciated this, with one noting that “either way, we would get the same results.” Others pointed to subsequent confusion, as many delegates struggled to keep up. One noted that while the statements can be repetitive, silence lets opponents avoid justifying their views. With two days and a dwindling list of decisions left – including, most notably, compliance and financial resources decisions for all three Conventions – some expressed hope that the high-level segment will bring both greater attention to these issues and an early end for this TripleCOP.